

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

A

SAAKNOMMER: CC 482/85

PRETORIA

1988-06-01

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 :

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COURT RESUMES ON 1 JUNE 1988.

MR YACOOB: In relation to the witnesses to be cross-examined today my learned friend Mr Jacobs informs us that the witness from Leandra is likely to be cross-examined more shortly. The defence would therefore propose that we should dispose of the Leandra witness first.

COURT: Yes certainly.

DOBI DAVID MAHLANGU: voe (Deur tolk)

VERDERE KRUISONDERVRAGING DEUR MNR JACOBS: Daar is 'n paar punte wat ek net wil opklaar met u. Die eerste is die "temporary (10 council" - ek sal hom by dieselfde naam noem as wat hy hier bekend was - dit is die liggaam wat gestig was deur die gemeenskap in Leandra? -- Ja.

Nou as daar dan hierdie gemeenskapsliggaam was hoekom het julle dan die "action committee" gestig? -- Dit was weens die ontevredenheid wat daar bestaan het oor hulle byvoorbeeld in 1981 was hulle gestuur deur die gemeenskap om 'n oplossing te vind aangaande die verskuiwing. Hulle het jare geneem om terug te kom na die gemeenskap toe, byvoorbeeld hulle het eers in 1983 teruggekom. In plaas dat hulle praat oor die verskuiwings wat hulle oor gestuur was, hier kom praat hulle van die getal huise wat gebou gaan word.

So was die enigste klagte dan teen die "temporary council" dat hulle so lank geneem het om terug te rapporteer aan die gemeenskap? -- Ja, want ons het gesit sonder enige waarborg of ons nou gaan geskuiwe word of nie.

Weet u van enige ander klagtes wat daar teen die "temporary council" was? -- Ja, soos ek alreeds gepraat het van die verskuiwings en dat hulle lank geneem het om terug te rapporteer aan die gemeenskap. Tweedens hier kom hulle nou met 'n ding (30 terug / ..

terug wat hulle nie eens gevra was om te gaan uitvind nie. Hulle kom sê vir ons van die getal huise wat gebou gaan word en derdens hier praat hulle nou van die huurgeld wat hulle nou vir ons kom sê wat baie hoog was, wat hulle sê sal wees tussen R68 en R104 per maand.

Was die "action committee" gestig om die funksies van die "temporary council" oor te neem? -- Nee.

Is jy seker daarvan? -- Ja.

Het hierdie "temporary council" ooit ingestem tot hierdie verskuiwings? -- Nee, maar hulle het teruggekom en vir ons (10 gesê die persone met die kwalifikasies van die letter (d) sal nog moet trek en destyds het ons nog nie geweet wat dit was, wat dit beteken het nie.

Maar my vraag is, het hulle toegestem namens die gemeenskap dat die verskuiwings moet plaasvind? -- Nee, ek sal nie kan sê of hulle toegestem het of nie.

Was daar nie sulke sprake nie? -- Maar ek dink ek het hier vir die hof verduidelik dat na die vergadering van Mei 1983 mense het daar in klompies gaan staan en met mekaar gepraat dat hulle nou nie seker was van wat gebeur het nie, en die mense (20 praat nie daarvan dat ons nou nie meer gaan trek nie. En Botha het die oorspronklike kennisgewings daar opgeskeur, maar hy het nog nie vir ons iets kom toon of kom aflewer waarin hy sê dat ons nie meer verskuiwe word nie.

Maar my vraag was anderste gewees. My vraag is net was daar nie sprake gewees dat hierdie "temporary committee" wel toegestem het tot die verskuiwing van die mense nie? -- Nee, ek weet nie daarvan of hulle ooit saamgestem het met die verskuiwing nie.

Nou 'n volgende aspek wat ek met jou wil behandel is (30

die / ..

die samewerking wat jy sê wat daar was tussen die raad, dit is die gemeenskapsraad en die aksiekomitee. -- Ja, daar was so-iets.

Nou die eerste aspek is het ek jou getuienis reg verstaan dat jy gesê het dat die aksiekomitee het nooit enige blaam geplaas vir enige iets op die raad nie? -- Ja, ek het dit gesê.

En is dit die waarheid? -- Dit is die waarheid volgens my kennis, ja.

Die samewerking, kan jy vir die hof net sê tot wanneer het dit geduur? -- Ja, daar was gewees, byvoorbeeld ons was (10 saam gewees by die hooflanddros wat vir ons gesê het dat die mense se tydperk nog nie verstryk het in die kantoor nie. Ons het dit so aanvaar. 'n Ander probleem wat ontstaan het daar was dat hulle dinge gedoen het wat ons nie mee tevrede was nie, byvoorbeeld die manier waarop hulle aangegaan het met die verskuiwing van mense. Dit is die dinge wat ons nie aanvaar het nie, maar nie dat ons die raad as 'n raad nie aanvaar het nie, net dinge wat hulle gedoen het was nie aanvaarbaar gewees nie.

Het julle met die raad saamgewerk vandat die aksiekomi-(20 tee gestig is in die hele 1983? -- Ons het lekker gewerk.

En in 1984 het julle saamgewerk totdat julle die landdros gaan sien het oor die verstryking van die termyn van die raad? -- Ja, ek sê so.

En dit was hierso ongeveer tot September rond in 1984 is dit reg? -- Wat gebeur het?

Hier in September na Oktober toe, toe daar nou stryery gekom het met die raad omtrent die termyn, dat hulle termyn verstreke is? -- Dit kan om en by daar wees ja, want volgens die kennisgewings daar was dit gesê dat hulle net vir 'n jaar(30

'n /..

'n termyn van die kantoor gaan hou.

En tot op daardie stadium het raadslede julle algemene vergaderings bygewoon? -- Van die vergaderings het hulle bygewoon ja, maar nie almal nie.

Maar hierso in die middel van die winter in 1984, het hulle nog die vergaderings van julle aksiekomitee bygewoon, openbare vergaderings? -- Ja, ek onthou dat hulle 'n vergadering bygewoon het as ek reg is, spesifiek hierdie vergadering waar ons die brief gelees het waarin dit gesê was dat ons nie meer van Leslie moet trek nie of hoef te trek nie. (10

En IC.19, het hy hierdie vergaderings ook bygewoon? -- Ek kan nie meer so goed onthou nie. Al wat ek kan sê is dat van die raadslede was teenwoordig gewees, al kan ek nou nie meer onthou op name wie hulle was wat teenwoordig was nie.

