

REPORT FROM MAFIKENG ANTI-REPRESSION FORUM (MAREF) FEBRUARY 1992.

## REPORT: POLITICAL TRIALS IN BOPHUTHATSWANA

Although this report covers political trials in Bophutatswana, it is difficult to gather information on such trials and it is therefore possible that many cases have not yet been documented. This report then covers only those trials which we have been informed of in the following regions: Thaba Nchu, Mafikeng, Lehurutse, and Rustenburg.

The 'official' charges range from Theft and Assault to Public Violence, Illegal Gathering, and Murder. However, these trials are in all cases viewed as political since the events leading to the arrest and trial of most of the accused revolve around their political activities. These activities would be perfectly legitimate in any democratic country. However, the Bop regime finds such activities detrimental to their homeland aspirations. In some cases people have been arrested and charged for no other reason than contravening the Internal Security Act in terms of Illegal Gathering (i.e. a meeting of more than two people).

It must be emphasised that the existence of the Bill of Rights in Bophuthatswana is entirely farcical. The last section, Section 18 (1) reads as follows:

The rights and freedoms referred to in Sections 9 to 17 may be restricted only by a law of Parliament and such law shall have a general application.

In addition, there are laws which render the Bill of Rights ineffectual. Of particular significance are the following three acts:

1. The Internal Security Act no. 32 of 1979 as amended March 1991.
2. The Security Clearance Act no. 40 of 1985.
3. The Public Service Act.

Listed below is a summary of the public trials of which MAREF is aware.

<u>CHARGE</u>	<u>TOTAL NUMBER OF CASES</u>
1. Murder\ Attempted murder	6.
2. Public Violence.	4.
3 Unlawful Gathering	99.
4. Public violence and Malicious Damage to Property.	36.
5. Arson\Attempted Arson	5.
6. Illegal Distribution of pamphlets.	3.
7. Public violence and unlawful gathering.	8.
8. Contravention of Internal Security Act.	9.
9. Charges not known.	6

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FURTHER DETAILS ABOUT THE VARIOUS TRIALS ARE GIVEN BELOW:

NAME	AREA	REASON FOR ARREST	NEXT COURT APPEARANCE
1. Moatshe, Sunnyboy and 7 others	TLHABANE	Public violence and Unlawful Gathering	Not known (part heard)
2. Mongale, Isaac Ramola and 36 others	MADIBOGO	Unlawful Gathering	3/3/92
3. Tebogo, Tobias Tolo and 4 others	ITSOSENG	Attempted Arson	4-5/3/92
4. Donald Kagiso and 5 others	ITSOSENG	Unlawful Gathering	4/3/92
5. Saul and 4 others	MAFIKENG	Unlawful Gathering	Not known
6. Solomon Bokaba and 9 others	ITSOSENG	Unlawful Gathering	4/3/92
7. Tefo and 41 others	MMABATHO	Unlawful Gathering	24-25/3/92
8. Le Roux and 35 others	ATAMELANG	Public violence and Malicious Damage to Property	Not known
9. Tlholakae Geri, Sebo ka Michael and Tong Patrick	RUSTENBURG	Murder	6/3/92

-2-

NAME	AREA	REASON FOR ARREST	NEXT COURT APPEARANCE
10. Sebawa Alfred and 3 other	ROSTENBURG	Public violence	9/3/92
11. Bushy & 5 others	ROSTENBURG	Not known	Not known released on bail
12. Tshukudu Keepile, Montsho and Keebine	Mosweu	Attempted murder	Not known R2 000 bail
13. Kodile Jonal, Dikgole Abel and Motlogeloa Matthews	Thaba'Nchu	Illegal distribution of pamphlets	Not known
14. Ntsane Elisa and 3 others	Thaba'Nchu	contravention of internal security act.	Not known
15. Nombula Hlangwane and 17 others	Mmabatho	Illegal gathering	3-4/3/92
16. Nomvula Hlangwane	Mmabatho	contravening the prisons act.	11/3/92



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Submission to CODESA working groups 1 & 4

Enclosed please find two documents entitled "Problems in the creation of a climate for free political expression in Bophuthatswana"

One is a submission for working group number 1 on the 'Creation of a climate for free political expression', and the other is a submission for working group number 4 on 'The future of the TBVC states', subcommittee on 'Testing the will'. They are labelled according to the intended working group.

We would appreciate these documents being distributed to the relevant working groups.

Yours faithfully,

Laura C. Taylor