

RESEARCH NOTES

These research notes were compiled to provide background information on the context, events or legislation in which this human rights violation took place. This is to assist the Facilitating Commissioner/Committee member during the hearings of the TRC in Cape Town, 22 - 25 April 1996

Research Department, Cape Town

Victim : Anton Theodor Eberhard August LUBOWSKI
Complainant : LUBOWSKI family

On the night of 12 September 1989, Anton Lubowski (37) was shot dead as he was about to enter his home in Windhoek, Namibia, gunned down by a burst of fire from a Soviet-manufactured AK-47 automatic rifle. LUBOWSKI was an advocate and a prominent SWAPO member, the first white to publicly join SWAPO, from 1984. He was a Stellenbosch and UCT trained lawyer, and former Matie rugby player.

Within days of the killing the Namibian police had detained Irish national Donald Acheson, a hardened soldier who served in the Rhodesian army and possibly the SADF. He was subsequently charged with the murder of LUBOWSKI.

Allegations were rife that the murder took place at the behest of the Civil Co-operation Bureau (CCB), a secret unit of the Defence Force involved in various incidents of murder, arson, bomb blasts, assaults and intimidation, including the murder of David Webster on 1 May 1989. Acheson later disclosed that he had been recruited by this organisation.

On 1 December 1989 a former West Rand police sergeant, Ferdi Barnard was detained in connection with the two killings.

On 26th February 1990, General Magnus Malan announced in Parliament that Lubowski was a paid South African military spy. This claim was rejected by opposition groupings and all those close to Lubowski.

The Harms Commission suggested, *inter alia*, that it was possible that Lubowski had received money from the SADF but this did not constitute a finding. The Commission was widely criticised for 'raising more questions than it answered' and its acceptance of certain 'facts' at face value.

The trial of Acheson faced severe difficulties as no extradition treaty existed between Namibia and South Africa. South African co-accused "Staal" Burger and "Chappie" Maree as well as key state witnesses (Slang van Zyl, Calla Botha and Ferdi Barnard) could not be compelled therefore to attend or testify. In May 1990 Acheson was released for lack of evidence.

The Levy inquest in Namibia in 1994 dismissed allegations of Lubowski's status as a military spy.

Sources:
Newspaper Reports

Unravelling the Lubowski mystery

By Professor HUGH CORDER, Professor of Public Law at UCT, and Professor DENNIS DAVIES, Professor of Commercial Law at UCT

MR Justice L Harms was commissioned on February 2 to inquire into "the alleged occurrence of murders and other unlawful acts of violence committed in the Republic of South Africa...". terms of reference which, on the surface, preclude any investigation into who killed Anton Lubowski, although the Lubowski family's lawyers have argued that if and to the extent that Lubowski's murder was plotted and arranged in South Africa, it falls squarely within the commission's terms of reference.

After the sensational claim in Parliament by the Minister of Defence, General Magnus

Malan, that Lubowski was an agent of the SADF, Mr Justice L Harms was asked to report on whether this allegation was true.

It is extraordinary that this should have been the issue for the judge's consideration, as if a positive finding would have somehow exculpated Lubowski's killers.

One is entitled to ask whether this widening of the Harms Commission's terms of reference, which superficially bear no relevance to "certain alleged murders", indicates a connection between Lubowski's alleged role as an agent and his assassination.

The embattled but gung-ho General Malan requested Judge

Harms to hear evidence from the SADF on this matter in camera. This was agreed to by the judge, a course of action explained in a statement by him on March 22.

He said that while well aware that "justice must be seen to be done" and that interested parties should have the opportunity to present contrary evidence or to test the evidence of the military, on balance he deemed the possible loss of life of agents and damage to military intelligence operations to be more weighty.

Summation

He therefore released a summary of the evidence laid before him by General R "Witkop" Badenhorst and a "senior staff officer" of DMI.

The essence of this evidence, as disclosed, was that certain monies were drawn on the account of the SADF, were paid to an intermediary and found their way into bank accounts controlled by Lubowski.

The commission does not know if there was more than one intermediary, although it does tell us that it heard evidence that the person/s in charge of the intermediary/ies were unaware of the financial transactions, that the payments to Lubowski were made to him as an agent and that he performed certain acts in return. Finally, the commission announced that it did not intend to launch a detailed inquiry until facts to the contrary were presented.

It is perhaps not surprising, in the light of its track record, that the SABC should have portrayed these statements as the conclusive findings of Judge Harms, a course of action that the secretary to the commission has tented to correct in a statement on March 23.

On the other hand, it can perhaps be understood that Lubowski's family and friends were deeply aggrieved by the impression created by the

statement that at least a prima facie case for Lubowski being an agent had been made. We must acknowledge that we are numbered among the distressed, having known Anton since his student days at UCT.

However, the controversy surrounding the Harms Commission's handling of the Lubowski affair relates to much more than the understandable concern and anguish of Lubowski's family and friends.

It is the Minister of Defence who is on trial. It was he who told Parliament that someone universally regarded as a courageous fighter for democracy in Namibia was, in fact, a government agent.

It was by means of this extraordinary argument that General Malan sought to justify his claim that the military did not kill Lubowski. For these reasons the public has a direct interest in the matter. Ministerial accountability is fundamental to the institution of Parliamentary government.

It is in this context that Judge Harms' approach to the Lubowski affair should be assessed and it is precisely because of the overwhelming public interest in the matter that we have much difficulty with his statement. The judge is correct to say that "justice must be seen to be done," but proceedings in camera inevitably erode this principle.

Whilst there may be compelling reasons as to why only limited information can be divulged to the public, there can surely be no reason why military evidence should not be tested in cross-examination by advocates representing Lubowski's family.

After all, they are officers of the court. To suggest that their participation would place an unreasonable onus upon them seems to show little confidence in members of the Bar. Advocates have appeared in many in camera trials without jeopardising

the public interest. If Judge Harms is concerned that advocates would find it difficult to represent the family and not be able to reveal details of such evidence, surely it is for the advocates and the family themselves to choose whether to participate or not.

Without the benefit of cross-examination the evidence to which Judge Harms referred to in his statement does little to quell public disquiet. For example, it is alleged that Lubowski received money from an intermediary in June, 1989. There is nothing in the Harms statement to suggest (a) that Lubowski knew the original source of the funds, or (b) that he knew that the intermediary was an SADF agent, or (c) that the nature of Lubowski's "counter-performance" was linked to spying for the SADF.

Questions

A newspaper report on March 18 suggested that the intermediary was a lawyer and, as Lubowski was an advocate, were the payments not made for legal work? The Harms statement provides no answers to these questions.

Further, there appears to be no answer as to why a man who dedicated his life to Swapo's cause (and apparently to good effect) should suddenly become an SADF agent in June, 1989, when Untag, General Prem Chand and Mr Marri Ahtisaari were already in Namibia.

These and many other questions remain unanswered and so long as they do, General Malan's credibility is under a cloud. The Harms Commission is the custodian of the public interest and it behoves it to do all in its power to provide the public with adequate information and a reasoned finding as to whether General Malan conformed with his obligations as a Minister accountable to Parliament.

COMMENT

agent'

By ANTHONY JOHNSON
Political Correspondent

ASSASSINATED Swapo member Mr Anton Lubowski was a paid South African military spy, the Minister of Defence, General Magnus Malan, told Parliament last night.