Hy was mos die voorsitter van die raad gewees of die burge-meester, ek weet nie wat noem julle hom nie? -- Hy is nou nog die leier.

Ja, kan jy nie onthou dat hy daar was nie? Dit was mos 'n belangrike vergadering? -- Wat dit vir my moeilik maak is dat party kere het hy mense gestuur wat op die raad gedien het, (20 byvoorbeeld van die vergaderings was bygewoon deur Mdake namens hom, of Nkosi en/of Skhosana.

Kan u onthou.. -- Dit het so gebeur dat hy mense af en toe gestuur het, partykere dat hy saam met daardie mense teenwoordig was; dat ek nie vandag hier vir die hof kan sê by watter vergadering hy persoonlik daar was, by watter vergadering hy verteenwoordigers gehad het nie.

Maar jy weet dat in 1984 het hy verskeie vergaderings bygewoon volgens ek jou getuienis nou verstaan? -- Ja, ek sê so.

En die vergadering waarna jy verwys, dit is nadat julle (30
die / ..

die brief DA.204 gekry het, BEWYSSTUK DA.204, dit is die brief van die minister? -- Ja, want ons was baie bly gewees.

Hierdie brief is gedateer 6 Julie 1984. -- Julie?

Julie - July. -- Ja, dit is mos in die winter. U praat van die winter self.

En het die raadslede waarby IC.119 na Februarie ...

HOF: Ek dink ons bly maar by 19. Ons het gelukkig nog nie so baie IC-nommers nie.

MNR JACOBS: Ekskuus, edele.

HOF: Nie 119 nie.

(10)

MNR JACOBS: IC.19 en ander raadslede na Februarie 1984 van julle komiteevergaderings bygewoon?

HOF: Die datum is Februarie 1984? Februarie?

MNR JACOBS: Februarie, ja. -- Ja, ek sal u sê wat het gebeur. In Januarie 1984 het ons in die koerantberig gelees dat ons moet verskuiwe word. Ons het toe die lede van die gemeenskapsraad genooi, dit is die mense wat vroeër by ons was, by die komitee wat later op die raad gekies was, wat ons genooi het. Ons het toe met hulle gaan praat en navrae gedoen of hulle nou enige iets gedoen het, by die kommissaris iets uitgevind het want ons het alreeds 'n brief geskryf ten opsigte hiervan. Dit wil sê na Januariemaand se berig wat ons gelees het.

Was dit ook na Februariemaand wat julle saam vergader het? -- Ek kan nie meer onthou nie, maar dit het nie lank geneem dat ons hierdie vergadering of dat ons bymekaar gekom het met hulle na die opdrag van die gemeenskapsraad dat ons saamwerk, dat die raad saam met ons die vergadering bygewoon het.

Ja, en daarna het hulle nog saam vergaderings gehou? -- Daarop het hulle gesê dit word gesê deur die gemeenskap dat ons alleen moet werk, hulle sal ook maar alleen werk; dat ons

nie / ..

nie bymekaar kom nie. Ons sal net sien hoe ver ons die hele ding kan uitvoer, dit wil sê dat ons die verskuiwings kan teësit.

Nou as daar 'n bewering gemaak was dat IC.19 nooit enige publieke vergadering van die aksiekomitee bygewoon het nie, wat sê jy daarvan? -- Watter soort vergadering, met die gemeenskap of net ons alleen?

HOF: Nee, publieke vergadering. -- Hy het van die vergaderings bygewoon, alhoewel hy nie almal bygewoon het nie.

MNR JACOBS: Het jy kennis gedra dat die hoofkommissaris van(10 Pretoria 'n vergadering op Leandra bygewoon het en met die raad daar samesprekings gevoer het? -- Nee.

Op 20 Junie 1984. -- Nee, as ek nie 'n fout maak nie, as ek reg is, my geheue is dat die hooflanddros 'n vergadering met die gemeenskapsraadslede gehou het nie 'n kommissaris van Pretoria nie.

Het jy ooit kennis gekry of kennis daarvan gedra dat die hoofkommissaris van Pretoria op 20 Junie 1984 'n vergadering gehou het met die gemeenskapsraad in Leandra?

HOF: Die antwoord is hy weet nie daarvan nie. (20

MNR JACOBS: Nee, ek vra of hy ooit agterna kennis gekry het daarvan, persoonlike kennis daarvan.

HOF: Ek het gedink dat hy sê hy weet nie daarvan nie?

MNR JACOBS: Jy sien, hoekom ek jou vra want hierdie brief wat jy geïdentifiseer het, DA.204, daarin word dit gesê. Het jy hierdie brief ooit gesien? -- Ek het die brief gesien. As dit die brief is wat ek gesien het, dit word nie so gemeld nie.

Wel, dit is die brief wat julle, die verdediging aan ons gegee het. Kyk daarna, BEWYSSTUK DA.204, wat ingehandig is deur jou hierso. -- Die kopie wat ons gehad het, die prokureur (30

het / ..

het dit teruggevat na ons klaar was met die getuie.

HOF: Nee, maar hy moet die kopieë nie terugneem nie want ons wil 'n stel hê vir die getuie. Mr Yacoob, where have they gone?

MR YACOOB: We are looking for them, m'lord, I do not know where..

COURT: Yes well, please speak to your attorney. All copies you have handed in, we want a copy for the witnesses.

MR YACOOB: As m'lord pleases.

MNR JACOBS: Ek kan myne vir hom gee, edele. Al wat ek gedoen het, ek het net 'n streep onder die datum getrek.

HOF: Ja, oorhandig die kopie maar aan die getuie. -- Ja, ek sien dit.

MNR JACOBS: Daardie tyd as ek jou getuienis dan reg verstaan was daar nog samewerking tussen julle, die aksiekomitee, en die gemeenskapsraad. Het julle hierdie vergadering bygewoon? -- Nee, ek het nie van die vergadering geweet nie.

Nou na hierdie vergadering van 20 Junie 1984, is dit so dat die raad het toe 'n algemene vergadering, 'n openbare vergadering gehou met die gemeenskap en gerapporteer wat hier gesê is deur die hoofkommissaris van Pretoria? -- Nee, hulle het nie 'n vergadering gehou nie. (20

Hoe weet jy? Het jy al hulle vergaderings bygewoon? -- Dit sê ek want hierdie brief was aan ons gerig op ons versoek dat ons 'n prokureur opdrag gegee het om te skryf. Die brief was nie aan hulle gerig nie.

