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Staff Reporter

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This came to light when Mitchell's Plain magistrate CJ Musi sentenced Thozama Gwendu, 47, of Khayelitsha, to a R2 000 fine and 18 months in jail, suspended for five years.

Gwendu, formerly a health care worker employed by Sacta Health Projects, was found to have repeatedly beaten an 18-month-old baby in her care with an assortment of sharp and blunt objects.

Sentencing her, Mr Musi said he had to rule out the option of correctional supervision as it

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was impossible to monitor someone living in Khayelitsha, which was "totally inaccessible" to police and correctional service officials.

"The court deals with this problem on a daily basis," he said.

Commenting on Mr Musi's predicament, regional director of Lawyers for Human Rights Riaz Saloojee said neither race nor class should be considered when sentencing criminals.

"We are all for fair, equal and appropriate sentencing ... it is obviously problematic if there is class bias," Mr Saloojee said.

Nicro director Esther Lategan said the present system was "very unfair".

She said her organisation had piloted correctional supervision in the Western Cape for nearly 10 years until it became official policy.

"It is very unfair that things like your housing situation should play such an important role as to whether you qualify. But the problem is, if you cannot trace someone how can you monitor their progress?"

The problem was far more apparent in the Cape than the Transvaal where squatter areas were "fairly ordered" and houses numbered.

A Department of Justice spokesman said it should be borne in mind that the courts depended on reports given by officials of the Department of Correctional Services.

In Gwendu's case, "the accused was a person resident in an area which presents problems at present regarding monitoring due to unrest, etc".

He added: "If circumstances change or the particular case makes it possible, correctional supervision can and will, how-

ever, be imposed."

Rudi Potgieter of the Department of Correctional Services said criminals sentenced to correctional supervision were subject to various conditions, including house arrest, a ban on alcohol or drug abuse and close monitoring of their workplace.

"For us to enforce these conditions we must be able to visit him or her irregularly but frequently," he said.

"If it is impossible for us to monitor him or her, then what's the point of the sentence?"

"It works well in certain areas but given our unique circumstances in South Africa, one might experience problems."

Lieutenant Potgieter said community supervision was a sentence meant to act as a punishment.

## Ex-police on murder charges

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No charges were put to Mpho Eric Sefadi, 39, of Heuwelood, and Simon Radebe, 41, of Erasmusia, yesterday and they were not asked to plead.

Six men appeared on Monday in connection with the same charges.

Mr Radebe was allegedly involved in the murder of Brian Ngulunga who gave evidence to the Harms Commission of inquiry into hit squads about the death of Victoria Mxenge.

Mr Sefadi is on R1 000 bail and Mr Radebe on R10 000 bail.

The men were ordered to report at the Erasmusia police station every Wednesday and had to hand in their travel documents.

Colonel Eugene de Kock who earlier appeared in court in connection with the charges had his case separated from the others and will appear in the Pretoria Supreme Court on November 1.

The case was postponed to January 20 1995 in the Pretoria Regional Court.

## Albie Sachs accused of 'selling soul' over Thami Zulu report

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JOHANNESBURG. — Albie Sachs, an ANC stalwart and champion of human rights, has been accused by a member of the Judicial Service Commission (JSC) of selling his soul for the sake of unanimity.

Mr Sachs, a member of the ANC national executive and a short-listed candidate for the constitutional court, was sharply criticised yesterday by three commissioners for failing to condemn the prolonged detention of an ANC commander,

Thami Zulu.

Mr Sachs was one of four ANC men appointed to investigate the circumstances leading to the death of Mr Zulu in November 1989. Mr Zulu, who was detained by the ANC security department, Mbokodo, died less than a week after his release from detention.

Mr Zulu was detained for 14 months on suspicion of being an "enemy agent", an accusation which was never proved. He was held in solitary confinement for eight weeks.

In its report on the length of his detention, Mr Sachs, an opponent of detention without trial and a victim of a bomb attack in Mozambique, failed to submit a minority report condemning Mr Zulu's detention.

An extract of the report was quoted by Etienne Mureinik, of the University of the Witwatersrand and a member of the JSC, during an exchange with Mr Sachs.

The report reflected a split in the four-man ANC commission between those who felt that Mr Zulu had been detained for too long and those who felt that the length of the detention was justifiable.

Mr Sachs told the JSC that he had wept over Mr Zulu's detention and death. Mr Mureinik and Mr Trengove pressed him on why he did not file a minority report unequivocally condemning Zulu's detention.

Mr Sachs replied that he believed that a "consensual report" would have had a better chance of persuading the ANC leadership to adopt a code of conduct and thus to prevent a repetition of the events.

Another JSC member, DA Gordon SC told Mr Sachs that his answer was "appalling" and that he had "sold his soul for the sake of unanimity ... for a 4:0 decision rather than a 3:1 decision".

## Selection of judges for court 'seriously flawed'

JOHANNESBURG. — The Freedom of Expression Institute says the process of selecting judges for the Constitutional Court is "seriously flawed and in certain respects conflicts with the spirit and letter of the interim bill of rights".