General Malan brushed aside opposition calls for his resignation, but announced the suspension of activities of the Defence Force's shadowy Civil Cooperation Bureau pending the outcome of a judicial investigation.

"I have no intention of bowing to the witchhunt against me, which is now also suddenly coming from the ANC," said General Malan, who has been embroiled in a battle for his political life in recent weeks.

General Malan's claim about the murdered Mr Lubowski brought charges of "smeat" from opposition politicians.

The claim was also dismissed by Mr Lubowski's parents as "the biggest lie out" last night.

Mr Wilfried Lubowski said General Malan's claim was "completely crazy and impossible — he was brought up in a home that was against apartheid. There is absolutely no truth in this whatsoever".

Heated debate

Mrs Molly Lubowski said: "We are so upset. It is not true at all — we have all the evidence."

However, General Malan said during a snap debate on the activities of the secret Defence Force unit accused of political assassination that he had been assured that Mr Lubowski had "done good work for the SADF".

He added that there was no way that the head of military intelligence, General "Witkop" Badenhorst, would have approved the assassination of Mr Lubowski.

Replying to the often heated debate, General Malan stuck largely to his prepared text and declined to respond to a series of questions by opposition MPs regarding his possible knowledge of or complicity in Defence Force hit squad activities.

General Malan said that neither he nor the SADF would in future respond to "any direct or indirect questions to the whole situation. This can only disadvantage official investigations".

General Malan said that should official investigations reveal malpractices, a "surgical cut" would be made to remove problems.

He said the special forces, the "eyes and ears" of the Defence Force, had since their founding during the early '70s infiltrated the ANC and had supplied information to the police. The CCB was established in the mid-'80s.

General Malan, who said he would make a sworn declaration to the Harms Commission investigation into alleged hit squads, appealed to parliamentarians and the media "to stand together and build the new South Africa".

Introducing a special debate on the CCB, Democratic Party co-leader Dr Denis Worrall said the continued presence of General Malan as the Minister of Defence could only obstruct the process of justice and he should be suspended until the Harms Commission had completed its work.

Dr Worrall, the DP chief spokesman on law and order, said the head of the Brixton murder and robbery unit, Brigadier Floris Mostert, had said under oath that the members of the CCB were specifically involved in the murders of Dr David Webster and Mr Lubowski.

Dr Worrall said Brigadier Mostert's statements were not those of "some irresponsible radical" but those of a "brave policeman".

"How deep and how wide it goes we do not know."

The DP's deputy law and order spokesman, Mr Tian van der Merwe, said General Malan had failed to respond to Brigadier Mostert's sworn statement that the CCB was responsible for various incidents of murder, arson, bomb explosions, assaults and intimidation.

Mr Van der Merwe said General Malan's record was not reassuring as he had in the past recommended to the State President that murder trials against Defence Force members should be stopped.

General Malan had also told untruths about the Defence Force's involvement in Angola. The minister had a history of cover ups.

"I believe we cannot expect such a man to cooperate with a proper investigation of this sordid affair."

The Conservative Party defence spokesman, Mr Moolman Mentz, said it was clear that General Malan was attempting to escape responsibility for the activities of the CCB.

If murder had been committed by members of the CCB, General Malan should be held responsible.

Indeed, since the establishment of the CCB was based on a political decision, it was probable that the whole cabinet had been informed and that other members should also resign.

Ex-spy not surprised by claim

Political Staff

FORMER police spy Mr Craig Williamson, now a President's Councillor, said last night that he was not surprised by the claim that assassinated Swapo executive Mr Anton Lubowski was a "paid" South African military spy.

Speaking only minutes after Defence Minister General Magnus Malan stunned Parliament with the claim, Mr Williamson,

who infiltrated student organisations in Europe in the mid-70s, said: "That's how the secret war goes. They get into us, and we get into them."

Clearly moved by discussion about Mr Lubowski's death, he said he and others were upset about the death of people they knew and who worked in the same service.

This was the risk they were prepared to take. If an agent's cover was blown he stood the risk of being killed.

"People read James Bond books and love them but they are horrified when that sort of thing happens around them," he said.

However, that was how things happened.

Archive

Lubowski — super-spy, or super-smear victim?

STAR 1990-3-4
Brendan Seer
and Jon Qwelane

ANTON Lubowski was either a super-spy who hid his identity behind a cloak of naivete — or the victim of a super-smear.

Shock waves are still rippling through Windhoek after allegations by General Magnus Malan, South Africa's Minister of Defence, that the white Swapo official was a Military Intelligence spy.

Emphatically rejecting the claim, relatives, friends and associates of Mr Lubowski this week painted a picture of a man driven by ideals and beliefs; a man who neglected career, wife and family in pursuit of what he saw as a just future for Namibia.

Taken to burning the candle at both ends, Mr Lubowski was by no means an untarnished saint.

His financial affairs were in a mess, he had a roving eye, he was quick to anger yet even quicker to forget, and may have been politically very naive.

Gwen Lister, editor of The Namibian, says Mr Lubowski was naive and given to talking freely. His flamboyant taste in clothes and showmanship somehow did not blend with his role as a member of a revolutionary movement intent on changing the material life of the underprivileged.

"Anton loved life, and loved the good things in life. He dressed expensively in Gucci lines, and loved German delicacies — but he was also totally devoted to his cause," says Ms Lister.

Persecution

Her criticism of his lifestyle always elicited the response that since he was a victim of political persecution by the state, he might as well enjoy life while he could.

She doubts very much that he was privy to any major Swapo secrets, although he sat in on important meetings and was particularly close to Swapo leader Sam Nujoma.

She remembers Mr Nujoma briefing Mr Lubowski to "go to Namibia and organise the whites to join Swapo; talk to them at parties and at work, tell them we are not a bunch of terrorists and communists".

Ms Lister said Mr Lubowski, proving his naivete once again, arrived in Windhoek and addressed a press conference at the airport about his full membership of Swapo, immediately becoming a target for extremist elements.

However, he never really succeeded in carrying out Mr Nujoma's brief to mobilise white Namibians into becoming Swapo members.

Ms Lister dismisses any notion that Mr Lubowski could willingly have worked for South Africa.

Two major factors counted against it: Mr Lubowski was given to talking freely, which would never have made him a good spy.

He was also highly principled and believed totally in his cause.

Ms Lister revealed that a man who was believed to be an American Central Intelligence Agency agent shared Mr Lubowski's home at one stage.

She believes this agent could have obtained some information during his stay there, and passed it on to South African Military Intelligence.

She says the CIA man was once observed going through Mr Lubowski's papers at his union's office.

"He was in Windhoek at the time of Anton's assassination, but he has not been seen or heard of since. Where did he disappear to?"

Swapo's national vice-chairman, Danny Tjongarero, remembers Anton Lubowski as a man who was full of life and enjoyed living.

"He had an outgoing character, but never hesitated to put his point of view across, sometimes aggressively.

Commitment

"I knew him since 1976 during his days at Stellenbosch, when I first went there to address students. His commitment started then, slowly, but when he completed his studies he developed an interest in political cases.

"I was detained with him several times, and was involved at political level with him for many years.

"It is despicable beyond words, beneath contempt, that Malan said the things he did about Anton.

"I still remember that shortly after Anton was killed they blamed Swapo for his death, saying it was an inside job."