Maar die kommissaris het aan hulle persoonlik gerapporteer, die hoofkommissaris. -- Ek sal dit nie betwis nie, maar hulle het ons nie in kennis gestel van die kommissaris wat daar was nie.

Nou as ek jou getuienis reg verstaan het jy vir die hof gesê dat nadat julle hierdie brief, BEWYSSTUK DA.204 ontvang (30

het / ..

het en julle aan die mense gerapporteer het was die kwessie van die verskuiwings geheel-en-al opgelos? -- Ja.

Stem jy saam dat daar was van owerheidsweë na hierdie brief nooit weer gesê dat enige persoon van Leandra verskuif sou word nie, hetsy inwoners wat permanent is of hetsy daardie 116 families? -- Ja, dit is reg, dit het nie meer plaasgevind nie want daardie brief praat ook maar van die 116.

En as daar beweer was dat daar in September/Okttober weer berigte of gerugte die ronde begin doen het dat die 116 families gaan verskuif word, dan is dit nie die waarheid nie? -- Ek (10 kan so sê ja, want ek weet nie daarvan nie. Mag ek sit, edele?

HOF: Ja, seker.

MNR JACOBS: Die 116 families het hulle gewoon in die - ek sal dieselfde woord gebruik wat voorheen algemeen bekend was - die "waiting place"? -- Nee, ons weet nie wie die persone is nie want daar was nie name gegee van die persone om te kan weet wie hulle is en waar hulle woon nie.

Was dit nie ooit geblameer dat hierdie mense word verskuif na die "waiting place" toe sodat dit 'n gerieflike metode is om dan te verskuif uiteindelik na KwaNdebele nie? -- Nee, die (20 klagte oor daardie mense was hoekom word hulle nie in die huise geplaas waar die huise gebou is nie. Hoekom moet die gesin gebreek word in twee of drie, dat van die gesin na die nuwe huise toe trek en 'n gedeelte daarvan moet na daardie plek toe gaan nie. Dit is al klagte wat daar was.

U sê dit was nooit gesê dat die mense was net daar gehou in daardie "waiting place" om hulle daar te kry en dan te verskuif nie? -- Volgens my kennis na daardie brief nie.

En was die raad en die outoriteite nie dalk daar geblameer oor die mense in daardie "waiting place" gesit is vir daardie(30

doel / ..

doel deur die aksiekomitee nie? -- Nee, alle blaam wat op hulle geplaas is was dat hulle die mense daar geplaas het maar nie dat hulle daar geplaas was met die doel dat hulle verskuiwe moet word vanaf daardie distrik nie.

Kan jy onthou dat die woorde gebruik was dat dit 'n strategie of 'n "trick" van die outoriteite was? -- Nee.

Was die raad nie geblameer dat hulle hierdie mense geplaas het in die "waiting place", oor die gebrek aan fasiliteite daarso, gebrek aan water, onder andere "make-shift" toilets. "toilet facilities"? -- Nee, daar was nie sulke klagtes (10 gewees nie want dit was presies dieselfde gewees met die ou lokasie wat dit betref, want die water moes hulle gaan kry het by die naaste kraan wat daar was in die straat net soos enige ander inwoner van die ou lokasie. Verder wat die fasiliteite betref as geheel was daar nie so 'n klagte gewees nie. Die enigste klagte dat hoekom hulle soontoe verskuiwe word, hoekom word hulle nie huise gegee nie, dat hulle huise toegeken word by die nuwe huise. Dit is al klagte wat daar bestaan het.

Nou is die mense wat daar in die "waiting place" was dan nie nuwe huise na 'n tyd gegee nie? -- Nie een van daardie (20 mense by die "waiting place" was huise toegeken van die huise wat daar gebou was nie.

HOF: Maar is hulle dan nou nog op die wagplek? -- Ja, hulle is daar naby die hoofpad, Pretoria/Standerton hoofpad.

Nou nog? -- Nou nog, ja.

MNR JACOBS: En nie een van hulle het huise gekry nie? -- Nie wat ek van weet nie, edele.

ASSESSOR: Staan daar huise leeg? -- Nee, hulle is almal vol.

MNR JACOBS: Van wanneer af is die mense in hierdie wagplek geplaas? Wanneer is hulle daarin geplaas die eerste keer? (30

Ek / ..

-- Ek kan sê sedert die begin van die toekenning van huise by die nuwe huise daar.

Wanneer was dit? -- As ek nie verkeerd is nie dit is tussen hierdie tydperk om en by die einde 1983 of begin 1984.

Op daardie stadium toe hulle daar geplaas was, was daar al huise gebou in die nuwe projek wat daar aangepak was, die 117 huise? -- 117?

712, ekskuus. -- Wat gebeur het is dat die eerste klompie huise is gebou, mense is die huis toegeken vanaf die ou lokasie. Terselfdertyd was daar dan mense wat moes getrek het na die (10 wagplek toe terwyl die ander na die nuwe huise toe trek. Toe hulle die tweede klompie huise ook gebou het, dit het so aangegaan dat daar sekere van die mense van die ou lokasie in die huise ingetrek het en die gedeelte van daardie mense was ook maar weg na die wagplek toe.

HOF: Laat ek net vir u iets vra. As mense geskuif is na nuwe huise toe is die ou huis dan afgebreek? -- Ja, dan sê hulle die plek word afgebreek.

So die mense wat in die huis was wat te veel was volgens hulle, dié wat te veel was moes in die wagplek wag en die (20 ander moes in die nuwe huis intrek? -- Ja, dit is wat gedoen was.

En watter soort mense het hulle laat wag in die wagplek? -- Dit het so gebeur: dit is 'n groot standplaas waar die ouers woon saam met miskien drie seuns wat ook getroud is en daardie standplaas het 'n nommer. As 'n huis toegeken word teenoor die nommer van daardie standplaas in die nuwe lokasie dit beteken daardie standplaas, alles wat daarop staan moet gebreek word. In die huis kan net die ouers en die kinders akkommodeer word sonder die drie seuns wat getroud is. Dit beteken dus dat die drie seuns sal dan moet trek na die wagplek toe omdat (30
daar / ..

daar nog nie huise was vir hulle nie.

Ek begryp, dankie.

MNR JACOBS: Het daar in Leandra raadslede bedank? -- Ja.

Toe hulle bedank wanneer was dit gewees? -- As ek nie ver-
keerd is nie twee van die raadslede het in 1985 bedank of vroeg
in 1986. Dan een van hulle het later in 1986 bedank.

