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IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA
(TRANSVAALSE PROVINSIALE AFDELING)

A

SAAKNOMMER: CC 482/85

PRETORIA

1988-04-18

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. H. SMITH

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

VOLUME 381

(Bladsye 22 058 - 22 119)

HOF HERVAT OP 18 APRIL 1988.

MIRIAM VUYISWA MOLELEKI, v.o.e. (Deur tolk)

VERDERE KRUISONDERVRAGING DEUR MNR. FICK : Mevrouw, Donderdag, was ons besig met Augustus 1984 se gebeure in Worcester. Nog steeds in Augustus 1984. Is dit reg dat daar 'n blankevrou met die naam van Jenny Schreiner het opgedaag daar een dag, sy is van die Kaap en sy en u en Elizabeth Buswana het toe 'n vergadering gaan hou? -- Dit is nie so nie.

Ken u vir Oscar Mpetha? -- Ek het al van hom gehoor, ja.

Is dit nie so nie, u het nie net van hom gehoor nie, (10) hy het u ook gekontak hier gedurende Augustus/September, ek het nie die presiese datum nie, 1984? -- Hy het nie met my gepraat nie.

Is daar 'n ander vroue-organisasie in die Kaap bekend as die United Women's Front? -- Ek het daarvan gehoor, ja.

Is dit nie so nie dat daar gedurende 1984 was daar probleme tussen UWO en die United Women's Front, hulle het nie eintlik langs dieselfde vuur gesit nie? -- Dit is so, ja.

Ek wil aan u stel dat Oscar Mpetha het u oor hierdie tweespalt geskakel en hy het gesê u moet tog kyk of u nie (20) van u kant af kan help dat UWO en die United Women's Front versoen kan raak nie? -- Ons het nie die United Women's Front te Worcester gehad nie. Ons het net UWO gehad. So, daar was geen manier waarop ek kon probeer het om die twee te versoen nie, want ons het nie 'n ander tak daar by ons gehad nie.

Ek wil dit aan u stel Oscar Mpetha het aan u gerapporteer dat hy met die ander vroue van Cradock, Somerset-Oos en Graaff-Reinet ook geskakel en gesê hulle moet dieselfde ook probeer doen as wat hy u vra? -- Ek het al antwoord gesê dat Oscar nie met my gepraat het nie. (30)

Net/...

Net 'n laaste vraag oor hierdie aspek. Die United Women's Front is dit ook 'n geaffilieerde van UDF? -- Ons het nog nie die organisasie ontmoet nie. So, ek weet nie daarvan of hulle ooit aangesluit het nie, want toe hulle nog daar vergader het oor hierdie aangeleentheid was dit in 1985.

HOF : Wie? -- Dit is die UWO en die UWF wat bymekaar gekom het in daardie jaar. So, toe ek my lidmaatskap beëindig het, was hulle besig om dit nog te bespreek.

MNR. FICK : Ek wil met u dan gaan na 14 Oktober 1984. Weet u van 'n vergadering wat gehou was te Kruispad in die Kaap (10) wat gegaan het oor die verskuiwing van die mense na Khayelitsha? -- Wat sê u wat was die datum?

14 Oktober 1984? -- Nee, ek onthou dit nie. Ek was nie by daardie vergadering teenwoordig nie.

Het daar nie 'n afvaardiging gegaan van die Western Cape Civic Association en hierdie vergadering ook gaan toespreek nie? -- Ek is daarvan bewus dat daar afgevaardigdes was van ons tak wat die vergadering bygewoon het, maar ekself was nie daar nie.

Is dit so dat Matthews Kapa was een van die afgevaar-(20) digdes? -- Ja, ek onthou dat dit so was.

En is dit reg so dat Matthews Kapa daar in die Kaap moes hy gaan praat en hy moes gaan oordra dat julle in Worcester ondersteun die mense wat weier om verskuif te word? -- Ek stem nie saam nie, al was ek nie daar nie, maar al wat ek van weet is dat hy 'n verslag moet neem van Zweletemba af. Dit is al waaroor hy moes gaan praat het.

Eerstens, kan u vir ons sê, wie het hierdie vergadering by Kruispad aangebied waar hy moes gaan praat? -- Die bestuur van die "civic".

(30)

Is/...

Is dit nou die hoofkantoor van die Western Cape Civic Association in die Kaap? -- Dit is so, ja.

Wat se verslag moes Kapa gaan doen in die Kaap? -- Oor die probleme wat ons ondervind.

Maar moes hy nie ook gaan praat oor verskuiwings na Khayelitsha toe nie? -- Dit het niks met ons te doene gehad nie. Ons het ons eie probleme hier gehad by die Western Cape Civic Association se tak en daardie was die probleme van die mense daar in daardie omgewing.

Net 'n laaste vraag oor die vergadering. Is dit so (10) dat hierdie vergadering was 'n massavergadering wat in die Kaap gehou is by Kruispad? -- Ek het alreeds gesê dat ek nie die vergadering bygewoon het nie. Ek weet dus nie of dit 'n massavergadering was nie, want al waarvan ek geweet het was dat daar 'n vergadering gehou gaan word.

Maar wil u nou werklik vir die hof sê u as 'n bestuurslid van die Western Cape Civic Association te Worcester na wat se vergadering u afvaardiging moet gaan nie?

HOF : Kan ons net duidelikheid kry. Was dit 'n openbare vergadering waar die publiek toegang gehad het? -- Al wat aan (20) ons gesê was was dat ons twee afgevaardigdes moes stuur na hierdie vergadering op hierdie datum. Dit was nie aan ons gesê of dit 'n openbare vergadering gaan wees vir die publiek of wat se soort vergadering aan dit wees nie.

MNR. FICK : Ek wil dan met u gaan na die tydperk 18/19 Januarie 1985. Op daardie stadium, is dit reg, het die vorige raadslede reeds bedank gehad, omtrent almal van hulle? -- Ja, dit is so.

En is dit reg daar was sprake van dat daar weer 'n verkiesing gaan kom vir nuwe raadslede? -- Wanneer? In 1985?

Na 19 Januarie 1985?-- Nee, daar was nie sprake gewees (30)

van/...

van h verkiesing van ander raadslede nie.

Daardie dag van 18/19 Januarie 1985 is dit nie so dat daar orals in Zweletemba plakkate opgeplak was om vir die mense te sê hulle moenie stem vir die raadslede nie? -- Die gemeenskap het op sy eie op h vergadering op die 16de besluit dat hulle nie die raadslede wil hê nie, met die gevolg dat daar nie raadslede gekies moet word nie. Op die 16de al was dit reeds bekend gewees dat die mense nie belang stel in die raadslede nie.

Ons praat nou van 16 September 1984? --Ja, voor die (10) 16de was daar h vergadering gewees. Wat ek probeer sê is, voor 16 September 1984 was daar h vergadering gewees waar die gemeenskap bekend gemaak het dat hulle nie belang stel in die raadslede nie. U stelling van Januarie 1985 is vir my verbasend, hoekom daar nog so iets sal wees dat daar plakkate opgesit is, terwyl die mense die alreeds vroeër gesê het dat hulle nie belang stel daarin nie.

Ons kan dit dalk probeer korter maak. Is dit nie so dat die owerheid het nominasies gevra in daardie tyd vir die verkiesing van nuwe raadslede nie? -- Ek onthou dit nie. (20)

U het nog nie h direkte antwoord gegee nie. Het u enige plakkate gesien in Zweletemba die oggend van 19 Januarie 1985 in verband met die raadslede, dat daar gesê word hulle moenie stem vir raadslede nie? -- Nee, ek het dit nie gesien nie.

Ek wil dan met u gaan na Februarie 1985. Is dit so dat daar in Februarie 1985 h tak van SAAWU, South African Allied Workers Union gestig is in Zweletemba? -- Dit was nie gestig nie. Daar was wel samesprekings gevoer met die werkers.

En is dit reg die persone wat probeer het om hierdie (30)

tak/...

tak van SAAWU te stig was onder andere Matthews Kapa en Shepard Matshoba? -- Nee, dit is nie so nie.

Wie sê u het hierdie tak van SAAWU probeer stig? -- Abel Dlikilili en 'n ander seun wie se van Mtayi is. Ek onthou net nie sy naam nie.

Kom ek probeer u help. Is sy naam nie Vuyani nie? -- Ja, dit is Vuyani.

En beide hierdie persone was lede van die Western Cape Civic Association op daardie stadium. Stry? -- Ja, beide van hulle, Dlikilili en Vuyani was lede gewees. (10)

HOF : Van u tak? -- Ja.

MNR. FICK : Hoekom is hierdie tak toe nooit gestig nie, volgens u? -- Ek weet nie, want ek was nie deel van die groep mense wat te doene gehad het met die stigting nie.

Dan wil ek met u gaan na 28 Februarie 1985. Kan u onthou dat op hierdie datum het die Western Cape Civic Association, UWO en COSAS daar in Zweletemba 'n vergadering gehou in die huis van David Hlongwane? -- Ons het nie met die kinders vergader nie.

HOF : Was daar 'n vergadering? -- Daar was nie 'n vergadering (20) nie.

MNR. FICK : UWO het van tyd tot tyd dokumente gestuur van sy hoofkantoor af vir u tak in Zweletemba onder andere ook oor sekere besluite en vergaderings wat gehou gaan word. Is dit reg? -- Ja, dit is so.

Ek wil aan u 'n dokument toon. Is hierdie een van die dokumente wat u gekry het? -- Net vir rekorddoeleindes dit is 'n dokument met die opskrif United Women's Organisation Branch letter about conference gedateer 5 Mei 1985? -- Nee, ons het nie so iets ontvang nie. (30)

Het/...

Het UWO n konferensie beplan vir 1985? -- Ja, dit was beplan, maar soos ek alreeds gesê het in Juliemaand 1985 was ek nie meer n lid gewees nie.

Is dit ook so dat daar beplan was om by die konferensie n nuwe bestuur te kies vir UWO? -- Dit is so, ja.

En daar was aan die takke n omsendbrief gestuur om te sê wie is al die mense wat deur die verskillende takke genomineer is vir die nuwe hoofbestuur? -- Dit is so, ja.

Ek wil aan u stel, die dokument daar voor u, dit is die brief wat die nominasies bevat? Ek wil dit aan u stel u (10) het hierdie brief gekry, want volgens hierdie skrywe sou die konferensie gehou word n week na 5 Mei 1985. Toe was u nog aktief in UWO? -- Ek erken dat u reg is dat daar wel voorbereidings was vir die verkiesing in daardie konferensie, maar ons het dit nie per brief ontvang nie. Ons was mondelings in kennis gestel van so n konferensie wat gehou gaan word.

Deur wie? -- Elizabeth en Irene Mofolo het n vergadering bygewoon. Met die twee se terugkoms het hulle toe aan ons verslag gedoen mondeling dat daar n konferensie gehou gaan word in hierdie opsig. (20)

Het hulle ook gerapporteer aan u wat op die konferensie besluit gaan word en bespreek gaan word? -- Hulle het ons gesê van mense wat genomineer moet word vir die verkiesings.

Het hulle ook vir u gesê van die ander besluite? Ek sal aan u die besluite stel en hoor of u hulle erken?

HOF : Ek wil net duidelikheid kry oor die antwoord. Het die mense teruggekome en gesê daar moet nog mense genomineer word of het hulle gesê die volgende mense is genomineer? -- Hulle het vir ons die name van die mense genoem wat van ons kant af genomineer moet word wat dan deel moet neem aan die (30)
verkiesing/...

verkiesing van die nuwe bestuur.