Professor Brian Harlech-Jones, dean of the department of English at the University of Namibia, finds it incredible that if Mr Lubowski was a South African spy he would have been subjected to harassment by the very security services who allegedly employed him.

He has no doubt Mr Lubowski was committed to his beliefs and principles and prepared to make great sacrifices for them.

A period in detention in 1987, virtually the whole time in solitary confinement, had testified to the roughness of the treatment meted out to Mr Lubowski by the police.

Dr Harlech-Jones said Mr Lubowski told him his experiences and given him insight into the trou-

ma faced by hundreds detained without trial.

Dr Harlech-Jones said he believed Mr Lubowski was "absolutely opposed to apartheid" and that his every action was directed towards this cause.

As a lawyer, Mr Lubowski was regarded by his colleagues in the legal profession as a "very ethical" man, recalls fellow advocate Dave Smuts.

Mr Smuts, who was at Stellenbosch University with Mr Lubowski in 1973, said he was "fairly well-liked" by colleagues and members of the judiciary, and known for his integrity in court being beyond reproach.

As a senior Swapo official, he openly admitted he was more interested in a political career than in a legal one.

Mr Smuts said it was probable that had he not been assassinated, he might have been offered a top legal post in the new Swapo administration — possibly that of Attorney-General.

Mr Lubowski was involved in legal research on the legal system in Namibia and was in favour of far-reaching reforms after independence. One of his favourite subjects was the amalgamation of Roman-Dutch law with existing traditional law, much as had been done in Zimbabwe.

Asked about allegations that Mr Lubowski was South African spy, Mr Smuts said that in all the years he had known him he had no inkling of that and they astonished him. He felt General Malan would have to produce "extremely strong, cogent proof".

"In my opinion, though, the military do not have a high level of credibility in view of their conduct of a number of cases here in Namibia."

Investigation

He referred specifically to the Shifidi case in which a senior Swapo official was murdered at a rally in Windhoek in November 1986. A police investigation led by Colonel "Jumbo" Smit — the man in charge of the probe into Mr Lubowski's killing — led to charges of murder against six SADF officers and men. But they were never brought to trial as President P W Botha issued a Defence Act certificate indemnifying them.

Mr Smuts also rejected the claim that Mr Lubowski would have had anything to do with the SADF or the security apparatus. He said he "knew very well that this would be the smell of death for him politically".

'Orders came from the top'

STAR 1990 3.4
SunStar Reporter

THE killers of Anton Lubowski are either knaves or fools. Or both.

Why they assassinated the Swapo official is not yet clear but amid all this week's furore one revelation has not been challenged: last week's Sunday Star disclosure that he had been killed by the SADF's Civilian Co-operation Bureau.

Since this report, in what has been seen as a deliberate attempt to draw attention away from the allegation that Lubowski had been assassinated by agents of the SADF, Defence Minister Magnus Malan made the startling claim that the Swapo official was, in fact, a top South African secret agent planted in the bosom of Swapo.

If General Malan is correct, there are three possibilities behind the assassination:

- Lubowski turned against his former masters and was killed as an act of revenge.

- Lubowski was about to reveal the names of other SA agents who had infiltrated Swapo and was gunned down before he could betray them.

- The CCB did not know Lubowski was a South African agent and killed him as an act of terror against a man they considered a traitor.

All three theories have their supporters, but whichever turns out to be true, the SADF will still stand accused of either the deliberate murder of an opponent or, which in some eyes may be worse, the assassination of one of its own agents.

In other words General Malan will have to admit public money went to line the pockets of men who were either ruthless killers or killers who perpetrated one of the biggest bumbles in South African espionage history.

High places

But as the row grows there is one man who has held firmly to the view that Anton Lubowski was not a Military Intelligence spy and that his death order must have come from high places.

He is Anton's father, Mr Wilfred Lubowski, who in a previous exclusive interview with Sunday Star's Cape Town correspondent Mark Stansfield attempted to substantiate his claim that Anton was killed by South African agents, as has indeed also been suggested by the police.

Mr Lubowski senior and his family have been instructed by their attorneys not to discuss anything further with the press, but about four months ago the Lubowskis contacted Stansfield and requested an interview.

At that time Mr Lubowski told how he had spent months personally attempting to pinpoint who was responsible for his son's mysterious and tragic

death. On one point he was adamant:

"Whoever killed Anton was controlled right from the top ... my own investigations show that it would have been impossible for some maverick to have planned and carried out Anton's cold-blooded execution."

Mr Lubowski's conclusions follow months of personal travel, interviewing top policemen in Namibia, government officials, Swapo executives (including Namibia's president designate, Mr Sam Nujoma) and anyone who could throw even the smallest glimmer of light on the mystery.

At one stage he re-enacted the death scene with careful measurements to substantiate his claims.

"Whoever killed Anton was well-connected and seems to have had access to various Windhoek municipal departments and government installations. A maverick killer would not have had such connections," he concluded.

Crucial calls

It appears that whoever killed Anton Lubowski had access to Windhoek's electricity department and managed to tap his telephone — because the night he was killed he made two crucial telephone calls — both to his live-in lover, human rights lawyer, Michaela Clayton, Mr Lubowski disclosed.

"Those two telephone calls were made shortly before he arrived home later than he usually did. Anton was a creature of habit — for well-known reasons. Whoever killed him listened to those calls because that is the only way they would have known when to strike.

"Anton knew he was a target for assassination and mentioned the possibility to me many times. Because of this he always drove his car into an electronically-controlled security area leading into the garage before he even got out of his car at home in Windhoek.

"The night he was killed he telephoned Michaela and told her he was running late (they had an appointment that night) and that he would be 15 minutes late and would stop outside the house (without going through the security gate) to pick her up.

"Whoever killed him listened to that call ... It was the perfect time to kill Anton, but they had to know that he was changing his schedule and that for once he would be a target outside his home in the street.

"The night Anton was killed (September 12, 1989) the street lights in his road were put off, giving the killers the cover of darkness to carry out their mission. I find it strange then that when the police arrived at the scene of the killing a few hours later they were able to simply telephone the electricity department and have the lights switched on again, almost immediately," Mr Lubowski said.

"His murder was not the work of

men acting on some lunatic impulse. Anton's death required connections in various crucial places ... Whoever did it was controlled."

In May, 1984, Anton Lubowski became the first white person to declare his allegiance for Swapo — and so began five years of terror and harassment which ended brutally on September 12 last year.

There were countless death threats — and an earlier attempt on his life when his car was sprayed with bullets

one evening while returning to Windhoek from Katatura township. Poison letters arrived daily.

Mrs Lubowski said: "I remember one time we went to a Sea Point restaurant for a meal and he asked to sit with his back against the wall. 'Mommy,' he said, 'when they come to kill me I want to see their faces.'"

"I don't think anybody could have killed him while looking at him because he had such blue eyes ... kind and passionate."

claims

27 FEB 1990

By MICHAEL MORRIS

Political Correspondent

SWAPO executive member and advocate Mr Anton Lubowski had been a paid agent of SA military intelligence — and a "good one", said Defence Minister General Magnus Malan in reply to a parliamentary debate demanding his suspension.

The one-hour snap debate yesterday was called by Democratic Party co-leader Dr Denis Worrall in the light of evidence and allegations about the clandestine operations of the SADF's Civil Co-operation Bureau (CCB).