Kan jy onthou of julle toe tussenverkiesings gehou het en
of die aksiekomitee toe kandidate gestel het daar vir daardie
mense? -- Dit was in 1983, 1984 en 1985 was die termyn van die
raad gewees op kantoor, so ons het aanvaar dat met einde (10
1985 sal ons dan die reg hê om kandidate te kies wat dan in
die raad sal moet dien, want volgens die hooflanddros was die
termyn net vir drie jaar gewees.

Maar ek is nie.. -- Ons het beoog om mense daar te hê by
die verkiesings.

My vraag gaan oor toe hierdie mense bedank het uit die
raad uit, toe is daar nie raadslede nie; het julle toe tussen-
verkiesings gehou en kandidate gestel? -- Nee, ons het nou eers
mense gekry wat daar gaan staan het as kandidate by die "by-
election", want Smit het nou vir ons gesê dat daar 'n "by- (20
election" gaan wees, maar voor dit, vroeër het hy nie vir ons
gesê nie.

Is dit nie so daar gaan nou verkiesings wees en nie "by-
elections" nie?

HOF: Wat sukkel ons nou so, mnr Jacobs? Was daar of was
daar nie 'n tussenverkiesing nie? As daar nie was nie dan is
die hele debat nutteloos. As daar een was sê vir die getuie
daar was 'n tussenverkiesing op hierdie datum en julle het of
julle het nie kandidate gestel nie. Hoekom moet ons so 'n
lang pad loop? (30

MNR JACOBS: Ek wil dit net aan jou stel dat julle het in die plek van hierdie mense wat bedank het nooit uit die aksiekomitee enige tussenverkiesingkandidate gestel nie.

HOF: Maar was daar 'n tussenverkiesing? As daar nie 'n tussenverkiesing gehou is nie dan kan jy die man nie blameer dat daar nie kandidate gestel is nie? Ons moet tog eers punt A vasstel voor ons by punt B kom?

MNR JACOBS: Dan sal ek hom dit so vra, het julle aangedring om tussenverkiesings te hou?

HOF: Nee, was daar 'n tussenverkiesing? (10)

MNR JACOBS: Ek kan nie sê nie, edele.

HOF: Nou maar as daar nie was nie dan verval die debat, dan mors ons ons tyd.

MNR JACOBS: Soos dit u behaag. Ek wil net een stelling maak aan jou dat julle het ook deur die aksiekomitee UDF se "Million Signatures" kampanje bedryf daarso en handtekeninge gekry van mense in daardie kampanje. -- Nee, ons sou dit nie gedoen het nie. Die UDF wou niks gehoor het van die raadslede nie.

RE-EXAMINATION BY MR YACOOB: No further questions.

NO FURTHER QUESTIONS (20)

MR YACOOB asks to be excused.

MONDE PATRICK NKONKI, v.o.e. (deur tolk)

KRUISONDERVRAGING DEUR MNR JACOBS: Dankie, edele. Toe julle besluit het om 'n jeugorganisasie te stig, hoekom het julle besluit op die naam "Youth Congress"? -- Dit is omdat dit 'n jeugorganisasie sou gewees het.

Maar hoekom "congress" spesifiek? -- Dit is omdat ons gelees het in die koerante dat daar sulke organisasies bestaan het en dus het ons besluit om die organisasie ook so te noem.

Het julle 'n embleem gehad vir die Adelaidse Youth (30)

Congress/..

Congress? -- Ons het dit nog nie gehad nie.

Het julle nie 'n embleem gehad van 'n kaart van Afrika met twee groetende hande daarop nie? -- Dit was nie 'n embleem gewees van die organisasie nie. Dit was wel 'n embleem gewees wat deur 'n persoon gemaak was maar nog nie aanvaar deur die organisasie nie.

HOF: Wie het dit gemaak? -- Baba Totyi.

Hoe spel mens dit? -- T-o-t-y-i.

Baba Totyi - maar dit was nog nie aanvaar nie? -- Nee.

MNR JACOBS: Het julle op die embleem ook die woorde gehad: (10 AYCO, wat staan in hierdie geval vir Adelaide Youth Congress, plus die woorde: "Long live unity" en dan "identify yourself"? -- Ja, daar was so-iets gewees.

Ja, en julle het dit bespreek? -- Ons was besig om dit te bespreek sonder om enige besluit daaromtrent te neem.

Ek sal nou-nou bietjie daarop terugkom. Dan is dit nie so dat julle het ook bespreek dat hierdie Adelaide Youth Congress hulle eie kleure moes hê en 'n uniform nie? -- Ons was besig om dit te bespreek, ja.

Die klere wat julle oor ooreengekom het, was goud en (20 groen? -- Dit is so, ja.

En dan het hulle ook hemde of T-hemde gehad waar voorop die embleem was "Plus AYCO" en dan op die rugkant was daar ook AYCO en die woorde "identify yourself". -- Nee, ons het dit nie gehad nie.

En is dit nie so dat die Adelaide Youth Congress het ook 'n banier gehad waarop hierdie kleure en hierdie embleem voorgekom het? -- Nee, daar was nie.

Adelaide Youth Congress het ook 'n konstitusie gehad? -- Ja, dit het gehad. (30

Dié konstitusie was aanvaar gewees? -- Ja, dié was aanvaar.

Dan was hierdie embleem mos ook aanvaar want dit word beliggaam in die konstitusie? -- Nee, dit was nie in die konstitusie betrek nie.

Is jy seker? -- Ja.

Want ek wil dit aan jou stel dit is so dat dit in die konstitusie beliggaam is. -- By die konstitusie wat gemaak was of beplan was in my teenwoordigheid het ek nie daarvan bewus geword nie. (10)

Is dit korrek dat hierdie konstitusie is aanvaar op - is bespreek en is aanvaar op 'n algemene vergadering, 'n massaver-gadering? -- Dit is so.

En julle het 'n spesiale spreker uitgenooi om behulpsaam te wees hiermee en julle toe te spreek op hierdie vergadering naamlik Mathew Goniwe vanaf Cradock. -- Nee, dit is nie so nie.

Op daardie stadium was Mathew Goniwe die voorsitter van CRADORA, dit is die Cradock Civic Association of Residents' Association? -- Nee, ek weet nie daarvan nie.

Was hy ook op die bestuur van die UDF van die Oos-Kaap (20 streek van UDF? -- Ek volg nie, is dit 'n stelling of..