Ja, ek weet nie of ek dit heeltemal mooi begryp nie. Die indruk wat ek gekry het van die advokaat is dat hy sê dat daar mense genomineer is en sê dat hierdie mense is nou aangewys en uit hulle kan julle die nuwe bestuur kies? -- Dit is presies wat ek probeer sê. Dat daar name gebring was na ons en ons was toe gesê dat ons van daardie mense sal moet kies.

MNR. FICK : Behalwe die name is daar ook voorgestelde besluite na julle toe gebring deur Elizabeth Bushwana en (10) gesê julle moet daaroor dink en julle moet besluit wat is julle tak se houding oor hierdie voorgenome besluite? -- Wat se besluite praat u van? As u my net kan sê.

Is daar onder andere een van die besluite wat aan u oorgedra is dat daar 'n groep persone gekies moet word wat moet ondersoek instel hoe die werk van UWO en UDF gekoördineer kan word? -- Ja, dit is so.

Daar was ook 'n besluit gewees dat julle sal die "freedom charter" aanvaar in UWO en dat julle die "freedom charter" sal gebruik in julle werk onder die vroue? -- Ja, dit is (20) so.

En dat UWO te alle tye die "freedom charter" sal gebruik in sy optrede om Suid-Afrika te hervorm?

MR TIP : Are these being put on the basis of decisions at the conference or of matters to consider?

COURT : This is a question, that this was resolved. Well, it is put like that and if the witness agrees, the witness agrees. If the witness does not agree, then the witness does not agree. In re-examination you can attempt to straighten it out if it is wrong according to you. (30)

MNR. FICK/...

MNR. FICK : Is dit reg so? -- Dit is nie so nie.

Is dit ook so dat daar gesê is dat UWO sal die dertigste herdenking van die "freedom charter" vier? -- Ons het nie daarvan gehoor dat daar so 'n herdenking gedoen sal word nie.

Is dit ook so dat die kwessie van SACTU, South African Congress of Trade Unions is bespreek en daar is besluit dat ook die herdenking van SACTU moet gevier word dat SACTU bekend kan word onder al die werkende mense? -- Hierdie dinge soos gestel aan my deur die advokaat was gesê gewees en dit was besluite wat geneem word in Kaapstad wat dan later na (10) ons toe gestuur word, byvoorbeeld dat ons 'n boodskap kry dat dit die besluite is, maar ons het nie veel daarop ag geslaan nie, want ons was meer bekommerd oor die plaaslike dinge wat daar met ons gebeur het. Dus het ons dit nie verder uitgevoer nie, al het ons daarvan gehoor.

En is dit so, later na die konferensie is daar skriftelik - het julle die notule van die besluite gekry, alhoewel, soos u nou sê, u het nie veel daaromtrent gedoen nie? -- Ja, dit is so.

Ken u die publikasie met die naam van Grassroots? -- (20)
Ek hoor af en toe daarvan.

Is dit nie so ook nie dat hierdie Grassroots publikasie het 'n opleidingskursus, 'n "workshop" soos julle hom noem gehou in Worcester in Junie 1985? -- Nee, dit is nie so nie.

Ek stel dit aan u, hierdie vergadering is gehou met die doel sodat julle plaaslik 'n komitee kan stig om saam met Grassroots te werk ... (Hof kom tussenbei)

HOF : Sê u dit is gehou in Zweletemba of in die ander woonbuurtes?

MNR. FICK : Ek het nie sulke besonderhede nie. Ek weet (30)
net/...

net dit is gehou. Ek kan miskien nog name vir die getuie gee. Onder andere was James Issel en Davey Peterson ook teenwoordig by hierdie werkswinkel en dit is gehou in die advieskantoor waar sy gewerk het. Is dit korrek? -- Ek was nie by hierdie werkswinkel teenwoordig nie.

Nou wil ek met u gaan na Juliemaand toe, na die skolekwessie. Is dit so dat daar was in Julie 1985 'n klasseboikot aan die gang by die skool, by die Vusisizwe Hoërskool? -- Ja, ek onthou daar was so iets gewees.

En op 15 Julie 1985 was daar 'n vergadering gehou by (10) die hoërskool, ekskuus in die gemeenskapsaal deur die skoolkomitee? -- Dit is so, ja.

Op die vergadering is daar gerapporteer deur ene mnr. Makubalo dat die klasse word geboikot oor die dood van ene Matthew Goniwe? -- Dit is so.

En die ouers op die vergadering was ontevrede en wou weet hoekom gaan die boikot aan? -- Dit is so, ja.

En die jeugdigdes, die skoolkinders wat ook op die vergadering was het die vergadering ontwrig. Hulle het begin lawaai maak? -- Ontwrig? Wat het hulle gesê? (20)

Hulle het begin skreeu. Die vergadering was naderhand nie meer 'n normale vergadering nie. Hulle het geskreeu en 'n geraas gemaak? -- Ek het nie gesien nie. Ek het nie gehoor dat hulle so iets doen nie, maar wat ek wel kan sê is dat die vergadering het tot 'n einde gekom.

HOF : Te vroeg of op sy normale einde? -- Ons was nog besig om te praat soos ouers en die vergadering was toe gesluit. Dit was beëindig.

As gevolg van 'n lawaai? As gevolg van 'n ontwrigtig?
-- Ja, dit was as gevolg van 'n lawaai dat die vergadering(30)
beëindig/...

beëindig was.

Wie het die lawaai gemaak? -- Ek het heel voor in die saal gesit. Daar was 'n groot lawaai gewees van agter, dit wil sê van agter in die saal.

Moes die voorsitter toe die vergadering sluit? -- Dit is so.

MNR. FICK : Die mense is in wanorde huis toe? -- Ja, ons is weg.

Is dit reg so, daardie selfde aand toe brand die administrasieraadskantore daar in Zweletemba? -- Terwyl ek by (10) my huis was die aand het ek daarvan gehoor dat dit aan die brand was daar buite.

Het u gaan kyk en gesien dit brand? -- Nee, ek het nie gaan kyk nie.

Het u die volgende dag gesien dit is afgebrand? -- Ja, op pad werk toe het ek gesien dat dit uitgebrand was.

Die Western Cape Civic Association het 'n grondwet gehad. Is dit reg? -- Ja, dit is so.

En julle het 'n afskrif van die konstitusie gehad by julle voorheen voor julle aangesluit het? -- Ons het 'n afskrif (20) gekry daarvan, naamlik van die Western Cape Civic Association se grondwet maar ons het dit so verander dat dit moet pas in die omstandighede waar ons was.

Maar dit is tog ook so dat julle tak van die Western Cape Civic Association was deel van die groter Western Cape Civic Association wat sy grondwet gehad het. Is dit reg? -- Ja, ons het dit gehad, maar hulle het ons nie verplig om dit na te kom nie. Ons het die reg gehad om eie besluite te neem van wat ons dink gepas is vir ons om te doen in daardie area waar ons woon waar die tak gestig is. (30)

Is/...

Is dit reg dat volgens die grondwet van die Western Cape Civic Association het hierdie organisasie gestreef vir gelyke en sogenaamde demokratiese regte vir alle mense? -- Wat beteken dit nou?

Kom ons probeer dit makliker maak. Ken u hierdie dokument? Dit is 'n dokument met die opskrif "Constitution for the Western Cape Civic Association." -- Ja, ek sien dit.

Is dit die dokument wat u van praat wat u gekry het? -- Ja. Wag, laat ek eers 'n bietjie kyk. Ja, dit is die dokument. (10)

HOF : Wil u dit inhandig as 'n bewysstuk?

MNR. FICK : Ek sal dit graag eventueel wil inhandig.

HOF : Word dit belangrik of is net net nog 'n klomp papier?

MNR. FICK : Ek sal vra dat ons die numering van die ding terughou. Dalk erken sy dit, dan hoef ons dit nie in te handig nie. Ek wil u net verwys na die eerste bladsy paragraaf 3. Daar word gesê onder die "aims and objects - to strive for equal and democratic right for all the people in the wider Western Cape area." -- Dit is so, ja.

Tweedens is die taak dat julle moet "to mobilise the (20) community to take an active and positive interest in all civic matters." Is dit reg? -- Dit is so, ja.

"To ensure the communities are represented by those whom they choose democratically with a free hand"? -- Dit is so, ja.

"(d) To seek participation in the decision making in all matters affecting the people of South Africa"? -- Ek het nie die hele dokument deurgelees nie. Ek sien dit hier verskyn, ja.

Ek sal die volgende een oorslaan. "(f) To strive for (30) the/...

the extension of the right to all people to buy land under free of title at any place of their choice"? -- Ja, dit is so. Dit is wat ons eintlik in gedagte gehad het. Want ons het nie blyplek gehad nie. As ons die plek gekoop het, dan kan ek daar 'n huis bou waarin al my kinders kan bly.

Dan slaan ons die volgende een oor. Dan net die laaste een "To liaise, co-operate and embrace the activity of other organisations with similar aims and objects." Is dit reg? -- Ja, dit is so, met die doel dat ons alles op dieselfde vlak moet doen wat betref die samelewing van die mens, (10) goeie verblyf.

Ek stel aan u hierdie doelstellings van die Western Cape Civic Association soos ons dit nou gelees het, is dit eerstens duidelik, afgesien van wat u sê, dat die Western Cape Civic Association waarvan u deel was, was gekant en het gewerk teen die grondwetlike voorstelle en die uiteindelijke grondwet van die Republiek? -- Dit is nie so nie. Ons in Zweletemba het die bes gedoen om samewerking te toon met die plaaslike besture. Ons het hulle altyd genader met probleme wat ons verwag het dat hulle vir ons sou oplos. Met die gevolg (20) is dat daar 'n goeie samewerking was tussen ons en die plaaslike besture.

HOF : Kan u net vir my sê wat is die laaste geleentheid waarop julle die plaaslike bestuur genader het met 'n probleem? -- Die laaste geleentheid wat ons iets met hulle bespreek het was toe ons hulle gesê het van die tekort van huise en die toestand van die latrine wat van die ou tipe was, wat geblok het meeste van die tyd, as gevolg waarvan die water van die latrine gevloei het en dat die kinders dus met die water daar buite gespeel het wat dan nie gesond was nie. (30)

Kan/...

Kan u 'n tyd plaas, 'n datum dalk? -- In 1983 het ons met hulle gepraat. Ek kan nie die maand onthou nie. Ons het later 'n brief geskryf gerig aan die administrasieraad, naamlik mnr. Pienaar, waarin ons hierdie probleme uiteengesit het vir hom. Ons het weer in 1984 die probleme uiteengesit, naamlik ons het uiteengesit vir hulle met die behuisingsprobleem dat daar omtrent dertienduuisend inwoners was van Zweletemba terwyl daar net eenduuisend driehonderd huise beskikbaar was. Ons het aan hom gesê dat ons hierdie probleme gesien en toe besluit om samesprekings te voer en dit (10) bespreek om 'n oplossing te kry vir hierdie bestaande probleem.

Kan ons net duidelikheid kry nou. U het mnr. Pienaar genader by wyse van 'n brief en 'n skrywe en voorleggings en dié soort van ding. U het laas in 1983 die raad genader, die gemeenskapsraad? -- Ja, die ou raad.

Was dit aan die begin, die eerste helfte of die tweede helfte van 1983? As u nie kan onthou nie sê u net u kan nie onthou nie. -- Nie met sekerheid nie, maar as ek reg is was dit om en by die einde van 1983.