General Malan, who has acknowledged the existence of the CCB, said that on the basis of information gained by the CCB, a better climate was achieved in South Africa's townships.

He did not know what the motivation was of people who were attacking the CCB, but he was certain that they were doing a disservice to South Africa and the army. The CCB was part of the special forces which were the "eyes and ears" of the Defence Force and had played a crucial role in military operations and in protecting the public.

"I wish to reveal today ..."

Claiming that Mr Lubowski was a military spy, General Malan said, "Allegations have been made about the SA Army's involvement in the murder of Mr Anton Lubowski. I wish to reveal today that Mr Lubowski was a paid agent of military intelligence. I am assured that he did good work for the SA Army."

"General Witkop Badenhorst, chief of security services, would, therefore, not have authorised any action against Mr Lubowski."

The debate was addressed by three Democratic Party MPs, one Conservative Party MP and two Nationalists. General Malan's reply was a 15-minute prepared speech.

Launching the debate, Dr Worrall said there were three reasons why the DP had called for this public exchange.

It was essential because the police were investigating the secret CCB. It was vital too that the principle of civilian control over the military be re-established: an inquiry was in the interest of South Africa because the allegations concerning the unit amounted to a "betrayal" of past and present servicemen. Thirdly, the DP believed General Malan should be suspended "because he is an obstruction to the process of justice".

"Carefully worded denial"

The background to the debate was a series of assassinations of prominent political figures, including Dr David Webster and Mr Lubowski. There was also an absence of any real breakthrough in police investigations, said Dr Worrall.

However, the investigation by the "courageous policemen" Brigadier Floris Mostert had pointed to a CCB link to the assassinations.

Dr Worrall said a prima facie case had been made for murder. General Malan had given a "carefully worded denial" that he had given instructions for murders, but "what we want to know is what did he authorise".

"Will he tell this House if there is anything he knows which in any way links the CCB with the murders of Anton Lubowski and David Webster? Or which could be of use to the police in their enquiry?"

Dr Worrall urged that General Malan either stand down or be suspended. The minister's recent statements should not be seen alone but in the context of other statements he had made. These included an assertion to the Supreme Court (during an action brought by the End Conscription Campaign) that martial law applied in South Africa be-

● CP MP Mr Moolman Mentz said the CP did not object to the existence of organisations such as the CCB in principle. All states required such organisations for their protection. The CP did object though, to the way the CCB had been handled.

Members of the CCB should not be expected to carry the responsibility for their actions and for orders issued to them. Responsibility lay with their political masters, the government, he said.

It was obvious that the cabinet must have known about the activities of the CCB. Consequently, if the unit's activities were irregular, the whole cabinet should resign.

● Dr Roy Geldenhuys, NP, said the calls for the resignation of General Malan smacked of something other than a sense of justice and no NP member would condone political murder.

Harms Commission

It was the NP which had taken steps to ensure the law took its course in the investigation of the murders, specifically through an internal enquiry in the Defence Force, and through the Harms Commission.

The security forces had won the revolutionary war and made it possible for the country to move towards a negotiated settlement. But this war, he said, was not fought according to rules. It required "extraordinary actions" and as a result, the special forces had a high profile. Where the mark was overstepped though, action had been taken against members.

The security forces were subject to civilian control: the special defence budget was audited by the Auditor-General.

● General Bob Rogers, DP MP, said the SADF had a proud record and he had been proud to serve in the forces for 40 years. But "somewhere in recent years, we appear to have taken a wrong turning, a politically inspired change of direction".

Allegations had been made against the Defence Force which, if true, "reflect a sad chapter in the history of that proud force".

He cited the SADF's connection with Renamo in Mozambique, the alleged provision of weapons by the SADF to mercenaries who attempted a coup in the Seychelles, alleged assistance to mercenaries in the Comores and more recently, the hit squad and CCB allegations.

"It makes one wonder if the three men who were being held in connection with the killing of Mr Lubowski and who escaped after killing a policeman, were members of the CCB. Perhaps the minister could tell us."

● Mr Adriaan Jordaan, NP MP, said it was irresponsible to create the impression that the government established the CCB to get rid of its political opponents.

● Mr Tian van der Merwe of the DP, said the most important questions surrounding the allegations and claims about the CCB concerned the involvement of General Malan.

Did the minister give any orders for any murder or other crimes? Did the minister know of any of these crimes? Did the minister actually attempt to get detailed information about CCB operations? Given the minister's political record and attitude, would he have approved of irregular CCB activities if he knew of them? Would the minister co-operate with an inquiry without attempting to cover up important elements?

"Perverted understanding"

Mr Van der Merwe said General Malan's record was not comforting in this regard.

He had twice recommended to the State President that murder trials, in Namibia, be stopped.

He had allowed parliament and the public to be utterly misled over the SADF's campaign against the ECC.

"The question is whether one can expect such a man to co-operate with a proper investigation of this sordid affair? I believe we cannot."

"Not only has this minister a record of cover-ups, but he reveals even in his most recent statements, such a perverted understanding of standards of civilisation and democracy and justice that his involvement must be problematic."

"If South Africa has to clear its name effectively, this minister must vacate his post."

In reply, General Malan said he welcomed the opportunity to put matters in perspective.

END

Secret

GROUP 'KILLED WEBSTER'

The Argus Correspondent
PRETORIA. — The Supreme Court here was told today of a secret organisation which could be linked to the murder of Dr David Webster and Mr Anton Lubowski. LATE FINAR

In an affidavit opposing an application for the release of Mr Ferdi Barnard, Brigadier Floris Mostert, commander of the Beixton Murder and Robbery Squad, denied that Mr Barnard's arrest and detention were unlawful. JAN 1960

The facts and circumstances which gave rise to his arrest were "very sensitive" and Brigadier Mostert said he would have to give them in such a way as not to compromise the investigation.

Membership

He said that during the investigation of Dr Webster's murder it had become apparent that there was a secret organisation containing members at all levels of society.

He said he had reason to suspect that Mr Barnard possessed valuable information with regard to the structure, membership, funding, crimes and modus operandi of the organisation.

The organisation's aim was a campaign of violence, intimidation and terror against left-wing radicals. It was responsible for murder, assault and arson, he said.

According to Brigadier Mostert's information, the organisation was responsible for the murder of Dr Webster and Mr Lubowski for political goals.

Suspicion

Brigadier Mostert said Mr Barnard was either a member or was in the service of the organisation and in that capacity had twice had contact with Mr Donald Acheson before Mr Lubowski's murder.

Mr Acheson is being held in Windhoek in connection with the Lubowski murder.

Brigadier Mostert said an aspect which strengthened his suspicion of the detainee was that he and another person were arrested on June 9 last year regarding an alleged conspiracy to rob.

Further investigations showed, however, that they were in fact monitoring a well-known radical who had contact with Dr Webster.

If he revealed this person's identity he may endanger his life. In the light of this information, "the detainee was lawfully and properly arrested".

(Proceeding)



Irishman denies Lubowski killing

WINDHOEK. — Irishman Mr Donald Acheson pleaded not guilty in the Magistrate's Court here today to a charge of murdering or aiding in or abetting the murder of Swapo official Mr Anton Lubowski.

Mr Acheson, 52, was arrested in Windhoek on September 13 within 24 hours of the death of Mr Lubowski, 37, who was shot outside his home on the night of September 12.

Chief magistrate Mr Frikkie Truter postponed the hearing to January 25. Mr Acheson remains in custody.

