

RAND Daily Mail

THE DEAN: ONE MYSTERY STILL

BECAUSE AN APPEAL is pending it is not possible to discuss important aspects of yesterday's judgment in the dean's trial for terrorism. But one thing becomes abundantly clear from the court's findings, and that is the wide-ranging nature of the Terrorism Act.

It was never suggested that the dean was a bomb-throwing, gun-wielding terrorist. Indeed, most of the charges against him hinged on what he had said rather than what he had done. One particular charge illustrates the scope of the legislation. The court found the dean guilty of inciting a meeting of Black Sash women to violence. According to the judgment, he had encouraged the meeting to contravene the laws of South Africa and to prepare for violent revolution to bring change. During the course of the trial there was not any suggestion that the women of the Black Sash had in fact been incited.

But it is worth noting that the judge — even if he had found the dean guilty of only this one act — would have had no option but to impose the mandatory minimum sentence of five years. In the event, the court found the dean guilty of three acts, but it would not be proper to go into this aspect until the appeal is heard.

In the meantime, however, we believe that many people will share the sentiments of the dean's counsel who, in addressing the court in mitigation on one of the counts, said that the fact that it had to lead to imprisonment "will give rise to a sense of shock far beyond the bounds of this court."

Inevitably, we are reminded of the melodrama attached to the arrest of the dean. He was taken away in secrecy and detained in terms of the Terrorism Act, which deprived him of access even to a lawyer. Prominent citizens were later subjected to synchronised dawn raids to obtain, we were told, further evidence. The world took the bleakest view of the activity. But repeated comments from the police, the Government and the public prosecutor led the country to believe that the trial would make it clear to all why the Security Branch acted as it did, and why the security of the State demanded such measures.

We have followed the trial closely. We still cannot understand why the Security Branch acted as it did.

GENERAL AT RISK

MAJOR-GENERAL C. A. BUYS, chief of the nation's CID, who is investigating the death last week of Mr. Ahmed Timol, says Mr. Timol, who was sitting calmly in a Security Police office, suddenly jumped to his feet and attempted an escape through a door. When a policeman barred his way he turned and leaped through a window to his death. General Buys added: "No one frightened him or touched him. The post-mortem will show that."

When this newspaper asked for more information General Buys retorted angrily: "Why don't you approach me first instead of going off at a tangent and blackening everybody? You have done your damndest and already thrown dirt."

These intemperate accusations suggest that he has already found everyone except this newspaper blameless. It is difficult to understand how such a highly experienced police officer should be able to reach any conclusion before he has gathered all the evidence. The post-mortem on Mr. Timol was held last week and it will be some time before the findings are known. Yet General Buys makes categorical statements of fact about Mr. Timol's condition before the fall.

Having expressed himself so forcibly, General Buys now runs the risk of being accused of lacking objectivity in this investigation. We believe the public interest would be better served if he adopted the policeman's first principles and gathered all the facts before hazarding his views about the Timol case and this newspaper.

Meanwhile, we will keep on trying to inform the public.