MNR. FICK : Ek wil hê u moet asseblief kyk na BEWYSSTUK (20) W32 volume 6 bladsy 16. Dit is 'n SASPU National van Desember 1984. U sal sien die boonste deel gaan oor Soweto en die onderste deel is daar "Cape - the problem is political." -- Ja, wat daarvan?

In hierdie artikel is 'n onderhoud met iemand van die Western Cape Civic Association. Daar word gesê in die eerste paragraaf na die vraag gevra is "How does the Western Cape Civic Association work. The Western Cape Civic is a unitary organisation with branches for zones all over the Western Cape African townships in Langa, Nyanga, Guguletu, Nyanga extension (30) Crossroads/...

Crossroads, Worcester and Paarl. Each zone has an elected committee of sixteen people and they in turn elect representatives to sit on the civic co-ordinating council; that the zones are run through all sorts of meetings, mass meetings, street meetings and educational workshop. We also have an annual general meeting for the civic as a whole." -- Ja, dit is so. Daar word 'n algemene vergadering gehou elke jaar.

HOF : Is dit korrek dan dat die Western Cape Civic Association is 'n organisasie vir swartmense? -- Ja, dit is so.

MNR. FICK : En is dit so dat julle, die Western Cape Civic Association werk deur massavergaderings, straatvergaderings en opleidingskursusse? -- Ons het nog nie 'n massavergadering gehad te Zweletemba nie. (10)

Ek wil hê u moet kyk na dieselfde bladsy, die derde kolom die tweede laaste paragraaf onder die opskrif "Of what victories would the Western Cape Civic be proud." Daar word gesê "Also we managed to fight the community councils very effectively throughout the boycott of elections. Counsels are very weak here." -- Ja, ek sien dit, maar ek sal nie daarop kan antwoord nie. (20)

Nee, maar is dit nie so nie, u as deel van die Western Cape Civic Association se strategie was om teen die raadstelsel te werk ook in Zweletemba?-- Die rede hoekom daar nie samewerking was tussen ons en hierdie raadslede nie was omdat hulle nie daarin geslaag het of nie in staat was om ons klagtes uit te voer dat daar iets gedoen moet word aan dit waaroor ons gekla het nie. Sedert 1979 tot en met 1982 het hierdie liggaam bestaan en daar is niks wat gevorder het nie wat hulle uitgevoer het nie. Daar was nog nie werk vir mense gewees nie, nie huise nie, geen verandering van toestande/... (30)

toestande in die lokasie nie, die strate was nog net dieselfde. Ons woon nog op presies dieselfde manier waarop ons was voor die stigting van die liggaam.

HOF VERDAAG.

HOF HERVAT.

MIRIAM VUYISWA MOLELEKI, nog onder eed

VERDERE KRUISONDERVRAGING DEUR MNR. FICK : Ons is nog besig met BEWYSSTUK W32 bladsy 16 op dieselfde bladsy. Die tweede kolom die tweede paragraaf die twaalfde reël van bo af. "In the campaign against the Koornhof bills the townships realised these acts affect the whole community. Our first meeting (10) was attended by two thousand people who took a decision to reject the bills. They demanded a government which would enshrine the principles of the freedom charter." --Ja, ek hoor dit.

Ek stel aan u hieruit is dit weer eens duidelik dat u in die Western Cape Civic Association het 'n aktiewe kampanje gevoer teen die raadstelsel en u het beoog om die hele regeringstelsel te vervang met 'n stelsel wat in die "freedom charter" verkondig word? -- Dit is nie so nie.

U as 'n bestuurslid van die Western Cape Civic Association in Zweletemba het seker geweet van die besluite en beleid van u hoofkantoor? -- Dit is so.

En julle het geaffilieerd gebly? -- Dit is so, ja.

Ek wil u na 'n volgende dokument verwys. Dit is BEWYSSTUK W47 in volume 8. Dit is 'n UDF Nuus van Augustus 1984. Die laaste bladsy van die dokument.

HOF : Wat is die erkenning ten aansien van die dokument?

MNR. FICK : UDF kantore, Johannesburg. Op hierdie laaste bladsy, dit is die derde kolom - ek is jammer, ekskuus, eers die tweede kolom die heel laaste paragraaf "Daar was ook (30) entoesiastiese/...

entoesiastiese UDF vergaderings op Upington, Vredendal, Kimberley, Swellendam, Touwsrivier, Robertson, Worcester en Beaufort-Wes. Al die vergaderings was gekenmerk deur die eenheid van ons mense, jonk en oud, kleurling en 'African' het bymekaar gekom? -- Dit was 'n vergadering wat in 'n kleurlinggebied gehou was.

En was u daar? -- Ja, ek het die vergadering bygewoon.

Namens watter organisasie? -- UWO.

Kan u vir ons 'n datum gee, wanneer was hierdie vergadering? -- Ek kan nie die datum onthou nie, ook nie die maand(10) nie.

Wie het hierdie UDF vergadering gereël in Worcester? -- Toe ons daar gekom het, het die kleurlinge gesê dat hulle dit alreeds gereël het. Eintlik was dit in die kleurlinggebied.

Maar kyk, u het namens UWO gaan praat. Iemand het u tog uitgenooi na hierdie vergadering toe? -- James Issel en Peterson.

Waaroor het hierdie vergadering gehandel? Wat was die tema van die vergadering? -- Dit het gegaan oor hierdie verkiesing wat gehou sou word wat die indiërs en kleurlinge (20) toegelaat het om aan deel te neem sonder dat ons die swartmense daar in ag geneem word.

Die vergadering was 'n protesvergadering teen u namens UWO en die ander mense wat daar was, moes gaan protesteer daarteen? -- Ja, want ons as vroumense van Zweletemba in hierdie organisasie van UWO het beoog dat ons ook toegelaat moet word om deel te neem aan hierdie verkiesing sodat ons klagtes ook aandag kan geniet, want ons klagtes het nie verder gegaan as die raadslede of die administrasieraad nie. Die doel dan van hierdie vergadering was om hierdie klagtes(30) van/...

van ons verder te kan uitvoer na die hoogste gesag.

Wie het die Western Cape Civic Association op hierdie UDF vergadering verteenwoordig? -- Abel Dlikilili en Sebiko.

Dit is nou Harris Sebiko wat ons nou van praat? -- Ja, dit is so.

En COSAS, was hulle ook verteenwoordig by hierdie UDF vergadering? -- Ek het nie opgelet nie.

Dan nog steeds in hierdie selfde bewysstuk, dieselfde bladsy van W47 die heel laaste kolom die heel laaste paragraaf onder 'n foto word daar gesê "Boland afgevaardigdes by die (10) UDF plattelandse konferensie te Worcester. Meer as veertig plattelandse gebiede was teenwoordig." Wanneer was hierdie UDF konferensie gehou in Worcester? -- Ek weet nie daarvan nie. Ek kan nie nou wat ek hier staan daarvan onthou nie.

Kan u glad nie onthou dat daar 'n konferensie van veertig plattelandse gebiede in Worcester was nie? -- Wanneer was hierdie ding? In 1983 of wanneer?

Ek weet nie, maar al wat ek vir u kan sê is, dit was gerapporteer in Augustus 1984 se UDF Nuus? -- Dit was gedurende 1984 toe ek weg was van Worcester af vir 'n tydperk van (20) twee maande. Ek was in die Transkei gewees waar ek met verlof was. So, ek kan nie sê of dit nou miskien plaasgevind het tydens my afwesigheid van Worcester af nie.

U het in u hoofgetuienis getuig dat u in die Western Cape Civid Association het briewe geskryf aan die raadslede waarin u gevra het om die raadslede te ontmoet en dan het hulle geweier en dan het u weer briewe geskryf aan mnr. Pienaar en gevra om met hom te praat? -- Dit is so.

Watter jaar het julle hierdie briewe geskryf aan die raadslede wat hulle geweier het om julle te ontmoet? -- (30)

Dit/...

Dit was in 1983 en 1984.

U weet in 1984 was mnr. Badi 'n raadslid en ek het hom hieroor gevra en hy het dit ontken en gesê dit is leuens, daar is nie so iets nie? -- Ek sal nie kan sê of dit in sy tyd was wat hy op die raad gedien het - die plaaslike raad nie, maar ek onthou daarvan dat ons 'n brief geskryf het aan die ou raad wat bedank het asook aan die nuwe raad.

Weet u daarvan dat Matthews Kapa en Shepard Matshoba het voor 1984 - was hulle lede van sogenaame "council committee" wat saam met die raadslede gewerk het? -- Nee, (10) hulle het nie saam met die raad gewerk nie. Nie voor 1985 nie. Die eerste keer wat hulle gekies was, was in 1985 toe die predikante van Zweletemba met die boodskap teruggekom het van die dorp af dat daar 'n versoek gerig is deur die mense in die dorp dat mense gekies moet word wat Zweletemba sal K1301 verteenwoordig. Daar was toe 'n vergadering geroep in 1985. Nee, dit was 1986, jammer. Dit is waar die mense besluit het op vyf lede van die "civic" as verteenwoordigers van die gemeenskap wat die probleme betref. Dit was nie gesê dat die mense, dit wil sê die gemeenskap die vyf mense (20) moet kies nie, maar dit was in die saal gewees waar die gemeenskap besluit het op die vyf en toe die vyf persone gekies het as verteenwoordigers. Hulle was toe die verteenwoordigers gewees van daardie tyd af. Voor dit, nee.

Ons sal dit nou net duidelik kry. Is dit so toe hierdie vergadering plaasgevind het waar u van praat waar die vyf verteenwoordigers aangewys is, was daar meer as 'n jaar lank nie meer raadslede wat aktief was in Zweletemba nie? -- Dit is so, ja.

Toe word hierdie twee persone wat u van gepraat het (30)

Kapa/...

Kapa en Shepard Matshoba gekies saam met drie ander? -- Ja, dit is so. Eintlik was hulle sewe.

Die ander persone wat ook gekies is op hierdie komitee, was hulle ook lede van die Western Cape Civic Association? --Nee, dit was onderwysers gewees.

Wie was die voorsitter van hierdie komitee wat gekies is?

HOF : Stel ons belang in wat in 1986 gebeur het? Dit is nou meer as ses maande buite die akte van beskuldiging?

MNR. FICK : Net om aan te dui wat uiteindelik gebeur het (10) na die - die staat se betoog sal wees dat hulle het gewerk vir die tot niet gaan van die administrasieraad ... (Hof kom tussenbei)

HOF : Hierdie dame was nie eers lid meer van die "civic" op daardie tydstip nie.

MNR. FICK : Dit is so. Eintlik net om aan te toon hulle het in wese die administrasieraad oorgevat, maar ek sal dit daar laat. U het in u hoofgetuienis ook getuig toe u gevra is wat is die verhouding tussen UDF, UWO en Western Cape Civi Association het u gesê die UDF is daar om u in (20) Zweletemba te ondersteun en u het u klagtes aan hulle oorgedra wat hulle weer moet oordra aan die outoriteite, het u dit genoem. Het u enige klagtes van UWO of Western Cape Civic Association wel oorgedra aan die UDF wat u van weet? -- Ja, daar was klagtes wat oorgedra was.

Uit u eie kennis, het u self enige klagtes aan UDF oorgedra? -- Daar was spesiale lede gewees wat gekies was om hierdie klagtes oor te dra aan UDF. Ek was nie een van hulle nie.