Ja, vra hom, het hy kennis gedra dat hy was die.. -- Ek weet nie daarvan nie.

Wie het julle genooi na hierdie vergadering toe om julle behulpsaam te wees met die opstel van 'n konstitusie en met die stigting van hierdie jeugorganisasie? -- Daar was niemand gewees wat ons genooi het van buite die area van ons nie.

Wie het gehelp dan met hierdie aspekte? -- Die lede van die gemeenskap daar was ons behulpsaam gewees.

Wie het julle gehelp? Gee vir ons die name? -- Mnr Nkonki (30

was / ..

was een van hulle.

HOF: Is dit familie? -- Dit is my pa.

Ja? -- Mnr Bonani, mev Petros.

Hoe spel 'n mens dit? -- P-e-t-r-o-s.

MNR JACOBS: Ken jy vir Thembekile Tyanti. Ek sal dit spel, ek weet nie of ek dit reg uitspreek nie. T-y-a-n-t-i. -- Ja, ek ken hom.

Is hy nog 'n skolier? -- Ek weet nie want die persoon is nie in Adelaide nie, so wat die persoon besig is om te doen of waar ookal sy is weet ek nie. (10

Maar hy was mos die sekretaris..

HOF: Is dit 'n vrou of 'n man? -- Dit is 'n manspersoon, hy was die sekretaris.

MNR JACOBS: So hy was in Adelaide en hy was woonagtig te 3A Fairview swart woongebied, Adelaide. -- Ja, hy het daar gewoon.

En soos ek sê hy was die sekretaris van die Adelaide Youth Congress? -- Dit is so.

En kan jy onthou dat hy en 'n groep mense van Adelaide het gegaan na Cradock toe en 'n begrafnis bygewoon van 'n persoon, ek sal die naam spel: T-h-a-n-d-u-x-o-l-o en die van is Boss -(20 B-o-s-s. -- Te Cradock?

Ja. -- Ek onthou nie meer nie.

Sien hierdie Boss was 'n slagoffer in die onluste in Cradock gewees. -- Nee, ek weet nie meer daarvan nie.

HOF: Hoe ver is Cradock van Adelaide af? -- As ek moet skat dit is minder as 100 km. Verskoon my, 100 plus.

Dankie.

MNR JACOBS: Jy sien julle organisasie, Adelaide Youth Congress was amptelik uitgenooi deur CRADORA om die begrafnis by te woon. -- Nee, ek het nie daarvan gehoor nie. (30

En / ..

En hierdie Tyantyi, die sekretaris van julle organisasie is die persoon wat amptelik gegaan het as julle verteenwoordiger saam met 'n groep mense vanaf Adelaide om die begrafnis by te woon. -- Ek onthou nie daarvan nie.

En julle het daar julle banier van Adelaide Youth Congress ook gehad op hierdie begrafnis waar julle deelgeneem het. -- Ek weet nie daarvan nie.

Die begrafnis het hier in Aprilmaand 1985 plaasgevind. -- Nee, ek weet nie meer daarvan nie.

Ken jy vir Ngcneni. -- Ek ken hom. (10

Ek sal weer die naam spel, N-g-c-e-n-e-n-i Lawrence July. Hy was 'n bestuurslid van Adelaide Youth Congress. -- Hy was nie 'n lid van ons bestuurskomitee nie.

Dit is eienaardig. Hy was dan verkies op daardie vergadering op die bestuur van AYCO. -- Nee, hy was nie.

Mhlemeli Morris Phoswa?

HOF: Spel dit asseblief?

MNR JACOBS: Ek sal weer eens die naam spel. Dit is M-h-l-e-m-e-l-i, dan Morris en dan Phoswa is P-h-o-s-w-a. Hy was 'n bestuurslid gewees van AYCO. -- Hy was 'n addisionele lid. (20

En Siphso Camagi - C-a-m-a-g-i. Hy was die organiseerder van of een van die organiseerders van Adelaide Youth Congress? -- Ja, hy was.

En Thapelo Nkayi - T-h-a-p-e-l-o N-k-a-y-i. Hy was ook 'n organiseerder van AYCO? -- Ja, dit is so.

En Lindelwa Doreen Mjandile?

HOF: Wat is die sin van al hierdie name?

MNR JACOBS: Dit is die laaste een. Ek sal nou-nou vir die hof uitbring hoekom ek dit..

HOF: Nou maar goed, wat is die volgende naam? (30

MNR / ..

MNR JACOBS: Lindelwa Doreen M-j-a-n-d-i-l-e. Dit was ook 'n addisionele lid van die bestuur van AYCO - Adelaide Youth Congress. -- Sy was 'n addisionele lid.

En Joseph Botha, jou goeie vriend, hy was die vise-president van die Adelaide Youth Congress? -- Dit is so, ja.

Nou die eerste vyf persone wat ek genoem het, uitsluitende Botha, hulle was ook almal lede van COSAS in Adelaide? -- Nee, ek weet nie van COSAS nie.

Daardie Siphon Camagi, hy was die voorsitter gewees van COSAS? -- Ek weet nie daarvan nie. (10

Hoe is dit moontlik dat jy met hierdie mense op dieselfde komitee dien en jy weet nie eens daarvan dat hulle deel van die bestuur van COSAS op Adelaide gevorm het nie? -- Ek het nie daarvan gehoor toe COSAS gestig word nie.

Maar julle het maar sekerlik goed saamgewerk daar met COSAS in Adelaide? -- Nee, dit is nie so nie.

HOF: Was daar 'n COSAS? -- Ek het nooit daarvan gehoor dat dit daar bestaan het nie.

MNR JACOBS: Hierdie persoon, jou mede-bestuurslid, die een met die snaakse naam en die van July, Ngceneni July, is dit (20 reg hy was die persoon wat aangehou was op 10 April 1985.

HOF: Hy het juis gesê dit is nie 'n bestuurslid nie.

MNR JACOBS: Ek sal dit daar..

HOF: Dan kan u nie vir hom sê jou bestuurslid nie.

MNR JACOBS: Goed, ek stel dit dan dat hierdie persoon July was die persoon wat aangehou was op 10 en blykbaar op die 11de uitgekóm het, van April 1985. -- Hy was op die 8ste aangehou en eers op die 11de vrygelaat.

HOF: Alles April? -- Ja.

MNR JACOBS: Kan u onthou waarvoor hy aangehou was? -- (30

Omdat / ..