In a statement, it called on the Judicial Services Commission to make public the names of all the nominees.

It said the JSC had released 24 names, arguing that it did not have government permission to release the others.

The institute said nominees should be questioned about per-

sonal matters without restriction.

It said public interviews with the candidates should be made more open by removing restrictions on the media.

The institute said the selection criteria had not been adhered to.

"Provision was made for the nomination of persons who are not lawyers but who have substantial backgrounds in the defence and promotion of human rights. Only lawyers have been short-listed by the JSC." — Sapa.



PROTECTIVE CUSTODY: Lance-Sergeant Melony Stamboul with the baby she helped to deliver outside the Guguletu charge office.

Picture: BRENTON GEACH, The Argus.

## Surprise delivery for police sergeants

PIETER MALAN  
Staff Reporter

TWO Guguletu police had to deal with an unexpected and different kind of crisis when they delivered a baby outside the charge office.

Nomzamo Nqwelo was in a taxi near the police station when she went into the final stages of labour yesterday afternoon.

The taxi stopped outside the charge office and dropped Mrs Nqwelo, who failed to make it to the door.

An onlooker called Ashley van der Walt who found Mrs Nqwelo on the lawn.

"We could not move her and I ran into the office to call the ambulance. When I came back Mrs Nqwelo was in the last stages of labour," said Sergeant Van der Walt.

He and colleague Melony Stamboul delivered the baby.

"It was over so quickly; by the time the ambulance arrived the baby girl was lying in her mother's arms," an elated Lance Sergeant Stamboul said minutes after the birth.

"It was fantastic — an experience of a lifetime to see a child being born," she said. Sergeant Van der Walt, a father of one, said all he knew about childbirth was the video he had seen during a first-aid class at police college.

Looking at the spot where he helped Baby Nqwelo into the world, he said: "I will not be able to forget this spot — ever."

## Doctors, teachers 'often slow to report child abuse'

PRETORIA. — Doctors, nurses and teachers are not always quick to recognise and report child abuse, says the Department of Health.

In a statement it emphasised that health-care workers were by law obliged to report cases of child abuse.

Clause 42 of the Child Care Act stipulated that dentists, doctors, nurses and social workers suspecting that a child had been ill-treated should immediately notify the department's director-general.

The Prevention of Family Violence Act had a similar provision for "any person who examines, treats, attends to, advises, instructs or cares for" a child suspected of being ill-treated.

The department said most cases of child abuse were not uncovered because the ill-treatment was usually committed by those responsible for the welfare of the child. — Sapa.

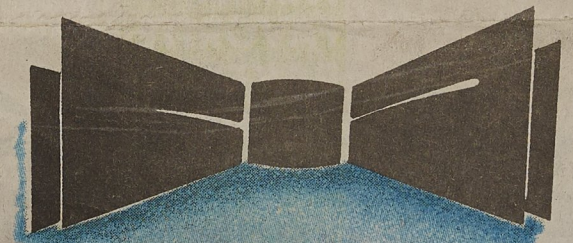
## Mossgas seeking R600-million

MOSSEL BAY. — The real cost of proposed expansions to the Mossgas gas exploitation project could amount to R850 million over the next six years, chief executive John Theo said.

He confirmed the present operation would end in about two years' time if

no more was invested.

The board faced convincing the government to commit R600 million to develop satellite gas fields and put a compressor module on the platform, to extract more gas from reserves. Investment could be repaid by profits in 10 years. — Sapa.



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## Church hits at homosexuality, abortion

PRETORIA. — The Reformed Church in Africa has condemned homosexuality and called for "compassionate counselling and guidance to those expressing abnormal sexual behaviour".

It said this had been one of the resolutions of the church's synod when it met in Cape Town from September 6 to October 2.

The RCA said homosexuality was sinful and contradicted the original order of creation as well as "the divine commission to be fruitful and multiply".

On abortion, the church called on the government to see to it that the lives of foetuses were protected.

"Abortion is a form of violence

and constitutes the worst kind of child abuse imaginable."

It said the synod had also expressed "shock and deep dismay" at the genocide and murder of pastors in Rwanda.

The RCA called on all churches to contribute to and to pray for the easing of suffering in Rwanda. — Sapa.

## Eight cash boxes seized in robbery

EAST LONDON. — Seven armed men escaped with an undisclosed amount of cash in a robbery at a fresh produce market here.

Two Fidelity guards were forced to stop their armoured vehicle yesterday when two vehicles blocked their route.

The robbers forced the guards out of their vehicle and made them carry eight cash boxes to the getaway cars before fleeing. — Sapa.

## Mother, toddler die having bath

Crime Reporter

A WEST Coast mother and her toddler were electrocuted when a tape player fell into the filled bath in which they were sitting.

Nicolene Mentoor, 29, and her son, Kurt, 3, died in their Langebaan home on Monday evening and were found by a friend who lived with them.

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