Weet u uit u eie uit of UDF enige van u klagtes (30)

opgeneem/...

opgeneem het of iets daaraan gedoen het? -- Volgens my waarne-
ming, ja, daar was, want die volgende ding het end gekry,
naamlik dat jy nie meer gearresteer was as jy 'n mens gaan
besoek het by die enkelkwartiere van die hostel nie en dit
het nie meer gebeur dat 'n mens gearresteer word indien 'n
persoon besoek afgelê het by die enkelkwartiere of waar jy
jou man besoek het nie en hierdie ding dat ons nie by die
fabrieke in diens geneem mag word het tot 'n end gekom. Ons
was in diens geneem by die fabrieke. Op die huidige oomblik
werk ons nou by die fabrieke. Daar is huise wat nou gebou(10)
word waarin die mense bly. Daar is 'n kleuterskool wat nou
bestaan. Daar is sekere dinge eintlik wat hulle begin het
na die klagtes deur die organisasies.

ASSESSOR (MNR. KRUGEL) : Ek verstaan nie mooi nie, bou die
UDF die goed? -- Volgens ons het die UDF het die gesag genader
om hierdie dinge reg te kry. Die dinge word gedoen deur die
persone in beheer van die gebiede.

MNR. FICK : Uit u eie kennis uit, weet u of die UDF enige
gesag genader het om dit gedoen te kry? Net ja of nee? --
Toe ons gesien het dat daar sekere dinge reggestel word, (20)
het ons aanvaar dat die UDF met die hoë gesag gaan praat het.

HOF : Het daar 'n verandering in regeringsbeleid gekom wat
betref die permanentheid van swartes in die Wes-Kaap? -- Ja,
ons is nou daar permanent. Byvoorbeeld elkeen wat daar gebly
het vir meer as tien jaar, het die reg om daar te bly.

En van wanneer af geld dit? -- Van 1985 af.

En van wanneer af het hierdie veranderinge ingetree? --
In 1986.

MNR. FICK : U het ook in u hoofgetuienis getuig dat in Junie
1984 was daar 'n openbare vergadering gehou in Zweletemba (30)

waar/...

waar die mense die raadslede na toe uitgenooi het. By hierdie vergadering het julle die raadslede gevra wat het geword van al die huise wat hulle julle belowe het?

HOF : Wanneer was dit?

MNR. FICK : In Junie 1984 by 'n openbare vergadering soos hy gesê het in die "civic hall" in Zweletemba? -- Dit is so, ja.

Wanneer sou die raadslede hierdie beloftes aan julle gemaak het oor die huise? -- Sedert 1979 toe hulle vir die eerste keer daar bestaan het as raadslede. Toe het hulle(10) ons belowe dat hulle dit vir ons gaan reg maak.

Hierdie raadslede wat julle nou konfronteer is in hierdie selfde jaar 1984 eers gekies. Hulle weet nie van 1979 se beloftes nie?

MR TIP : I object to the way that is put. There is evidence that some of the councillors on the previous council were on the new one as well.

MNR. FICK : Vyf van die sewe raadslede wat julle daar gehad het op die vergadering was genomineerdes wat in 1984 eers genomineer is? -- Ja, hulle was net bygesit. Daar was nie(20) verkiesings gehou nie, maar daar was net addisionele mense by die bestaande raadslede gesit.

En u wou toe gehad het hulle moet aan u verduidelik in verband met die beloftes van die huise? -- Wat gebeur het, is dat by die vergadering, die addisionele lede wat genomineer was, het vir ons gesê dat hulle nou genomineer is en wie hulle is en in watter hoedanigheid. Hulle het ook beloftes gemaak soortgelyk aan daardie beloftes wat die vorige mense gemaak het en toe vir ons gesê dat hulle daardie beloftes sal voldoen aan.

(30)

Badi/...

Badi was een van die manne wat hierdie beloftes gemaak het? -- Ja, hy was ook 'n lid van daardie klomp.

Wat die beloftes gemaak het? -- Ja.

'n Ander aspek, weet u van enige groep wat daar rondgeloop het in die woongebied na September 1984 met 'n kis en vir die raadslede gesê het dit is hulle kis en die raadslid sal daarin begrawe word?

HOF : Doodskis?

MNR. FICK : Doodskis? -- Ek weet nie daarvan nie.

Dan het ons die verdere getuienis dat die raadslede (10) se huise met klippe gegooi is in 1984. Weet u daarvan? -- Daar is nie so iets nie.

Die vergadering van 18 September 1984, was u op daardie vergadering? -- Nee, ek het nie daardie vergadering bygewoon nie.

Die persoon Badi, ken u hom goed? -- Ek ken hom. Hy is 'n inwoner van Zweletemba.

Is dit so dat Afrikaans word daar algemeen gepraat in Worcester distrik en baie swartmense kan Afrikaans praat? -- Nee, nie in die lokasie nie. (20)

ASSESSOR (MNR. KRUGEL) : Dit is nou nie duidelik wat u bedoel nie. Bedoel u dat daar word nie Afrikaans in die lokasie gepraat nie of bedoel u dat die swartmense in die lokasie kan nie Afrikaans praat nie? -- Die meeste van die mense in die lokasie kan nie Afrikaans praat nie, want Afrikaans word nie in die lokasie gepraat nie.

HOF : U het die vorige vraag van my assessor baie goed verstaan, want u het begin antwoord voordat dit getolk is. So, u ken Afrikaans goed? -- Ja, ek verstaan Afrikaans hier en daar, want ek het in De Doorns groot geword. (30)

Op/...

Op watter plaas? -- Op die spoorwegterrein daar. Daar was huise op daardie plek.

MNR. FICK : Is dit so dat die Western Cape Civic Association en UWO se doel met hulle affiliasie by UDF was om deel te neem aan die "united" aanslag, verenigde aanslag om die swart plaaslike besture en die grondwet verander te kry. Is dit reg? -- Dit is nie so nie.

Vir watter doel het u dan aangesluit by UDF? -- Ek het al vroeër gesê dat omdat die UDF gesê het dat hulle in staat is om probleme na die hoogste gesag te neem, het ons toe (10) met die probleme wat ons gehad het by UDF aangesluit, geaffilieer.

h Ander aspek, u seun was in 1984 op skool gewees. Is dit reg? -- Watter skool?

Vusisizwe? -- Ek het nie h seun gehad te Vusisizwe skool nie. Ek het wel h dogter gehad.

Is dit so dat by hierdie skool Vusisizwe was h organisasie van skoliere? -- Ek weet nie wat daar by die skool plaasvind nie.

Het u nog nooit gehoor van h organisasie met die naam(20) van COSAS nie? -- Ek het daarvan gehoor, maar ek het nie juis veel ag geslaan daarop nie, want dit was die kinders se organisasie.

Is dit soos u gehoor het h organisasie vir kinders by Vusisizwe? -- Ek het net gelees van die koerantberigte en ook gehoor van mense dat dit bestaan by skole, maar ek het nie h goeie idee van wat presies gebeur het nie, want ek het nie eintlik belang gehad om verder te weet van hierdie organisasie nie.

Het u dogter u niks daarvan gesê nie? -- Niks aan my (30) gesê/...

gesê daaromtrent nie.

HOF : In watter standerd was sy in 1984? -- Dit was haar eerste jaar te Vusisizwe na die hoër primêre skool. Sy was jonk. Sy was omtrent 13.

MNR. FICK : Is dit ook so dat mense van Zweletemba is met h bus na hierdie begrafnis van Matthew Goniwe in Cradock? -- Dit is so, ja.

Is u self saam? -- Nee, ek het nie gegaan nie.

Het iemand van UWO gegaan? -- Daar is van die mense wat gegaan het. (10)

Die bestuur? -- Ja, daar was.

En het van die bestuur van die Western Cape Civic Association in Zweletemba gegaan? -- Daar was mense gewees te Worcester wat familieledede was van Goniwe. So, hulle is die mense wat gereël het dat daar h bus moet wees wat die begrafnis bywoon. Ek neem aan daar was mense gewees wat van die bestuur van Western Cape Civic Association was wat ook gegaan het met die bus, maar hulle was nie afgevaardig deur die organisasie nie. Hulle was nie gevra om te gaan deur die organisasie nie. Hulle het net op hulle eie gegaan. (20)

Is die weergawe nie h bietjie anders nie. Daar is h bus gereël van Kaapstad deur UDF en hy het mense orals opgelaai en hy het mense in Worcester en die afgevaardigdes ook daar opgelaai vir hierdie begrafnis van Matthew Goniwe en twee ander in Cradock? -- Hoe die familieledede van die oorlede Goniwe daar gereël het dat daar h bus in Worcester gaan wees om die begrafnis by te woon, weet ek nie. Wie dit gereël het namens hulle weet ek nie, maar wat ek vir die hof kan sê is, die bus het direk vanaf Worcester vertrek na die begrafnis toe. Dit was nie h bus wat draaie gegaan het van ander plekke (30)

af/...

af en na Worcester toe gekom het nie, maar dit was 'n bus gewees wat bedoel was vir enigeen, nie noodwendig mense wat afgevaardig was deur die Western Cape Civic Association nie, maar enigeen wat die begrafnis wou bygewoon het.

Het Matthews Kapa nie ook die begrafnis gaan bywoon nie? -- Ek weet nie of hy die begrafnis bygewoon het of nie. Al wat ek vir die hof kan sê is, daar was mense gewees wat die begrafnis bygewoon het. Of hy nou een van hulle was, weet ek nie.

En is u seker u was ook nie daar nie? -- Wanneer was dit?
(10)
Watter jaar?

Julie 1985? -- Ek kan nie onthou of ek wel gegaan het of nie, want ek was nie heeltemal gesond gewees nie. Ek kan nie vir die hof met sekerheid sê of ek hierdie begrafnis bygewoon het nie.

Nee, hoe kan u nou nie sê u was Cradock toe vir 'n begrafnis nie? Dit was 'n baie groot begrafnis. Daar was duisende mense en daar was drie mense begrawe. Dit is Matthew Goniwe, Sparrow Mkhonto en 'n derde persoon wie se naam my nou ontgaan het, maar hulle was drie. -- Ja, ek onthou. (20)

U was daar? Is dit reg? -- Ja, ek neem aan dit is so.

Dit was die begrafnis waar eerwaarde Allan Boesak ook gepraat het? -- Ek kan nie so goed onthou nie. Soos ek sê, ek onthou so vaag. Daar was baie mense gewees en ek was nie gesond nie. Nou ja, my geheue is nie so goed nie.

En u was by die graf gewees, u was by die saal gewees? -- Nee, dit was nie in die saal gewees nie. Dit was sommer daar buite in die oop plek. Ek het nie daar gaan staan nie. Ek het in die bus gaan sit.

Daar was baie toesprake gemaak deur onder andere (30)

Boesak/...

Boesak en ander blankes? -- Ja, dit kan wees dat dit so is.

Daar was baie baniere gedra. UDF se banier was daar, CRADORA die "civic" van Cradock was daar baniere van gewees. Is dit reg? -- Ek het dit gesien, ja, maar ek kan nie onthou on watter omstandighede nie.

Is dit nie so nie, daar was nog ander baniere ook wat u gesien het? U het die ANC se banier daar gesien en die SA Kommuniste Party se banier ook daar gesien? -- Omdat ek nie belang gehad het by hulle nie, kan ek niks verder as dit sê nie, dat ek dit wel gesien het, maar ek het net nie (10) belang gehad in hulle nie.

Is dit so toe eerwaarde Boesak en die blankes gepraat het, het hulle gepraat en reg agter hulle was die ANC en die rooi vlag van die Kommuniste Party? -- Ek het hier vir die hof gesê al was hulle daar gewees dat ek dit gesien het, het ek net nie belang gehad in hulle om dit verder te kan beskryf nie.