Omdat ek nie saam met hom in die skool was nie is ek nie seker daarvan nie. Ek weet nie.

Het jy nie geweet dat hy aangehou was vir dagga nie? -- Ek het net daarvan gehoor, ja.

En hy was op die 11de gevonnis tot lyfstraf omdat hy nog 'n skolier was, dit was 11 April 1985. -- Ja, dit is so.

Nou is dit nie so dat in Aprilmaand 1985 was daar 'n skoleboikot gewees in Adelaide? -- Ja, daar was.

Ja, en hierdie persoon July was 'n skolier gewees? -- Ja.

En ek wil dit aan u stel dat voor die 11de was daar (10 vergadering gehou deur COSAS en was daar eise gestel dat hierdie persoon July vrygelaat moet word. -- Ek weet nie van COSAS nie.

HOF: Maar was daar 'n vergadering waarop geëis is dat hy vrygestel moes word? -- Die skoliere het 'n vergadering gehad.

MNR JACOBS: En geëis dat hy moet vrygelaat word? -- Ja.

En hulle het ook verdere eise gestel daarso in hierdie skoleboikot dat hulle nuwe teksboeke wil hê. -- Ek kan nie alles onthou van daardie vergadering of sê wat alles daar bespreek is nie. (20

En hulle het ook eise gestel dat hulle wil hê dat die prefekte vervang moes word deur studenterade. -- Nee, ek weet nie daarvan nie.

Is dit so dat..

HOF: Is dit geleentheid vir die verdaging?

MNR JACOBS: Ekskuus. Dankie, edele.

HOF: Ons moet miskien bietjie die horlosie laat regstel daar agter.

DIE HOF VERDAAG VIR TEE.

DIE / ..

(30

DIE HOF HERVAT NA TEE

MONDE PATRICK NKONKI, nog onder eed (deur tolk)

VERDERE KRUISONDERVRAGING DEUR MNR JACOBS: Dankie. Ek wil dit aan jou stel op daardie vergadering wat deur die skoliere gehou was, was dit toe besluit om na die polisie te gaan en by die polisie te eis dat July vrygelaat moes word. -- Ek weet nie daarvan nie.

En daar was toe ook besluit dat daar 'n optog gehou moes word om hulle ontevredenheid omdat hulle eise nie aan voldoen word nie te openbaar. -- Ek weet nie daarvan nie. (10

Ek wil dit aan jou stel dit was besluit die optog sou op 11 April 1985 wees en dat die Adelaide Youth Congress het honderd persent met die kinders of skoliere saamgewerk. -- Destyds was daar nie 'n Adelaide Youth Congress gewees nie. Dié het nog nie bestaan nie.

En ek wil dit aan jou stel hulle het bestaan, en COSAS het bestaan in Adelaide se skole. -- Dit is nie so nie.

En daardie volgende dag, die 11de, het julle almal saam bymekaar gekom, jy en jou vriend Botha, om hierdie optog in Adelaide te vorm en daaraan deel te neem. -- Dit is nie so (20 nie.

Sê vir die hof hoe laat het jy by die optog aangesluit op 11 April 1985? -- Ek was nie by 'n optog gewees nie.

Glad nie? -- Ek was nie by 'n optog gewees nie.

Wat noem jy hierdie klomp mense wat dan daar deur die strate geloop het en vryheidsliedere gesing het en so aan? -- Dit was 'n klomp mense wat net gesing het omdat hulle bly was oor die vrylating van daardie persoon wat in aanhouding was.

Is dit amper 500 mense wat daar omtrent in daardie groep was? -- Dit is nie so nie. (30

Hoe / ..

Hoe groot was hulle gewees? -- Tussen 150 en 200.

En het daar nie altyd mense aangesluit nie toe julle by Mantewu se huis gekom het dat julle omtrent 500 was op daardie stadium nie? -- Nee, dit was nie so nie.

Dit was toe julle by Mantewu se huis gekom het. -- Omtrent 150.

So dit was nog dieselfde hoeveelheid as toe jy aanvanklik by hulle aangesluit het? -- Ja, by daardie tyd.

En as jy in jou getuienis-in-hoof vir die hof gesê het soos julle geloop het deur die strate het die mense aangesluit daarby, was dit verkeerd gewees? (10

MR TIP: I object to the way that question was put. The evidence was that some people would join and others would leave.

HOF: Dit is korrek, mnr Jacobs.

MNR JACOBS: Ek sal dit daar laat, ons kan dit vir argument los. Nou die dag van die 11de, hoe laat het jy by die groep aangesluit? -- Om en by 18h30.

Die aand? -- Dit is om en by 18h30.

ASSESSOR: Aand? Oggend? -- Die aand.

MNR JACOBS: En julle het vir ongeveer hoe lank deelgeneem, (20 wat jy deelgeneem het aan hierdie rondlopery? -- Waar ek teenwoordig was, was dit omtrent 'n uur.

So sê jy dan jy het die groep verlaat omtrent 19h30? -- Dit is so.

Nou vroeër daardie dag wat het jy gedoen? -- Die oggend was ek by die huis, die namiddag is ek dorp toe. By die dorp het ek nie na 'n spesifieke plek toe gegaan nie, ek het net soontoe gegaan om myself iewers besig te hou waar ek myself kon bly gemaak het.

As jy praat van dorp toe gegaan het, praat jy van die (30 dorp / ..

dorp Adelaide of praat jy van die swart woonbuurt? -- Dorp praat ek van Adelaide, die dorp.

Het jy daar net in die strate rondgeloop? -- Ja, net so rondgeloop en met mense gesels.

Was jy alleen gewees? -- Ek was destyds saam met Josef gewees.

Van die oggend af? -- Nee.

Toe jy na Adelaide, na die dorp toe gegaan het, was jy saam met hom? -- Ja.

Het julle net saam daar in die dorp rondgeloop? -- Ons (10 het saam rondgeloop tot op 'n stadium waar ons nou uiteen was.

En toe julle uiteengaan was dit nog daar in die strate in Adelaide se dorp? -- Wat ek hom daar agtergelaat het was toe hy by die drankplekke ingegaan het.

Watse drankplekke? -- Commercial Hotel.

HOF: Die Commercial Hotel? -- Die Commercial Hotel, ja.

MNR JACOBS: Is jy saam met hom daarin? -- Nee, ek het nie ingegaan nie.

Hoe laat het jy hom daar verlaat? -- Om en by 17h00.