Mr Acheson has made three previous court appearances and on November 6 made a successful application in the Supreme Court against his detention for illegal entry into Namibia.

He was immediately rearrested. — Sapa.

Lubowski killing riddle deepens — talk of 2nd man

Argus Africa News Service 1990 1. 10.
WINDHOEK. — More than four months after the killing of Swapo advocate Mr Anton Lubowski outside his home, the mystery continues.

The riddle deepened yesterday when the police and the office of the Attorney-General denied knowledge of the possibility that a second man could be brought to court in connection with the killing.

Prosecutor Mr Danie Small last week told a magistrate, Mr Frikkie Truter, before whom 52-year-old Irish Mr Donald Acheson was appearing, that a second accused could be in the dock if the Attorney-General decided on a murder trial in the Supreme Court.

FORMER POLICEMEN

Yesterday a senior police spokesman said he knew of no one beside Mr Acheson being charged with Mr Lubowski's murder. Police were not holding anyone else in connection with the killing.

An official in the Attorney-General's office also denied knowledge of another accused.

The head of the Brixton Murder and Robbery Squad, Brigadier Floris Mostert, had said that two former policemen, one of whom was released for Christmas after an urgent application to the Rand Supreme Court, were being held in connection with the death of Mr Lubowski and Wits University lecturer Dr David Webster.

Mr Lubowski and Dr Webster were killed in similar circumstances four months apart. They were shot from cars as they parked their vehicles in front of their homes.

Mr Acheson was held for many weeks on a charge of being an illegal immigrant in Namibia, but it was dropped when he was formally charged with Mr Lubowski's murder.

Mr Acheson, who has denied the charge of murder, will appear again in Windhoek Magistrate's Court on January 25.

Lubowski murder: Man pleads not guilty

WINDHOEK. — Irish national Mr Donald Acheson pleaded not guilty in the Magistrate's Court yesterday to a charge of murdering or abetting the murder of Swapo official Mr Anton Lubowski in September last year.

Mr Acheson, 52, was arrested in Windhoek on September 13 within 24 hours of the death of Mr Lubowski, a prominent Swapo activist who was shot down outside his home on the night of September 12.

Mr Danie Small, for the state, asked that the case be postponed till February 15, pending the decision of the Attorney-General. The outcome of the appeal against Mr Acheson's failed bail application would also be known by that date, he submitted.

Mr Herman Oosthuizen of the Windhoek Bar Council, for Mr Acheson, objected to the proposed date, arguing that the Attorney-General must surely be in a position to make his decision at an earlier date.

Windhoek's chief magistrate, Mr Frikkie Truter, adjourned the case till January 25.

He ordered that Mr Acheson remain in custody. — Sapa

Another suspect in Lubowski murder

By PETER KENNY

A SECOND man could appear in court soon in connection with the assassination last September of Swapo official Anton Lubowski.

This was announced by state prosecutor Mr Danie Small when a 52-year-old Irishman, Donald Acheson, appeared before the Windhoek Chief Magistrate, Mr Frikkie Truter, in connection with the killing.

Lubowski was mowed down in a hail of bullets fired from an AK-47 assault rifle outside his home on September 12 last year.

Critical

Acheson was arrested the next day. He pleaded not guilty to the murder charges, and was remanded in custody until January 25.

Namibian Attorney-General Estienne Pretorius told the Sunday Times:

"I cannot reveal the identity of the person who might be appearing in court. The investigation is at a critical stage."

Mr Ferdinand Barnard, arrested by police in South Africa during investigations into the assassination of Wits University lecturer Dr David Webster, is still in custody.

Man's handler

1989 12 12
Own Correspondent
JOHANNESBURG. — Former Brixton Murder and Robbery Squad detective-sergeant Mr Carl "Calla" Botha was a "handler" for Irishman Mr Donald Acheson, charged with the assassination of Windhoek lawyer Mr Anton Lubowski, according to documents before the Supreme Court yesterday.

The documents form part of an application by Mr Botha's father to secure his release. Mr Botha was arrested on November 30 in connection with the murders of Mr Lubowski and Wits academic Dr David Webster. He is being held in terms of Section 29 of the Internal Security Act.

Mr Sam Maritz, the counsel for the police, who are opposing the application, defined "handler" in the context of the case as "one who facilitates murder".

"The least one can say is he (Mr Botha) had contact with Acheson," Mr Maritz told Mr Justice J C Kriegler.

Brixton Murder and Robbery Squad chief Brigadier Floris Mostert said in an affidavit that according to his information Mr Botha was involved in the Webster and Lubowski murders.

Information obtained after Mr Acheson's arrest and "other information" led to the arrest of former West Rand policeman Mr Ferdinand Barnard.

Information obtained after Mr Barnard's arrest revealed Mr Botha's involvement in an organisation consisting of members from all levels of society whose purpose was to demoralise or scare the public and to impose their political beliefs on people, he said.

Mr Botha had so far refused to divulge any information or co-operate with police, Brigadier Mostert said.

He said the public exposure of facts surrounding the police investigation into the murders of Dr Webster and Mr Lubowski had done irreparable damage and alerted the people police suspected of committing the murders.

For this reason, Brigadier Mostert said, he could not divulge to the court the full extent of facts available to him.

Investigations into Mr Lubowski's murder showed Mr Botha was one of Acheson's "handlers".

Judgment in the matter was reserved and Mr Justice Kriegler said he would not hand down his judgment before next Monday at the earliest.

An application by the SAP to have Botha's application held in camera — opposed by Mr Botha's counsel — was dismissed by the judge.

He will give his reasons for this when he hands down his judgment.

New assassin group: Shock court details

The Argus Correspondent

JOHANNESBURG. — Startling new details of a shadowy organisation said to be responsible for a number of political assassinations — including the murders of activist Dr David Webster and Swapo attorney Mr Anton Lubowski — have emerged in the Rand Supreme Court.

The aim of this mysterious group is allegedly to bring about a revolution by sabotaging government reform initiatives and creating a state of general panic. **THE PRESS**

Members were drawn from all levels of society, but police had been unable to ascertain who its leaders were, it was alleged by a high-ranking police officer. 1989 12 12

This is apparently a third type of "death squad", separate from the hit squad allegedly organised from within the ranks of the police force, and the ultra-right wing "Order of Death".

An affidavit by Brigadier Floris Mostert, commander of the Brixton Murder and Rob-

bery Squad, was filed in opposition to an application for the release of well-known rugby player and former Brixton detective Mr Calla Botha, who was detained under Section 29 of the Internal Security Act on November 30. Judgment on the application is expected on Monday.

Sensitive information

Brigadier Mostert said it had not been possible to establish the nature or the extent of the organisation. Police investigations were so sensitive that further information could not be placed on record.

Brigadier Mostert alleged:

• There was a connection between the assassinations of several political activists, including Dr Webster and Mr Lubowski, and attacks on others.

• The aim of these attacks was to sabotage the "current political objective" of the government to "involve all population groups in the governing of the country", and to institute constitutional and political change opposed to the current system.

• Alternately, the aim was to create fear or demoralise the public.

• Brigadier Mostert said he had been unable to ascertain the nature and extent of the organisation and was still ignorant of who was behind it. However, his investigation was "very extensive and multifaceted".