En as u dit sien sal u dit beter onthou as ek vir jou dit wys. -- Ek sal dit kan onthou, maar daar is niks wat ek kan doen nie, want ek het eintlik nie belang by hulle nie. (20)

Hoekom ek vir u hierdie dinge vra is omdat u 'n stelling loop maak het in u hoofgetuienis dat van die stigting van UDF tot later het u nooit ooit geweet van enige sameswering tussen UDF en ander organisasies nie?

MR TIP : The evidence-in-chief is led in relation to the period of the indictment. Cross-examination has now continued in relation to events that fall outside the indictment.

COURT : I thought we were in July 1985. That is the indictment still. The indictment ended at April 1985 and was extended to July 1985. (30)

MR TIP/...

MR TIP : Only in relation to certain areas if I recall correctly.

COURT : I am not sure. You can address me on that.

MR TIP : I will have to look that up.

COURT : You may be right, but I am not sure.

MR TIP : If that is so, on that basis we object to this as with the other evidence concerning that period.

COURT : You cannot object if it is so. You must give me "vers en kapittel".

MR TIP : Well, I will do that. I will address you on (10) this.

COURT : Until you address me on, the question is allowed.

MNR. FICK : U edele, die staat is in besit van 'n video-opname wat gemaak is van hierdie begrafnis en die staat wil dit graag aan die getuie toon dat sy kan antwoord.

COURT : Does the objection stand? Dan moet ons hom nou eers uitmaak.

MR TIP : Yes, I wonder, if it is going to be a matter that has to be explored in depth with videos.

COURT : Well, it is clear that we are going to be shown (20) a video and it will go in as an exhibit eventually it seems.

MR TIP : Yes.

COURT : Well, what does the indictment say? The amended indictment?

MR TIP : Might I have a brief adjournment to assemble the various pieces?

COURT ADJOURNS. COURT RESUMES.

MR TIP : Perhaps it might abbreviate my address to your lordship if I were to refer your lordship immediately to volume 108 of the record where Sergeant Labuschagne was (30) giving/...

giving evidence and at page 5 364 Mr Fick who was leading the witness raised the question of the person Sparrow Mkhonto and went on to deal with the events of the funeral at Cradock on 20 July 1985. Your lordship will see on line 22 of that page Mr Bizos, who was in court on that day, said "Is this within the period of the indictment?" and Mr Fick went on to say "Nee, maar die staat voer aan dat hierdie getuienis toelaatbaar is" and he sets out a basis. Discussion followed and your lordship will see on page 5 367 at the foot of that page and 5 368 from line 28 on page 5 367 your lordship (10) ruled as follows "Daar is 'n sekere mate van wydte wat feite betref wat buite die akte loop. Daarmee gaan ek saam. 'n Mens kan nie spesifiek elke ding beweer in 'n akte van beskuldiging nie, maar as ek u toelaat om hier buite die akte te loop, dan loop u nog 'n maand later volgende keer en ons is aan die begin van 1986 en netnou is ons aan die einde van 1986 en ons lei daardie feite en waar gaan die saak heen? Die getuienis word nie toegelaat nie." I might just add to that that it is clear from paragraph 50 on the indictment onwards where the state regularly sets out that it is concerned (20) with the period 20 August 1983 until the end of April 1985, including paragraphs like 66 where material allegations are made about the co-ordination performed by officials of the UDF. So, it pegs itself to that period. Now, the question of July 1985 came up - an amendment was granted which your lordship will find in volume 34, I think it is at page 1 508 where a specific amendment was granted. Your lordship will find that on line 26 of page 1 508. Page 77 of the further particulars paragraph 5 Tsakane the words and COSAS are added. We indicated and the date is changed to "Oktober (30)

1984 tot Julie 1985." That is the only occasion that I am aware of that I can recall now where the indictment was specifically run out to include July 1985. So, I would submit on the strength of the general formation of the indictment and in particular your lordship's ruling on the very same issue made on 12 June 1986 in the evidence of Sergeant Labuschagne to which I have referred your lordship that there is no reason at all why a similar ruling should not be made at this stage and I therefore sustain my objections on those grounds. (10)

MNR. FICK : Twee aspekte. Eerstens het die verdediging in volume 107 en daarna weer in kruisondervraging na hierdie begrafnis en onder andere 'n punt daarvan probeer maak dat hierdie persone wat daar oorlede is, Goniwe, is vir die hof se gerief is 'n organiseerder van UDF. U sal dit vind in BEWYSSTUK W51. Die bladsye is nie genommer nie, maar op die sewende bladsy onder die opskrif "elections", volume 8. Die verdediging maak 'n punt daarvan onder andere dat hierdie persone het openbare verklarings gemaak voor hulle dood dat hulle teen geweld is en dit is aan die getuies gestel en (20) dan ook verder is oor die begrafnis gestel ... (Hof kom tussenbei)

HOF : Wag net so 'n bietjie. U sê die verdediging het daarvoor gaan kruisvra in volume 107, maar die beswaar is gehandhaaf in volume 108.

MNR. FICK : Die argument is dat die verdediging het gekruisvra daarvoor. Daar is sekere stellings wat hulle gemaak het en op rekord geplaas het oor hierdie begrafnis. Toe het die hof sy reëling gemaak. Daarna het hierdie getuie kom getuig sy was tot Julie 1985 nog lid van hierdie organisasie (30) en/...

en is daar aan haar gestel dat hierdie organisasies het gereis na Cradock to waar hierdie organiseerder van UDF begrawe is. Wat die staat wil aantoon deur middel van die video is dat daar UDF baniere is, Kommuniste Party se baniere is en ANC se baniere is ... (Hof kom tussenbei)

HOF : Al die goed het sy nou al erken?

MNR. FICK : Ja.

HOF : Nou wat meer?

MNR. FICK : Hulle is as 't ware begrawe, die kiste is gedrapeer in hierdie vlae en daar is gesing van Umkhonto (10) we Sizwe en dit is die staat se argument dat hierdie getuie is ongeloofwaardig as sy vir hierdie hof kom sê onder andere dat vandat UDF gestig is waar sy op die vergadering was en op geen stadium daarna het sy ooit bewus geword van enige sameswering tussen die ANC en UDF en die SAKP nie. Nou wil die staat aantoon dat op hierdie begrafnis was sy bewus daarvan, sy moes dit gesien het, sy het gesien wat hier aan die gang is, moes sy bewus geword het hier is 'n sameswering aan die gang. Sy kan nie 'n stelling maak soos sy gemaak het nie. Ek doen aan die hand op hierdie basis is die video (20) toelaatbaar. Ek kan miskien net meld. Hier is 'n verandering in die omstandighede wat vroeër geheers het. Hier het die verdediging positief kom getuig dat daar is nie so 'n sameswering nie, na hierdie bevinding van die hof, hier is iets anders.

HOF : Almal het nog gesê daar is geen sameswering nie. So, dit is niks nuuts nie. Dit is geen nuwe feit nie. Dit is van die begin af so dat daar gesê was daar was geen sameswering nie.

MNR. FICK : Nuwe feit in die sin dat hier is 'n getuie wat(30)

op/...

op hierdie begrafnis wat bewus moes gewees het van dit is nie reg nie, die waarheid moet sy vir die hof vertel.

MR TIP : I reiterate the grounds on which the evidence-in-chief was led that it is a function of the period of the indictment and that my learned friend's contention that a funeral outside that period can now be put before your lordship in any way in order to establish the conspiracy alleged within the period of the indictment, that that evidence is not admissible.

COURT ADJOURNS.

COURT RESUMES.

UITSpraak/...

Lubbe Opnames/Pta/MCL

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA
(TRANSVAALSE PROVINSIALE AFDELING)

PRETORIA

1988-04-18

DIE STAAT

teen

PATRICK MABUYA EN 21 ANDER

UITSPRAAK OP TOELAATBAARHEID VAN VIDEO

VAN DIJKHORST, R. : Tydens die kruisondervraging van hierdie (10) getuie deur mnr. Fick het mnr. Tip beswaar gemaak teen die feit dat mnr. Fick 'n video van 'n sekere begrafnis in Julie 1985 in Cradock aan die getuie wou toon. Die agtergrond van hierdie beswaar moet gesien word teen 'n beswaar tot 'n mate soortgelyk wat gemaak is toe mnr. Fick getuienis wou lei van getuie Labuschagne oor hierdie besondere begrafnis. By daardie geleentheid het ek bevind dat daardie getuienis buite die beperkinge van die akte van beskuldiging val en ek het geweier om dit toe te laat. Die saak is daarby gelaat en die staat het dit nie goed gedink om 'n wysiging van sy akte (20) van beskuldiging aan te vra ten einde die tydperk wyer te laat strek nie.

Die doel waarom hierdie video aan die getuie getoon moet word is oënskynlik om die geloofwaardigheid, soos mnr. Fick dit stel, van die getuie te toets, want, so beweer mnr. Fick,
die/...

UITSpraak OP TOELAATBAARHEID VAN VIDEO

(Bladsye 22 089 en 22 090 gestuur vir
nasien)

die getuie het ontken dat sy enige kennis dra van 'n algemene sameswering waarby die UDF, sy geaffilieerdes, die ANC en die SAKP betrokke is en hierdie video sou dit dan nou bewys omdat die video sekere vlae van die ANC, sekere liedere van die ANC en dies meer sou toon wat by die begrafnis ter sprake was.

Soos ek die saak sien probeer mnr. Fick inderdaad om by die agterdeur in te kry wat hy nie by die voordeur kon inkry nie. Met ander woorde, besonderhede van hierdie begrafnis voor die hof te plaas, nie hoofsaaklik om die getuienis (10) van hierdie getuie wat betref geloofwaardigheid te toets nie, maar om die gegewens voor die hof te plaas ten einde moontlik later te vra dat die hof sekere afleidings daarvan maak. Dit is miskien met 'n bietjie verbeelding moontlik om te sê dat daar tot 'n mate 'n punt gemaak kan word op geloofwaardigheid sou die video op een of ander wyse die saak 'n bietjie verder voer as wat die getuie alreeds gesê het. Dit kan ek op hierdie stadium nie beoordeel nie, maar wat vir my baie duidelik is is dat in hierdie besondere geval en wat hierdie besondere getuie betref, die nadeel van die video (20) vir die verdediging veel groter sal wees as enige voordeel wat die staat uit die video mag trek en ek bly by my reëling wat ek gemaak het toe die getuie Labuschagne getuig het en my bevinding is dat die video nie toelaatbaar is op hierdie stadium nie.

MIRIAM VUYISWA MOLELEKI, nog onder eed

MNR. FICK : Geen verdere vrae nie.

RE-EXAMINATION BY MR TIP : Mrs Moleleki, you were asked about a document EXHIBIT W32 en I would like just to refresh your memory. It was put to you earlier this morning on the strength of a passage on page 16 of that exhibit that the Western Cape Civic Association was concerned to establish a government based on the freedom charter? -- That is so.

That was put to you by my learned friend on the basis of a passage and I just want to read to you the passage that(10) follows it immediately. It is at the foot of column 2 and the question is there put "Is the freedom charter the program of the civic?" and it follows "It is not the program, but it is broadly accepted by the community. It is not our policy as we are not a political organisation as such, but it is broadly accepted." Can you tell his lordship whether the passage that I have just read to you does or does not reflect the policy as you understood it of the WCCA? -- I am not clear what the question is. Can you just repeat your question. (20)

COURT : Were you not merely informing me what the passage is?

MR TIP : Essentially, yes.

COURT : Which I had read, by the way.