Is jy toe huis toe? -- Ja, ek is. (20

En was jy by die huis tot jy by die groep aangesluit het? -- Ja.

Nou ek wil dit aan jou stel dat wat eintlik gebeur het is datjy en Botha was van die begin af saam met hierdie groep en julle het saamgeloop. -- Dit is nie so nie.

En ek wil dit aan jou stel dat jy en Botha was geïdentifiseer by Springbok se huis as deel van hierdie groep wat daar klippe gegooi het. -- Nee, ons was nie daar nie.

Nou is dit korrek dat by Mantewu se huis was die huis donker gewees? -- Ja, dit het toe net begin donker word. (30

HOF / ..

HOF: Nee, maar daar word gesê die huis was donker of sê u dit was reeds donker?

MNR JACOBS: Die huis was donker, daar was nie ligte in daardie huis nie, niks nie. -- Ja, dit was donker gewees, daar was geen ligte nie.

En op daardie stadium toe julle daar was, toe was dit ook alreeds donker gewees en daar was ook nie straatligte nie? -- Ja.

En julle kon nie sien in sy perseel wat daar aangaan in sy perseel, wie daar staan of wie daar wegkruip nie? -- (10) Bedoel u binne in die huis in?

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Ja, of in die perseel voor die huis, langs die huis of voor die huis. -- En die persoon wat naby was wat langs die perseel gestap het kon sien, kon in die perseel van hom sien.

Het julle tot stilstand gekom daar voor sy huis? -- Nee, ons het nie gestaan nie.

Nie tot stilstand gekom daar en toe gesing daarso nie? -- Ons het nie gestaan nie.

As dit so gestel was of so gesuggereer was aan Mantewu dat julle net daar gestaan het en gesing het dan was dit (20) verkeerd? -- Dit is nie korrek nie.

HOF: Wat is die verwysing?

MNR JACOBS: Ek sal dit net gou vir die hof moet kry, edele. Dit is volume 108, 5 389. Die volgende was gestel:

"Did the crowd slow down or stop outside your house in order to sing what they were singing, but you being a well-trained policeman was not going to be provoked by the young people singing outside your house."

Dit was daardie stelling wat gemaak was. Sien ek wil dit aan u stel dat wat daar gebeur het is toe julle sien die huis is (30

in / ..

in duisternis gehul daar..(bespreking in agtergrond, hof/assessor) En dan as die hof na die volgende bladsy ook kyk, edele, daar staan:

"After the crowd stood for a while outside your house and sang they went further in the direction of Mr Springbok's house.."

Dit is op bladsy 5 390.

HOF: Ja.

MNR JACOBS: Ek stel dit aan u dat wat daar gebeur het by daardie huis is julle het doelbewus soontoe gegaan. Toe (10 julle sien dit is in donkerte en dat blykbaar is die bewoners van die huis nie tuis nie, het julle 'n paar klippe, klompie klippe daar gegooi en toe is julle verder daarvan direk na Springbok se huis toe. -- Dit is nie so nie.

En daar by Springbok se huis het julle op groot skaal toe daardie huis belig was, daar 'n aanval geloods met klippe op daardie huis. -- Ek was nie daar gewees by Springbok nie.

Ek stel dit aan jou jy was daar. Daar is jy geïdentifiseer as een van die mense in die groep deur Springbok. -- Dit is nie so nie. (20

En dat julle het daar op 'n stadium nadat - dat mnr Springbok of konstabel Springbok verplig was om op julle te vuur toe julle in sy perseel begin ingaan het om hom aan te rand. -- Ek was nie by Springbok gewees nie.

En op 'n stadium moes daar verdere polisieversterkings daar opgedaag het, tewete die stasiebevelvoerder, mnr Walters. -- Ek het nie die polisie gesien nie, ek was nie daar nie.

Sê vir die hof hoekom was dit dan nodig as jy nou hoor daar is moeilikheid in die strate, daar word nou geskiet, mense hardloop weg, hoekom jy na Botha se huis toe moes hardloop (30

as / ..

as jou weergawe korrek is? -- Die rede hoekom ek na Botha se huis toe was is omdat Botha my goeie vriend was en hy is 'n persoon wat ek goed ken, hoe hy homself gedra as hy bietjie drank in het. Dit was met die oog om hom te gaan beskerm dat hy nie sommer gaan inmeng met dinge wat eintlik niks met hom te doene het nie; want ek het die indruk gekry dat daar 'n moontlikheid bestaan vir hom uit te gaan as hy die skote hoor wat gevuur word of as hy mense sien verbyhardloop. Met dié kan hy maklik beseer word, dus wou ek dit verhoed het.

Was dit jou idee dat hy sou gaan na daardie mense waar (10 die skote gevuur is om te gaan kyk en daarso aggressief raak teenoor die mense wat skote vuur? -- Ek het soontoe gegaan omdat ek hom geken het as 'n persoon wat as daar iets is wat aan die gang was, wat daar plaasvind, hy sal graag homself daar wil vind by enige ding wat daar plaasvind.

Ken jy hom as 'n persoon wat as hy gedrink is dan is hy baie aggressief? -- Ja.

En wat sommer gewapende polisie sal aanpak as hy gedrink is - polisie wat skiet as hulle gedrink is? -- Indien hy so wou gehad het kon hy dit gedoen het, ja. (20

Ek stel dit aan jou dat wat gebeur het is dat jy en Botha was al die tyd saam gewees en daar is niks in hierdie soort storie dat 'n man wat net gedrink is sommer gewapende polisie sou aanval nie. -- Dit is nie so nie.

Het dit tevore al gebeur dat Botha as hy gedrink is dat hy die polisie aandurf in sy aggressiwiteit? -- Hy het nog nie tevore die polisie genader waar die polisie sommer so gestaan het nie.

Maar hoekom dan skielik hierdie dag sou hy dit doen? -- Hierdie dag het ek hom nie gekeer met die oog dat ek moet (30

verhoed / ..

verhoed dat hy nie met die polisie moet inmeng nie. Ek het hom net gaan keer dat hy nie betrokke raak met enige ding wat te doene gehad het met mense wat geraas maak of enige optrede doen wat mense kan betrek nie.

Nou was daar dan sulke gevaar dat daar mense is wat geraas maak en optredes doen? -- Die vraag is nie vir my duidelik nie.