• The arrest in Namibia of Mr Donald Acheson in connection with the murder of Mr Lubowski led to the detention under Section 29 of the Internal Security Act of Mr Ferdie Barnard, a former Rand drug squad sergeant.

• Information received after this disclosed Mr Botha's involvement in the organisation.

• During the investigation into the Lubowski murder it became clear Mr Botha was one of Mr Acheson's "handlers".

Barnard put off

The Argus Correspondent
PRETORIA — An application by Mr Piet Barnard for the release of his son, former police detective Mr Ferdinand Barnard, held in terms of the Internal Security Act, will not be heard in the Pretoria Supreme Court today.

The urgent application, against the Minister of Law and Order, the Commissioner of Police and the divisional commander of the Witwatersrand division, would have asked for the release of Mr Barnard, who was detained for questioning about the murder of Swapo official Mr Anton Lubowski and activist Dr David Webster.

On November 24 Mr Barnard, sen. of Nylstroom — a retired CID colonel — withdrew his first application for his son's release by agreement between the parties after it was postponed.

The second application was handed to the Supreme Court last Friday. However, the action yesterday was postponed again by agreement between the parties.

Mr Piet Kemp, counsel for the State, was reported to have said that the parties had been negotiating, but he would not say whether an agreement had been reached because of the sensitive nature of the matter.

detailed ex-cop

CAPE TOWN Correspondent
JOHANNESBURG. — Mr Petrus Barnard, father of former policeman Mr Ferdi Barnard who is being held in terms of Section 29 of the Internal Security Act in connection with police investigations into the murder of Windhoek attorney Anton Lubowski, is to lodge a new application for the release of his son.

Mr Barnard sen. said last night it had not yet been decided when the application would be lodged but it "would be soon".

An application by Mr Barnard sen. for the release of his son lodged in November last year was later withdrawn at his son's request.

Meanwhile former policeman Mr Calla Botha, who was arrested under Section 29 of the Internal Security Act in November for the same reason as Mr Barnard, was released in December after the Rand Supreme Court found police had no reasonable grounds to hold him.

Asked if the Botha verdict had influenced his decision to re-apply for his son's release, Mr Barnard sen. said the filing of a new application had always been on his mind.

"We are always thinking about it," he said. He declined to say on what grounds the new appeal would be made.

Lubowski death: Acheson to be tried

WINDHOEK. — Irish Donald Acheson is to stand trial in the Windhoek Supreme Court on April 18 for the murder of Swapo office-bearer Mr Anton Lubowski.

At a hearing in the Windhoek Regional Court today prosecutor Mr Danie Small told of the Attorney-General's decision to bring Mr Acheson to trial.

Mr Herman Oosthuizen, counsel for Mr Acheson, said he would try to get the hearing set down for an earlier date.

Mr Acheson was arrested in Windhoek on September 13 last year, the day after activist and lawyer Mr Lubowski, 37, was shot dead outside his home here.

In November Mr Acheson brought a successful application in the Supreme Court against his detention under immigration laws. He was released and immediately re-arrested and told he would face a murder charge.

Reports have linked Mr Acheson to a former South African policeman, Mr Ferdi Barnard, who is being detained in South Africa under the Internal Security Act in connection with allegations of a rightwing group responsible for attacks on people with left or liberal views.

Ex-policeman detained

PRETORIA. — Police last night confirmed the detention of former Brixton Murder and Robbery Squad lieutenant Mr Abraham van Zyl, but would not comment on reports that his arrest is linked to the organisation allegedly responsible for the murder of Dr David Webster and Mr Anton Lubowski.

Captain R. Bloomburg said only: "It is in connection with an explosion in Johannesburg."

Police are investigating a connection between him and another former policeman, Mr Ferdi Barnard. — Sapa



5 000 celebrate Swapo's founding

22 APR 1985 Correspondent 22 APR 1985
WINDHOEK. — More than 5 000 Swapo supporters assembled in the Katutura township here yesterday to celebrate the organization's 25th anniversary.

A group of riot police stood nearby, but they did not disrupt the meeting and there were no incidents.

The acting president of Swapo, Mr Nathaniel Maxulili, said Swapo invited white Namibians to join it.

Mr Anton Lubowski, the first white card-carrying member of Swapo, challenged the Multi-Party Conference to test its support against Swapo in an election in the country.

● Sapa reports that Mr Lubowski, 33, has been stripped of his commission in the Defence Force.

Mr Lubowski, a member of the Windhoek Bar, held the rank of second lieutenant.

He said yesterday he had been informed in a telegram received on Saturday that the South African State President had decided in terms of the Defence Act to cancel his officer's rank with effect from April 12.

This followed a letter from the State President's office last month. It referred to a statement made by Mr Lubowski in a news report and instructed him to repudiate it before March 30 or he would lose his commission.

"I was asked by a newspaper whether I would fight for Swapo or South Africa if called upon to do so," he said.

He had replied that as a Namibian patriot he would fight for Swapo. He said that he still stood by that statement.

Lubowski arrested at Swapo meeting

20 AUG 1987 From NOEL BRUYNS

WINDHOEK. — Police clashed with Swapo supporters at an open-air gathering to mark Namibia Day in Katutura yesterday and arrested 52 people.

Among those arrested was Mr Anton Lubowski, a white advocate and Swapo member.

An hour before he was arrested his mother, Mrs J J Lubowski of Tamboerskloof, received a telephone call warning of action against her son.

Mrs Gabi Lubowski, his wife, said: "Anton's mother received an anonymous call from a person who simply said 'Anton's time has come!'"

Mrs J J Lubowski declined to speak about the telephone call. She could not say whether it came from the security police here.

Police also teargassed the former editor of the Windhoek Advertiser, Mr Dave Pieters, who is now a freelance reporter.

"I was standing on the roof of a house with my camera, well away from the crowds. However, the police hurled about five tear gas canisters at me, although they could see I was from the press and not part of the demonstration," he said.

Another freelance photographer said police had ripped film from his camera.

Police confirmed the arrests.

Police hold 75 Swapo members

Argus Africa News Service
WINDHOEK. — Seventy-five Swapo members, including Windhoek advocate Mr Anton Lubowski, were arrested as they demonstrated outside the court where 52 of them were due to appear.

They are being held pending a court appearance on charges of illegally holding a gathering within the precincts of a court building.

They were arrested yesterday morning as they demonstrated outside the magistrate's court building shortly before 52 were to appear on charges of holding an illegal meeting — allegedly a gathering held on Au-

gust 25 to commemorate Namibia Day.

Policemen in camouflage uniforms moved in to break up the singing and chanting group, members of which frequently gave clenched-fist salutes.

The scheduled appearance in court did not take place and the detainees were later told at the police cells that they would be charged under a 1982 regulation which forbids gatherings within 500m of a court building.

In the absence of the accused, the magistrate postponed the hearing to November 18 and allowed bail conditions to stand.

There were scuffles during the protest.

Attempted-murder charge

WINDHOEK. — Swapo member Mr Anton Lubowski has laid charges with police following an alleged murder attempt on Wednesday night. Mr Lubowski said he was driving home from Katutura township about 10pm when a blue microbus hired from a car-rental firm pulled alongside him. Mr Lubowski's window was shattered. The microbus was parked near the Katutura police station, but the driver fled. Mr Lubowski said a second occupant was identified as "Special Constable Brian van Wyk".