MR TIP : I have no doubt about that. Could you tell his lordship whether when you were first consulted by the defence about giving evidence in this case it was before or after Warrant Officer MacDonald het completed his testimony here?

COURT : Would she know that when he gave evidence?

MR TIP : On the strength of presumably the consultation. (30)

I/...

I am sure she would not know the date.

COURT : Very well. -- It was after that.

How do you know that? -- When I was consulting with the attorneys one of them made mention to me that it is being said somewhere that I was present when there was a distribution of pamphlets or documents which thing I denied to him. That is what makes me say that.

MR TIP : Thank you, no further questions.

NO FURTHER QUESTIONS.

- - - - -

MR TIP : The next witness is Mr Elijah Moleko Tsagane. (10)
He is from Duduza.

ELIJAH MOLEKO TSAGANE, d.s.s.

EXAMINATION BY MR TIP : Mr Tsagane, you are a man of 35 years old, married with four children and a resident of Duduza? -- That is true.

Employed in the production control division of John Deere? -- That is also true.

Since when have you lived in Duduza? -- I lived in Duduza since 1974, when we moved from Charterstone township.

Were you for a certain period an office bearer on (20)
the executive of the Duduza Civic Association? -- Yes, I was the secretary of the Duduza Civic Association and a founder member too of that organisation.

COURT : Up to what stage were you secretary? -- From 1982 until 1984, mid 1984.

MR TIP : Do you recall approximately the month in 1982 that the civic association was formed? -- Yes, it was launched in - we formed it in October, but it was launched in November 1982.

Was there any particular reason that gave rise to the
formation/...

formation of the Duduza Civic Association? -- Yes. In 1982 there was a rent increase proposed by the Duduza Community Council and the people of Duduza rejected that increase. That was the first phase of a three-phase rent increase. The first one was R9,00. So, the people rejected it. That was about August/September 1982. So, up to that time when we launched the Duduza Civic Association there was a stale-mate because the councillors were not coming back as to what next to be done and the community on the other side was so much rejecting the increases that we felt we had to get inbetween(10) to try to bring the two together so that at least the service that was so much needed in Duduza, we could bring it about.

COURT : And the service was what? -- The rent increase was for the installation of sewerage system in Duduza.

Was there to be a progressive rent increase of R9,00 per month per year or what was it to be? -- It was going to be R9,00 for the first three months. The ultimate figure was going to be R22,00 but it was going to be done in three stages. So, it was going to be R9,00, R7,00 then R6,00.

R9,00, R7,00 and R6,00 three months, three months, (20) three months? -- Yes.

MR TIP : Can you tell his lordship whether there was a particular background to this proposed increase of R9,00 per month? -- Yes. I can start off by saying, in 1974 when we left Charterstone we were promised that we will be taken to Duduza where all the improvements will be made because we were complaining about sewerage, electricity and the tarring of streets in Charterstone. So, they said we should move to Duduza where they can do a joint venture because if we were still in Charterstone it will be costly, because(30) it/...

it will be two townships. So, they said we must move to Duduza where it will be one township. Then in 1974 the people agreed we move from Charterstone. I was still young then and we went to Duduza. Then after reaching Duduza nothing happened for that period 1974/75/76/77. Then in 1978 the community council called another public meeting at which they told the people that they wanted to increase the rent by R4,00. They said that was for the master plan to bring about some improvements in Duduza. Well, I was present in that meeting. People wanted to reject that increase (10) because of the promise of 1974, but ultimately after some discussions it was resolved okay the rent could be increased and the people would be prepared to pay because they needed those improvements to the township.

Could you tell his lordship without going into detail what were the improvements that were discussed at that meeting in 1978? -- The installation of sewerage system was one of them, electrification of the township and the tarring of the streets as well. May be the building of halls and libraries, things like that. (20)

COURT : You would get all that for R4,00? -- That was the master plan,

But a master plan is merely a plan. That is a scheme how things are to be brought about. Was it said that you would get all these things for R4,00? -- Well, that is initially what they had thought of, because they said they might come back with proper information but the R4,00 would cater especially for the installation of sewerage which was the priority there, because they even gave us the figures of installing the sewerage at about R2 million. (30)

MR TIP/...

MR TIP : And after the meeting in 1978, was the increase of R4,00 per month implemented in Duduza? -- Yes, that increase was agreed upon and implemented in 1978.

In the period 1978 to 1982 when the R9,00 increase was proposed, were any of those improvements executed in Duduza? -- Up to that time there was nothing done in Duduza yet, but the people were still paying that R4,00.

COURT : How many inhabitants does Duduza have? -- I could estimate it at about four thousand houses, but that is just a rough guess. It could be more. (10)

MR TIP : I would like you to go on to November 1982. You told his lordship about the launch of the civic association. Could you describe very briefly to his lordship the circumstances of that launch? -- Yes. On the day when the Duduza Civic Association was launched we applied for the use of the hall from the community council and we were told the hall was busy with something else. So, we decided to hold that meeting, the launch at a church, the Lutheran Church. We issued out the pamphlets as to what will be discussed there. In that meeting we introduced the interim committee of the (20) Duduza Civic Association and asked the people since we were just interim they could elect their own people who would take over the responsibilities but the people said they would take us to be their representative and we gave up all the objectives that we had in mind about the formation of the Duduza Civic Association.

What objectives did you tell the people of on that occasion? -- Since we realised that the community council was not calling meetings where people could air their grievances, we felt that the Duduza Civic Association would act (30)

as/...

as a bridge between the residents and the community council, so that whatever comes up in the community we can take over to the community council and the people on that day would give us their grievances so that we could take them over to the community council meeting and that is what the people did on that day. They gave us all the grievances they had and we promised to take them over to the community in a meeting we would request with them.

And if necessary, I am not going to ask you to detail them, you could tell his lordship what grievances were (10) aired by the people at that meeting? -- The first one ... (Mr Tip intervenes)

No, I am sorry, if necessary you could tell his lordship. I am not asking you to do that now. After that meeting, could you indicate please what steps the civic association took to carry out its task? -- After that meeting we - I wrote a letter as the secretary. I wrote the letter to the community council asking to meet them to discuss with them the grievances of the people as given to us and the community council responded quite favourably and very quickly and (20) very soon they called us to their boardroom offices and we held a meeting with them where we would relate all these grievances to them.

I do not want you to give names, but could you just tell his lordship please what categories of persons were present at that meeting at the board offices? -- It was all the community councillors that were elected that I knew of. Mr Muller was also there and there was also an official from the higher body, that is the East Rand Administration Board.

What was the result of that meeting? -- In that meeting (30)

we/...

we gave the grievances of the people. The people were much concerned about the promise that was made in 1974 and another promise that was again made in 1978 when the rent was increased. Another grievance was that the community council should by all means try to call as many public meetings as possible where people could air their views and their grievances, because it had been apparent that the community council was not calling meetings frequently or they took a long time to call a meeting, except when they wanted to increase rent. So, in that meeting our propöals were taken and the community(10) council together with the East Rand Board said they would take over those grievances and take them to the Administration Board and they will call us back to give us a feedback as to what was the position.

Incidentally, did the civic association have a constitution? -- Yes, we had a constitution and when we met the community council we gave them a copy of our constitution. I think the administration board has got that copy.

After that meeting at the board offices, what did the civic association do? -- After that beautiful meeting in (20) the community council chambers we told the community council we would like to call a public meeting where we could give a report back to the people. So, they said we should apply for the hall. We applied but unfortunately the hall was occupied for that day. We used the Dutch Reform Church where we gave a report back to the people that the community council has promised to do something about their grievances and they would call us to a further meeting where they would give us a feed back.

During the time that you were secretary of the civic (30)
association/...

association, did the civic ever hold meetings in the community hall? -- Yes, we had several meetings in the community hall. I used to apply for the use of the hall.

During your term, did the civic association ever use that hall after booking through any other organisation's name or through taking the hall by intimidation? -- No, we never used that because every time we applied, if they said no, we used the church halls. We had no problems, but in most cases when we applied and it was available, they gave it to us. (10)

After the public meeting that you have just described to his lordship, did the civic association hold any further meetings at the board offices? -- Yes. We were called back to report back on what the East Rand Administration Board was saying about those grievances. So, the issue of the R9,00 also was discussed there and they told us that there was nothing the administration could do. They had no money. So, if the people of Duduza wanted the service of the sewerage, they just had to pay that money. So, we realised that we could probably put in some suggestions on our own. So, we (20) proposed to the administration board that since the people were complaining that they were not owners of those houses but tenants in those houses, we felt we proposed to the administration board to rather sell those houses and may be include the costs of installation of the sewerage or whatever improvements they wanted into the cost of the houses when they sell them. So, the administration board took that proposal and they said they will call us back again to tell us the outcome with the higher authorities.

Did they call you back? -- Yes, they did call us back (30) again/...

again fortunately and when we came there they told us that the higher office - the higher authority was rejecting that proposal, that the only way to implement that sewerage system was for the rent to be increased. So, it was rejected - our proposal was rejected on that day.

COURT : When was all this? Was all this in 1983 still or was it in the beginning of 1984? -- In 1983.

All that you testified to was in 1983? -- In 1983 still.

MR TIP : Did the civic association thereafter call a public meeting? -- Yes, every time we met with the community (10) council we used to make a report back to get the people's views about what is being said. So, even in this instance we went back to the people and told them that we proposed to the administration board to sell their houses and the people were happy about it, they said we might be in a position to do it if we are owners of the houses. So, that was our second meeting with the community council that I can recall.

Did you report back to the residents the result when the community council or board said that they were not able to adopt your proposal about the selling of houses? -- (20) Yes, we went back to the people and told them, but the people were adamant that they were not going to pay the R9,00 increase. So, they said if the board does not have another solution to the problem, they they would not pay the R9,00, they would rather stay without that sewerage system.

It has been suggested here that it was tht Duduza Civic Association that made the people of Duduza feel negative about the R9,00 increase and the master plan. What do you say about that? -- That is not true, because the rent was increased, the proposal was made in about August/September if I remember (30) well/...

well and the Duduza Civic Association was only formed in November. That is about three months after the proposed rent increase and the people had refused to pay the money by then. So, when we took over into the civic association we wanted to make sure that the people would may be compromise and pay something towards the installation of the sewerage, but they had rejected it outright when the proposal was first introduced. Duduza Civic Association only came afterwards when the people had rejected it.

Do you recall whether there were any further meetings(10) at the board offices with the community council and board officials? -- Yes.

Can you tell his lordship more or less when that was as far as you can recall it now? -- I think it was about April.

COURT : 1984? -- 1983.

April 1983? -- Yes.

Was what? A meeting? -- Yes, we had another meeting with the administration board.

MR TIP : Can you tell his lordship please without going (20) into detail essentially what you conveyed to the councillors and officials on that occasion? -- Yes, we had seen on the articles in the newspapers that some townships were going to be put under village council others under community council. Duduza was one of the townships that fell under the village council and the people were moaning that they did not understand what that was. So, we asked for a meeting with community council so that we could explain may be what that meant and what the village council was all about. They agreed. We met again at the chambers. We discussed this issue and(30) they/...

they tried to give an explanation as to what that implied because it differed on the powers. We said the village council had more powers than the community council, but we did not specify what powers they were. On that day I remember we discussed an issue that appeared in the newspaper about the East Rand Administration Board financing a certain project at Nkangala of building houses. So, we asked the administration officers who were there and the community council together with Mr Muller as to what that money - why they took that money from the East Rand and took it to Nkangala.(10) If I remember well it was something to the tune of R42 million that was going to Nkangala.