News in Brief

20 AUG 1987

Five held in Namibia

WINDHOEK. — Police have detained five people in terms of Section Six of the Terrorism Act throughout Namibia, the acting Commissioner of Police, Major-General Koos Myburg confirmed yesterday. The detainees are Mess Hendrik Withooi, Daniel Tjongarero, Niko B. singer, Anton Lubowski and John Pan.

Right-wing gang 'behind the killings'

By BARRY STREEK
Political Staff

POLICE are convinced that a clandestine right-wing organisation is behind the assassinations earlier this year of Dr David Webster and Mr Anton Lubowski, as well as other attacks against anti-apartheid activists.

They also said more people could be detained shortly in connection with these incidents.

Yesterday, police revealed little about their investigations, but they believe the gang of assassins has at least three members.

The commanding officer of the Murder and Robbery Squad, Brigadier Floris Mostert, said the murder of political activists in recent years was a conspiracy to thwart the government's reform plans.

The police are also angry that a Johannesburg newspaper yesterday published a picture of Ferdi Barnard, the former drug squad sergeant who was detained on October 31 in connection with the murders of Dr Webster and Mr Lubowski.

They believe the publication of the picture will jeopardise their investigations, particularly because identification parades were one of their best weapons in the investigation.

Yesterday the police lodged an official complaint with the Media Council about the publication of the picture.

Brigadier Mostert said he believed there was a connection between the assassinations of Dr Webster and Mr Lubowski, as well as in the intimidation of left-wingers.

Barnard, a former member of the West Rand drug squad, was on parole at the time of his detention after he had been jailed for two murders, one attempted murder, the theft of three cars and other crimes.

In 1984, the Rand Supreme court heard how he arranged for two addicts, Peter Ward and Edward Joffe, both 19, to break into a chemist in Wilro Park on the West Rand.

Barnard lay in wait for the two men with another policeman and then shot them when the break-in was committed. Joffe was wounded but Ward was killed.

Then, on February 3, 1983, Barnard shot dead drug dealer Edward Symons, 29, who was driving a car stolen by Barnard himself. Barnard had arranged a drug deal with the victim.

He was convicted on two counts of murder and one of attempted murder in December 1984 and sentenced to an effective six years' imprisonment. He was also convicted on three counts of car theft.

An indication of the police investigations was given by Brigadier Mostert in an affidavit submitted to the Pretoria Supreme Court during an application by Colonel P.J. Barnard, a retired police officer and father of Ferdi Barnard, for the release of his son.

Brigadier Mostert said in the court papers he believed the detainee was withholding valuable information on the murder of Dr Webster from the police.

Lubowski's- parents live in fear

By MARK STANSFIELD
Weekend Argus Reporter

"I'M going to get you, you Swapo whore," he breathes threateningly over the telephone, chuckles, says like a wolf and then puts the telephone down.

The calls were made as recently as last week and were aimed at Mrs Mollie Lubowski, mother of assassinated Swapo executive member, Mr Anton Lubowski — shot to death outside his Windhoek home on September 12.

This week Mrs Lubowski and her husband Wilfried spoke exclusively to Weekend Argus from the retreat in which they have hidden for a while to escape the constant bombardment of threatening telephone calls made to their Tamboerskloof home.

They wanted to speak about their son Anton — to "clear his name of the smut and lies" they claim some newspapers and magazines have printed over the months — but the threats to their own lives weigh too heavily upon them.

What started out as a conversation based on their pleasant memories of a much-loved son was soon lost under a cauldron of bubbling, naked fear.

It was then that the Lubowskis began interspersing their memories with agitated talk about the web of lies and terror that have surrounded them ever since Anton publicly swore allegiance to Swapo in 1984 and his untimely death in September this year.

Mrs Lubowski looked tired yesterday at her retreat. She rubbed her swollen eyes as she recounts "the psychological terror she, her husband and family have been subjected to by members of what they claim are a well-organised, ruthless right-wing gang. In spite of police statements that the Wit Wolf organisation does not really exist, the Lubowski family feel differently.

"I don't care what the police and government say... these people exist. Before Barend Strydom hit the

streets of Pretoria and shot all those innocent people, Namibian police had already heard about the Wit Wolfe... they (the Wit Wolfe) claimed responsibility for the Continental Hotel bomb blast in Windhoek in September last year — at least two months before Barend Strydom declared in court that he was a member," Mr Wilfried Lubowski said agitatedly.

The SWA administration may deny this, but straight after that hotel bomb blast Anton was subjected to at least 33 telephone calls from people claiming to belong to a right-wing organisation called the Wit Wolfe. They claimed responsibility for the blast.

The day Anton was shot dead was the second time these people tried to assassinate him. The first time was two years ago when the back window of his car was shot out while he was on his way back home from Katatura township.

"He gave the registration number of the car to the police that night but nothing was ever done to trace the culprits," he added.

The Lubowskis have spent a lot of money and travelled extensively in an effort to learn more about the death of their son, and in the process have themselves become the victims of a well-orchestrated campaign of terror. Mrs Lubowski fears for her life. Mr Lubowski is more philosophical about the harassment and death threats.

"I'm not really bothered. If they come for me, they come," he said, shrugging.

The news that police have arrested a second man, a 31-year-old policeman in connection with Anton's death, brought a glimmer of hope that the truth may eventually be learnt.

Stalemate in Namibia

24 SEP 1987
THE security swoop in Namibia has drawn attention to a region which seems to be becoming increasingly remote from South African interest. The long-drawn-out dispute with the international community about the granting of independence to the territory seems no nearer resolution. The low-key insurgency waged by Swapo is wilting under pressure by the security forces and, at times, barely ticking over. Yet there is no reason to think that the massive political support which Swapo enjoys among the majority Ovambo group of the population is waning or likely to wane.

Internally, Swapo has had five of its key political leaders detained in the last few days, including Mr Danny Tjongarero and trade unionist Mr Anton Lubowski, who are held for questioning under the Terrorism Act about possible aid to terrorists. In July a car bomb caused severe damage in a Windhoek hotel and shopping centre and Swapo has claimed responsibility.

With the armed insurgency in the north having been effectively checked by security forces, there appears to have been a resurgence of Swapo political activity further south, with trade unionism having been revived and a three-week-old strike at the Tsumeb Corporation copper mines.

Yet the situation seems destined to drag along unresolved for some time as Pretoria's strategy of delaying the advent of internationally supervised independence is well entrenched.

Still detained after 'mistake'

7 SEP 1987
From JULIAN PULVERMACHER and CONNY SCHUSTER (Kloofnek):

OUR brother-in-law, friend and fellow-campaigner for an independent and just Namibia, Advocate Anton Lubowski, was arrested at his Windhoek home on August 20, 1987 in terms of section 6 of the Terrorism Act. Five of his colleagues in the National Union of Namibian Workers (NUNW), including Mr John Pandeni and Mr Ben Uulenga, were similarly arrested.

In spite of repeated attempts by Anton's wife Gabi to procure both their release and reasons for their arrest, the authorities in Namibia have failed to do more than provide limp assurances that Anton and his colleagues will be released "soon". It has even been commented that the arrests were a bureaucratic "mistake".

They remain in detention still.

Swapo and NUNW are legal organizations enjoying massive support in Namibia. Numerous Western governments have voiced their objection to these arrests. All six have friends, family and children who are shocked by this hamfisted and meaningless police repression.