COURT : Where is Nkangala? -- Somewhere in KwaNdebele. So, the people were much concerned about seeing that money was moving from the East Rand to Nkangala when actually we needed some improvements in our townships. Then it was stipulated at about R4 million for the installation of sewerage in Duduza.

You discussed this Nkangala project, the financing thereof by the East Rand Administration Board with the administration board. Is that right? -- Yes, there were some officials of the East Rand Administration Board.

With the council and the East Rand Administration Board. What was the answer? -- At first the officials tried to deny that they knew anything about it until one of the community councillors brought out that article in the newspaper and the officials said "Oh, well, we remember now, but that money we only acted as agents or conduits to pass that money through to Nkangala, but it is not the East Rand money. So, we wanted to know where that money came from. They would(30) not/...

not tell us where that money came from, but they insisted that that money, that they only acted as agents to push it through to Nkangala.

MR TIP : At that stage after this meeting, did the community council as far as you know hold public meetings in Duduza?
-- No, they never called any public meetings.

Did the civic association hold public meetings? -- Yes, after having reported back about what transpired in the meeting, as we normally did, we held other public meetings as a civic organisations of which I could quote probably(10) a few of them.

Perhaps if you could just very, very briefly indicate to his lordship the subject matter of the meetings that you can recall without going into any detail? -- Yes. We called a public meeting where we invited the social worker who was working in Duduza. Unfortunately she had just started working there and the people were not aware that she was there. So, we asked her to outline her duties at Duduza so that the people could know what to expect of her, because she also complained that she was just sitting there,(20) people are not coming for her assistance. We also called an insurance salesman to come and explain to the people as to how the insurance work and try to encourage people to take insurances. We also tried to get hold of a police officer, so that he could also come and explain what the police expected of the residents of Duduza with regard to help, but unfortunately the Department of Police did not respond positively to our request. Those are just a few I can remember.

These were meetings held whilst you were still the (30)
secretary/...

secretary? -- Yes, I was still the secretary then.

At any meetings of the Duduza Civic Association where you were present, was there ever any suggestion of violence against any persons or any property? -- No, there was never any indication of violence or instigation in our meetings. It was always quiet meetings, because we opened with a prayer, closed with a prayer. They were all good meetings as far as I can recall.

When the meetings came to an end, can you tell his lordship how did the meeting disperse? -- We either had (10) a prayer because the pastors in the church halls normally would be there to give a prayer or we used to sing Nkosi Sikilele e Afrika and thereafter we dispersed.

Was there any trouble after any of the meetings that you were present at? -- There was never any problem after any meeting that we held in Duduza.

I want to turn with you to the end of 1983 and the elections for the new council. Can you tell his lordship please whether the civic association took up any position concerning those elections? -- Yes. When the 1983 elections (20) were held, we encouraged the people to go and vote because the problem that we realised with Duduza community councillors was that some of the people who had been elected into office did not deserve to be there because they just kept quiet in whatever meeting we held with them. So, we proposed to the people that they should go to the votes so that they could vote the people they felt would do good for them and I think the voting pole in 1983 in Duduza was quite higher than the other years.

Did you personally vote? -- Yes, I voted on that day. (30)

Are/...

Are you aware of any campaign having been conducted against the councillors at the time of the election? -- There was never any campaign there. Everybody was free to go and vote and we encouraged people to do so.

As 1984 proceeded until the middle of 1984 could you tell his lordship please how vigorous a body the Duduza Civic Association was? Did it remain active? -- Up to the middle of 1984 - up to April 1984 the Duduza Civic Association was still an active organisation and we were holding public meetings, writing letters to the administration board if there was something we wanted to know and we requested for meetings (10) where we felt we needed some but most of them were turned down and up to 1984, mid 1984 the Duduza Civic Association was active, but after that it came a bit dormant for some reasons.

Just to make it clear on record. Did you then in the middle of 1984 resign as secretary of the civic association? -- Yes, I resigned in 1984 roundabout June/July because of some commitment at church and the realisation also that the Duduza Civic Association was becoming dormant because (20) most of its officials were like the chairman, he was moving out quite a lot. Sometimes taking three months. The treasurer also was doing the same job like the chairman and another guy resigned and went down to Secunda, he lived there, that was the assistant chairman and some other members also were retrenched from their jobs and I remember one active man, became an insurance salesman and he served the Bethal/ Ermelo district and could not attend the meetings. The organisation was slowly slumping.

Were you aware of the launch of the United Democratic(30)
Front/...

Front, the UDF in the course of 1983? -- Yes, I was aware of the launch of the UDF in 1983.

Whilst you were secretary of the Duduza Civic Association did that body at any stage affiliate to the UDF? -- The Duduza Civic Association did not affiliate to the UDF although somebody did come and asked it to join the UDF. So, we decided we are just a civic association, a civic body and we regarded the UDF as a national organisation, so we were just concerned with the civic matters and did not want to do with national issues. (10)

Up to the period ending in the middle of 1985 and on the basis of your own observations as a resident in Duduza, can you tell his lordship whether the UDF appeared to you to have any significant presence in Duduza?

COURT : Until what time?

MR TIP : The end of April 1985? --I am not certain of the presence of UDF in Duduza although I remember just seeing a few T-shirts in the township, but it was not really a big thing, just a few T-shirts from UDF but as to its establishment in Duduza, I knew nothing of it. (20)

During that same period after your resignation as secretary until the end of April 1985, did you as a resident of Duduza become aware of further public meetings being called by the civic association? -- Yes, I remember there was a meeting where new officials were elected. I think that was in November 1984 and there was another meeting also in February 1985.

Did you attend any of those two meetings yourself? -- No, I did not attend both meetings.

And were you aware of any other meetings publicly (30)
called/...

called by the civic association? -- Those are the only two I can recall in that period.

CROSS-EXAMINATION BY MR FICK : Mr Tsagane, you ceased to be secretary of DUCA in 1984? -- That is right.

Did you also cease to be a member of DUCA? -- Yes, automatically.

Were you not interested in the activities of DUCA any more? -- My church commitments were too much for me. Whether I knew what they were doing - if they told me what were going on I just accepted it, because they used to talk about (10) what they wanted to do. Unfortunately during that period since I said there were only those two meetings. The first one I was not aware of that there was going to be a meeting. I only knew of the second one in February.

Were you aware of any meetings of DUCA, not public meetings, committee meetings of DUCA held after mid 1984? -- After mid 1984?

Yes? -- I do not remember being told about it probably indirectly or so.

Who made the promises to you when you moved from (20) Charterstone to Duduza? -- Since I mentioned that I was still young then. My grandfather went to the administration offices.

Do you have any personal knowledge about the promises? -- No, that was just a general thing that was said by the people. I did not have specific knowledge about it.

Were you active in any community affairs before 1982? -- Yes, 1975/76 I was the secretary of the Nigel Football Association.

Were you active before 1982 in any youth organisations? -- No. (30)

In/...

In any civic associations before 1982? -- No.

Do I understand you correctly that DUCA was launched in 1982 according to you? -- That is true.

When in 1982 approximately? -- As I said it is November 1982.

And in 1982 did DUCA hold any public meetings? -- Yes, that is the launch meeting that we had in 1982.

No, except for the launch meeting. Any other meetings? -- No, I cannot remember any meetings. There might be some but I cannot remember any. (10)

Was there any report back meetings in 1982 held by DUCA? -- Yes, we did hold report back meetings.

In 1982? -- No, it is in 1983 after our first meeting with the community council.

Was your first meeting with the community council in 1983? -- If I remember well it was 1983.

You see I am in possession of a document C99 in volume 6. It is a report on a civic workshop. Do you know whether DUCA attended any civic workshops in 1984? -- No, I do not remember DUCA attending any workshops. (20)

According to the exhibit DUCA did attend a workshop on the black local authorities discussions on the history and nature of civil struggles. -- No, I do not remember that.

You do not know anything about that? -- No.

Will you please turn to page 2. According to paragraph 2 under the heading Duduza Civic it is stated that DUCA was formed in October 1983. -- No, I am positive it is 1982.

And it is further stated that issues it has taken up have been the rent increases and the sewerage master plan. An interim committee was established and it started (30)
negotiating/...

negotiating with the community council. At that time people were not ready for the organisation. This has now changed. We are issuing new membership cards. -- No, that is not true because at the launch we had so many people that the church hall could not contain them all. Some were standing outside. Whatever meetings we held with the community, it was always full.

According to the paragraph further it is stated that the present issue is the bucket system. Did DUCA take up the bucket system as an issue? -- Yes, that is the bucket (10) system that we wanted to get rid of by the introduction - the installation of the sewerage system.

And it is further stated that we are having problems with harassment and venues for public meetings. Is that correct? -- No, we were not having any problems.

An interim committee of ten people was elected. Do you know anything about that? -- Of the Duduza Civic Association? --

Yes? -- Yes, it could have been ten people that were elected. It could have been ten people, yes. (20)

COURT : So, the statement here that there were no problems with harassment and venues for public meetings is incorrect? -- That is incorrect.

Of the committee which existed previously, were any of them re-elected later on in November 1983? -- Yes, some of them were re-elected into office.

I understood you to say that the Duduza Civic Association sort of died a slow death. -- Yes, that is true.

Now when was that? -- That was mid 1984 onwards.

After that I understood you to say a meeting was held(30)

that/...

that you had heard about the end of that year, roughly at the end of the year? -- Yes, I was told that there was a meeting in 1984 in November where elections were held for the new committee of the Duduza Civic Association.

Was any of the old committee re-elected on the new committee? -- Yes, the chairman was re-elected as far as I can recall.

I understood you to say that the chairman was not available? -- Yes.

Had he become available again? -- As a secretary I (10) was asked to convene meetings regularly. So, it became impossible for me to do so because the chairman was time and again away from home. Not that he had relinquished his job as member of the Duduza Civic Association.

MR FICK : Do you know of any meeting organised by the councillors early in 1983, a public meeting? -- No, I cannot recall any meeting held by the councillors. I think that was the problem that we did not call public meetings.

According to a previous witness, Mrs Thobela, she stated that early in 1983 the councillors called a meeting in (20) connection with the R9,00 increase in rent and the sewerage installation? -- No, I think she got confused with the date. It is 1982 when the R9,00 rent increase was introduced. In 1982.

Another witness, a certain Mr Mhlambi also gave evidence about this meeting in 1983 about the R9,00 increase. What do you say about that? -- I think he has also got it wrong. It is 1982.

In 1982 did the councillors call any meetings, public meetings? -- That was that public meeting where they (30) proposed/...

proposed the rent increase. It was in 1982. That was the only meeting I know of.

How many councillors were present? Do you remember? -- In that meeting?

Yes? -- I had not attended that meeting.

Are you giving hearsay evidence then? You are giving evidence about what you have been told? -- Yes, with regard to that meeting it is what I was told. I was not present in that meeting.

Did you attend any meeting of DUCA in 1983 yourself?(10) -- Yes, I was secretary of it in that period. So, all meetings I have attended.

Public meetings also? -- Also public meetings I attended.

Do I understand you correctly that no public meetings were called by the councillors in 1983? -- That is right. I cannot remember any meeting in 1983.

Did the councillors call any public meetings in 1984? -- Yes. I think they called a meeting in 1984 when they sold - they proposed to the people to buy their houses at a discount.

When in 1984 was that meeting called? -- It could be (20) early 1984, January/February.

Mrs Thobela, was she a member of the Duduza Civic Association? -- No, she was not a member.

And her husband Mr Thobela? -- He was not in the committee of Duduza Civic Association.

Were they members of DUCA? -- No, not as far as I know. May be they were just supporters, but they were not members of DUCA.