The Terrorism Act and its host of associated legislation are overwhelming testimony to a government lacking any confidence in its legitimacy and popular support. The continued use thereof by the South West African authorities, and of course by the South African regime, serves only to erode any conceivable vestige of justice remaining in the legal system.

It also draws our two nations ever closer to even bloodier conflagration.

Swapo man attacked

WINDHOEK. — White Swapo supporter Mr Ernest Lichtenstrasser of Walvis Bay was seriously injured when a crowd of young blacks on a Sunday

Court frees six held as terrorists

12 SEP 1987
WINDHOEK. — The Supreme Court here yesterday ordered the Namibian transitional cabinet to release six prominent Swapo members detained under the Terrorism Act.

It is the first time in Namibian legal history that a court set free detainees held under the Act, which provides for indefinite detention without trial.

The detainees are: Swapo's vice-president, Mr Hendrik Witbooi; the deputy national chairman, Mr Daniel Tjongarero; the joint secretary for foreign affairs, Mr Niko Bessinger; prominent Swapo member and trades union activist Mr Anton Lubowski; the general secretary of the Swapo-affiliated Mineworkers' Union of Namibia, Mr Ben Uulenga; and the general secretary of the Swapo-affiliated Namibian Food and Allied Union, Mr John Pandeni.

They were arrested last month. Police afterwards said the detentions were in connection with a car-bomb blast in a Windhoek parking garage on July 17.

In his ruling, Mr Justice Kenneth Bethune ordered the transitional cabinet to pay the costs of the court action.

The urgent court application was brought by wives and relatives of the six men. — Sapa

Detention also hurts the family

19 SEP 1987
From Mrs ANNALIESE BEUKMAN (Tamboerskloof):

AS there exist only limited ways to air your views in this country, I trust that this letter will be published in your newspaper, one of the very few left who, within restrictions, try to offer your readers an objective view.

The detention of my brother Anton Lubowski together with five others, recently enjoyed some coverage on SABC-TV and in the newspapers. Since the arrest numerous accusations were made, from a possible link to the bomb blast in Windhoek to affiliations with trade unions trying to sabotage the economy in Namibia. No specific reasons for the arrest and subsequent detention were given and the result was speculations and allegations from friends, acquaintances and foes alike. The emotional trauma of having a family member in detention is virtually impossible to describe to people who have never experienced such emotions.

It is soul-destroying to see the influence on your parents, to see them dying a slow emotional death, and to see his wife and children lost and bitter. The helpless feeling when you know someone you love is suffering and there is nothing you can do to help. The shock and disbelief when people tell you: "it serves him right" or "he was looking for it" or "has he lost his mind?"

To all those people with their limited views, I would like to say that I pity you. I want to thank my parents for teaching us since childhood to question everything, not just to accept but to ask questions and to expect answers.

I want to salute Anton for his courage and for doing what so many others are too afraid to do. I admire you, my brother, for living up to your convictions regardless of death threats and accusations of being a communist or even a terrorist.

A court application was made to prove the arrest and subsequent detention unlawful and unreasonable. After three weeks of solitary confinement as well as hospitalization of two of the detainees of which my brother was one, the court ruled in their favour and an order for their immediate release was granted.

The pain and suffering for our family is over for now. However, the mental and physical scars will remain, maybe forever.

Passport problem protest

3 JAN 1988
JOHANNESBURG. — The International Union of Food and Allied Workers' Associations, IUF,

Lubowski accused charged

Own Correspondent

WINDHOEK. — An Irish suspect held for the killing of Swapo official Mr Anton Lubowski yesterday faced a formal murder charge for the first time since being arrested more than 50 days ago.

The charge followed a day of court drama in which Mr Donald Acheson was ordered to be released — and was rearrested moments later. 7 NOV 1989

But Mr Acheson's first appearance in a court since his arrest threw no light on Mr Lubowski's mysterious assassination, and defence attorneys said police still had no shred of evidence to tie the

52-year-old Irishman to the killing.

Mr Acheson was arrested in the Namibian capital on September 13, 24 hours after Mr Lubowski was gunned down by automatic fire outside his suburban Windhoek home.

Windhoek judge Mr Herman Hendler yesterday ordered police and government officials to free Mr Acheson, ruling that he had been irregularly detained under immigration law two days after his arrest because police had no evidence to uphold a murder charge.

State advocates opposed the

move, claiming police had obtained new evidence.

Within an hour of the Supreme Court ruling, investigating officer Colonel Jumbo Smit brought Mr Acheson from Windhoek Prison to the adjoining magistrate's court, claiming he had been formally arrested on a murder charge.

Defence lawyer Mr Herman Oosthuizen failed to convince the magistrate, Mr Gert Retief, that police had not properly arrested the suspect, and he was returned to police custody pending a December 6 hearing without being asked to answer to a charge.

Acheson trial held over for a month

WINDHOEK. — The trial of Irish national Mr Donald Acheson, who has been detained since September 13 in connection with the murder of Swapo official Mr Anton Lubowski, has been postponed until December 6.

Mr Acheson, 52, was re-arrested in Windhoek yesterday morning soon after the Supreme Court had upheld an urgent application for his release in terms of the immigration laws.

Defence counsel Mr Herman Oosthuizen submitted that Mr Acheson's re-arrest was not valid and that his client was a free man.

The chief investigating officer, Colonel Jumbo Smit of the Windhoek Criminal Investigation Department, told a packed Windhoek Magistrate's Court that he had informed Mr Acheson on Saturday that he was no longer being held for immigration irregularities but was to be charged formally with murder and was to appear in court yesterday.

The magistrate, Mr J G Retief, found Mr Acheson had been re-arrested justifiably.

He granted the prosecution's request that Mr Acheson remain in custody and the hearing be postponed until December 6. — Sapa.



Lubowski — 'SA should go the extra mile'

From JACQUES WITTEBACH
Argus Africa News Service

WINDHOEK — South Africa was responsible for law and order in Namibia when Swapo advocate Mr Anton Lubowski was murdered and as such had a moral responsibility to "go the extra mile" to see that justice was done in this case.

Instead it was "trying to hide behind technicalities which could have been resolved," said Mr Vekuil Itukoro, Deputy-Minister of Justice, today.

Earlier this week Mr Rukoro criticised South Africa's failure to extradite two co-accused in the Lubowski case. This led to charges against the third accused, Mr Donald Acheson, being dropped on Monday and the entire murder investigation being placed in limbo.

In a statement yesterday the South African authorities responded to the criticism, saying they were awaiting Namibia's indication that it was prepared to act reciprocally on the extradition of criminals wanted across the respective borders.

NO AUTHORITY

The South African Department of Justice said too that the president did not have the authority to extradite the wanted men in the Lubowski case, Mr Staal Burger and Mr Chappie Maree, in the absence of an extradition treaty.

Mr Rukoro said South Africa clearly "lacked the political will" to extradite the Lubowski case co-accused.

"The South African government, or at least its personnel in the security and military forces, are implicated in this murder and it is therefore all the more reason why the South African government, with a new president, should go an extra mile to see justice run its course here," said Mr Rukoro.

He said he had consulted Mr Hartmut Ruppel, the Attorney-General, before making his statement today. They had reached the conclusion that South Africa was hiding behind technicalities.

President De Klerk had committed South Africa to co-operate in the resolution of the Lubowski case.

• See pages 5 and 9.

SAHA