And Mhlambi, was he a member of Duduza Civic Association? -- No, he was not. I do not even know him. (30)

What/...

What was the objection of the residents at any meeting at which you were present about the increase of rent, the R9,00 increase, let us start with that one?-- Yes, in 1982 the economy in this country I think was going down and most people were retrenched from their jobs. So, they felt they could not afford to pay that extra amount and also the fact that they had paid the increase in 1978 also made them to reject that R9,00 that was introduced.

Was that the only reason why they rejected the proposed increase of R9,00? -- The fact also that there were tenants(10) in Duduza and not owners of those houses, but were renting them. So, some came with the question if I leave Duduza, how will they reimburse me for the money I paid already towards the installation or what is going to happen.

I put it to you the idea that the people should reject the increase in rent, the R9,00 increase came from DUCA? -- That is not true, because the increase was proposed round August/September 1982 and DUCA was only formed on 19 November of that same year, which is after the people rejected that rent increase. (20)

Was it not said that the government must install the sewerage system free of charge? -- We asked that question that the East Rand as the mother body controlling all the East Rand townships could do something may be to implement that installation, because what worried the people was that some other townships were being allocated some moneys but not for Duduza. Like Daveyton, it was getting money, Kwathema from East Rand Board but not Duduza.

But was it said in Duduza that the government should instal the sewerage system free of charge? -- Not really (30)
free/...

free because they had already paid the R4,00 for the master plan in 1978, when it was the installation of that. So, they wanted to know what the money was used for, because they agreed to pay that money.

Was it not also said in Duduza that because of the fact that the people, the residents pay general tax, it is the duty of the government to instal the sewerage system free of charge? --No, that was not the point in Duduza.

You further stated that a certain person came to Duduza and asked DUCA to affiliate with the UDF? -- Yes. (10)

Can you give the court the name of that person? -- I remember him as Herman.

When was that? -- It was early 1983.

Early 1983? -- Yes. Sorry, it is late 1983, after the launch of the UDF.

What was the objection of DUCA against affiliation? -- We discussed that point and we came to the conclusion that we were a civic organisation which relates its duties mainly to the community of Duduza only and we felt UDF was a national organisation and we had nothing to do with national (20) issues. We were just concerned with what was going on in Duduza.

I put it to you that your knowledge about activities of DUCA especially after mid 1984 is very sketchy and that you cannot tell the court what DUCA did after mid 1984? -- Yes, you might be right that it is sketchy, but as for the public meetings I would have known since there was no meeting I could remember. I do not have more knowledge about DUCA. That is true.

I also put it to you that your evidence that DUCA (30)

became/...

became dormant after 1984 is not correct, that it continued to operate in Duduza? -- No, I became more or less dormant in Duduza.

COURT : Was it not revived later on? -- As I say the meeting was called in 1984. I was not aware of whether they held elections to elect new members into the committee DUCA, but I was not aware of it. I did not attend that meeting.

MR FICK : Can you tell the court who organised the meeting in February, 1985 17 February 1985 in Duduza? -- I know that DUCA organised the meeting in February 1985 but as to who (10) did it, I am not sure, but it is DUCA who called that meeting in February.

Did you become aware of any call for the resignation of councillors in 1985 in Duduza? -- No, I do not recall that.

I put it to you that DUCA did call for the resignation of the councillors in Duduza? -- It would be hard for me to accept that because I know DUCA encouraged the people to vote the very people into office so that they could negotiate with them. I see no reason why they could turn about and (20) say they should resign, because the main point was to negotiate for whatever improvements we want in Duduza. There has to be some negotiation.

I would like to refer you to EXHIBIT AAC55 page 5. It is a SASPU National of March 1985. Will you please have a look at the first column. There is a heading "Duduza kicks the bucket and battle with the board." Do you see that? -- Yes, I see that. Fourth paragraph "At a mass meeting of the Duduza Civic Association people demanded the resignation of community councillors who had failed to solve their (30) problems/...

problems."

COURT : Now wait a minute, Mr Fick, what is the date of this document?

MR FICK : March 1985. "The mayor and other councillors handed their resignation to the civic and to COSAS. With only two councillors the council is crippled and the East Rand Development Board has taken over." What do you say about this? -- I know about this public meeting that was held in February, but as to the statement that the community councillors were asked to resign at that meeting is news (10) to me today, but I know that meeting was held.

Did you attend any funeral on 22 February 1985 in Duduza, the funeral of Lucky Mkhwanazi? -- No, I did not attend that funeral.

Did you attend any funeral on 18 May 1985 of Sonto Thobela? -- I did not attend it either.

On 4 November 1984 that of Douglas Mchunu? -- Yes, I attended that funeral.

For what reason? -- He was a - we used to play soccer together and I once worked with him in 1974 while I worked (20) at Union Carriage and besides he was a cousin of my friend.

Did you also go to the community hall on that day? -- Yes, I was on the outside. I could not get into the hall. I stood outside.

Douglas was an official of FOSATU. Is that correct? -- Yes, I know that he was I think a shop steward of Union Carriage.

Did you see the coffin on that day? -- Yes, I saw the coffin.

Was it carried down the streets to the cemetery? -- (30)

From/...

From the hall it got into the hearse, but the people, the unionists, I think the trade unionists insisted that they wanted to carry it. So, it went out of the hall yard and to the corner. Just when it was about to take the next corner to the grave-yard the people stopped it and the coffin was taken out and carried shoulder height.

And there was a flag draped over the coffin. Is that correct? -- No, there was no flag over the coffin.

After the people took the coffin out of the hearse, did you see the coffin again? -- Yes. (10)

How far from the front were you in the march to the cemetery? -- I was driving a car. So, the people who were on foot were more than the people driving cars. It was a slow process by car, because the people were all over on the streets and you could not just move in front of them. so, the cars were following behind.

Was it first the coffin, then the people and then the cars? Is that what you say? -- That is the implication, yes.

Is it correct that there were more than a thousand people, thousands? -- There were many people at that funeral. (20)

Approximately how many people did attend the funeral? Can you tell the court? -- There were many, I cannot estimate but they should have been more than a thousand.

Did you see any banners at the funeral? -- Yes, I saw a FOSATU banner. It was in front and it was the coffin.

Any COSAS banners? -- No, there was no COSAS banner there.

Did you see any people in the procession with COSAS T-shirts? -- Well, the dominating T-shirts were the FOSATU T-shirts. There might have been some of COSAS or whatever (30)

but/...

but there were not that much remarkable. But I should think they were there.

Did the people sing during the procession? -- Yes, they were singing church songs.

Not only church songs but also songs generally known as freedom songs? -- No, not in 1984. I only started hearing about such songs in 1985.

COURT : Did you the first time in your life hear freedom songs in 1985? -- Yes, the songs called freedom songs in 1985.

What do you call a freedom song? -- These songs that (10) they normally sing. They sing it in the township most of the time.

Well, I do not live there. Just tell me what do you call a freedom song? -- Songs that praise the UDF may be or that promote COSAS. Such songs.

Songs that praise the UDF and COSAS, are those freedom songs? -- That is what I can say.

Are those the only songs that you call freedom songs? -- I should think so. Those are the only ones.

MR FICK : Where in 1985 did you hear it for the first (20) time? -- Just in the streets there. The kids were singing them in the streets.

In Duduza? -- Yes.

COURT : What do you call songs praising Oliver Tambo and Mandela et cetera? -- I do not know any such song.

You have never heard them? -- No.

MR FICK : Are you aware of any meetings of the UDF in Duduza? -- I have never heard of any UDF meetings in Duduza.

During 1984/85 did you have any children at school?

-- Yes, I had a daughter at school. (30)

High School? -- No, she was still young. She was in the lower primary school.

Were you aware of COSAS in Duduza in 1985? -- In 1985.

Yes. No, 1984? -- No, I only heard of it in 1985.

Did COSAS hold any meetings, public meetings in Duduza in 1985? -- I think I remember they held one meeting in 1985.

When in 1985? -- I cannot remember because I did not attend the meeting.

Did you see EXHIBIT ABA48 in Duduza in 1985? -- It is a pamphlet issued by Duduza Civic Association calling a meeting(10) on 17 February 1985? -- Yes, this was distributed in the township.

What can you tell the court about the financial position of DUCA in 1984 when you resigned? -- It did not have money.

Whilst you were member of the executive of DUCA did you issue publications on behalf of Duduza Civic Association? -- No publications were issued.

None? -- Publications, just pamphlets.

Pamphlets? -- Yes, pamphlets we used to distribute in the township. (20)

COURT : Were they merely notices of meetings? -- Yes, merely notices of meetings.

MR FICK : Did DUCA ever have enough money to print their own pamphlets like EXHIBIT ABA48? -- I know during my time I used to type them at work and distribute them. As for that one I do not know they went about organising it.

The June 16h commemoration services in 1984 and 1985 were any such services held in Duduza? -- I know there was one held in 1985.

Did you attend it? -- No, I did not attend it. (30)

Do/...

Do you know who organised it? -- I cannot remember who organised it, but I know it was held in Duduza.

I would like to show you EXHIBIT ABA49. This is a pamphlet about June 16th commemoration services. Did you see that in Duduza? -- No, I do not remember seeing this one.

I would like to show you another one, EXHIBIT ABA50. This one is a typed notice? -- This one I think I remember. I remember seeing this one.

It is a notice of the commemoration service held in Duduza Gymnasium hall on June 16th 1985. What can you (10) tell the court about the Duduza Youth Congress? -- I know that it is an organisation that was formed I think in 1985 to cater for the youth who were out of school, but as to how it operated and all that stuff I do not know.

Did you see EXHIBIT ABA51 in Duduza in 1985. It is a June 16th pamphlet issued by COSAS? -- No.

Do you know anything about it? -- No.

The last document I would like to show you is EXHIBIT ABA52. Do you know this document? This is a poster. -- I think I remember this one. (20)

Did you see it in Duduza? -- Yes, I saw it in Duduza. It is a poster.

It is a poster "Remember June the 16h." -- Yes, I think I remember this one.

When did you see it in Duduza? -- If I recall well it might have been in a shop window.

Shop wall? -- Shop wall or something.

In may 1985 were you in Duduza? -- Yes, I was still in Duduza.

On 18 May 1985 were you in Duduza? -- I do not know (30) what/...

what date it was but I was in Duduza.

Did you become aware of any unrest or violence in Duduza in May 1985? -- May be if you could quote what instance. I cannot remember. I cannot recall any violence.

Did you see any .. -- If I may as, what is 18 May?

It was a Sunday. -- I do not know. That is why I want to know specifically why 18 May.

Do you know where Sergeant Mokoalaba stayed in 1985? -- I do not know that surname. May be the name.

Do you know Mr Stephen Namane? -- Yes, I know Mr Stephen(10) Namane.

He was an ex-councillor? -- Yes, he was one of the councillors who resigned if I remember well.

Did you see on 18 May whether his house was attacked and stoned? -- I know his house was attacked and burnt in 1985. I am not sure of the date.

Let me put it to you this way. From 18 to 20 May 1985 for three days did you see any unrest in Duduza? -- I cannot recall.

Were you not aware of stone throwing and burning of (20) homes and businesses, stoning of vehicles? Roads? -- I know such instances did occur, but as to the time, the date, I am not sure.

Did you not personally see when it happened? -- Unfortunately not. I am always at home.

RE-EXAMINATION BY MR TIP : No questions.

NO FURTHER QUESTIONS.

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MR TIP : Mr Yacoob will lead the next witness. He will be from Atteridgeville.

ABRAHAM/...