Het daar so 'n gevaar bestaan dat hy nou daar sou gaan en betrek word by mense wat iets doen wat hulle nie moet doen nie? -- Al wat ek sê is dat ek het hom gaan keer dat hy nie uitkom en in 'n verkeerde rigting beweeg nie want dit kon gebeur het (10 dat hy uitkom en hy weet nie eens vanwaar af geskiet word of in watter rigting geskiet word nie, dat hy soontoe gaan en raak-geskiet word. Dit is al hoekom ek hom gaan keer het.

Jy het nie eens geweet waar is die skietery, jyself nie? As jou weergawe reg is. -- Ek kon hoor van watter rigting af die skote gevuur word.

Reg, jy kon 'n rigting hoor maar jy weet nie waar word geskiet nie? -- Dit is so, ja.

Jy het mos vir Botha in die dorp gelos by die drankwinkel. Hoekom het jy nie soontoe gegaan om te gaan kyk of hy nog (20 by die drankplek is nie? -- Dit was al in die nag gewees daardie tyd en dit was nie sy gewoonte om tot so laat in die dorp te bly nie.

Maar jy het hom mos nou laat gelos daarso by die dorp? -- Dit was nie in die nag gewees nie en dit was ook nog nie skemer gewees nie.

As jy sê dit was in die nag gewees, wat bedoel jy, hoe laat was dit gewees toe jy na Botha toe gehardloop het? -- Dit was na 19h00.

Is dit in die nag dan? -- Dit is na skemer. (30

Toe / ..

Toe jy vir Botha gekry het by sy huis volgens jou weergawe, was hy gedrink gewees? -- Dit is so.

Baie? -- Nie baie nie.

Nou goed, jy het nou gesien Botha is by die huis en hy het niks met daardie dinge te doen nie, hoekom is jy nie toe terug na jou huis toe nie? -- Ek het sommer aangebly want ek is gewoon om daar met hom te bly.

Ek vra vir jou hoekom is jy nie terug na jou huis toe nie, dit is wat ek vir jou vra. -- Daar was nie 'n rede wat my gedruk het dat ek moet terug huis toe gaan nie. (10

Maar mens slaap mos by jou eie huis, jy gaan mos na jou eie huis toe. Hoekom het jy dan daar agtergebly, dit is wat ek probeer vasstel. -- Dit is ons gewoonte. Ek slaap by hom, party kere slaap hy by my huis.

Was sy broer, ouer broer die aand daar by die huis gewees? -- Ja, hy was.

En het julle daar kaart gespeel die aand? -- Nee, ons het nie kaart gespeel nie.

Wanneer het julle gaan slaap daardie aand? -- Dit was voor 21h00. (20

En kan jy vir die hof sê wie het vir die polisie oopgemaak daardie nag? -- Niemand het vir hulle oopgemaak nie.

Ek wil vir jou stel wat daar gebeur het, julle het daar kaart gespeel toe die polisie daar inkom. -- Daar bestaan nie so-iets nie.

En julle is daarso gearrester, jy en Botha, terwyl Botha se broer agtergebly het daar. -- Ja, hulle het hom gelaat.

En dit was terwyl julle kaart gespeel het? -- Nee.

En ek wil dit verder aan jou stel jy was ook glad nie aangerand daardie aand nie. -- Dit is nie so nie. (30

En / ..

En ook nie Botha nie? -- Dit is nie so nie.

En is dit nie so dat Botha wat so 'n opvlieënde humeur het, toe die polisie nou daar inkom en die dinge doen wat jy sê wat hulle daar gedoen het, het hy toe met die polisie slaags geraak? -- Nee, hy het niks gedoen nie.

Watse klere het jy aangehad toe jy saam met die polisie is? -- Net die "trunk" het ek aangehad.

Is dit 'n kortbroek of wat is dit, die "trunk"? -- Dit is 'n kort onderbroek.

Skoene? -- Nee. (10

Hemp? -- Nee.

En Botha? -- Hy het 'n onderbroek en 'n ou "Elmar" aangehad.

'n Ou? -- T-shirt.

Wat is die woord wat jy gebruik het? -- Elmar.

HOF: Elma? Waarom noem jy dit 'n Elma? -- Ons noem dit 'n Elmar. Dit is 'n T-shirt.

MNR JACOBS: Skoene? -- Nee, hy het nie skoene aangehad nie.

So julle was nie nakend gewees nie? -- Nee.

Was daar behalwe julle twee, ander mense gearresteer? --
Waar, in die huis? (20

Nee, daardie aand saam met jou en Botha.

HOF: Ja, maar wat bedoel u met "saam"? Dieselfde aand of op dieselfde plek?

MNR JACOBS: Op dieselfde aand.

HOF: Was daar op daardie aand ander persone gearresteer? --
Ja, daar was.

Hoeveel was hulle wat gearresteer was? -- Tussen 15 en 16.

MNR JACOBS: Almal van hulle wat daardie aand gearresteer is, is gearresteer in Newtown? -- Van verskillende woonbuurte.

Is julle daarvandaan direk na die polisiestatie toe (30

geneem / ..

geneem of is julle na verskillende woonbuurte geneem? -- Ons is na die polisiestasie toe geneem.

Direk? -- Ja, direk.

En hoe laat was dit gewees? -- Voor 23h00.

Voor 23h00 - dit kan ook 22h00 wees, dit kan ook 21h00 wees? -- Something to 11.

22h30? -- Dit was kort na 22h30.

Wat julle toe alreeds by die polisiestasie was? -- Ja.

Dit is al die mense wat gearresteer is daardie aand? -- Ek sal nie kan sê nie want met ons aankoms daar vind ons hulle daar alreeds. (10

HOF: Die 15 of 16? -- Ja.

MNR JACOBS: Was julle die laastes wat daar aangekom het? -- Nee.

Was almal van julle, al 15 of 16 wat gearresteer is daardie aand saam aangekla vir openbare geweldpleging? -- Dit is so.

En was die bewering almal van julle was daar by Springbok se huis gewees waar die openbare geweldpleging plaasgevind het? -- Dit is wat gesê was.

HOF: Was dit almal jong mense? -- Ja, dit was jong mense. (20

MNR JACOBS: Almal mense wat deelgeneem het aan die singery in die straat? -- Van die mense wat daar was het ek nie by die singery gesien nie.

Het julle almal verdediging gekry? -- Ja, ons het een persoon gehad wat namens ons almal opgetree het.

En almal van julle borg gekry? -- Van die mense, 16 was vrygelaat op borg, net 10 wat minderjarig was, was vrygelaat op waarskuwing.

HOF: Wag nou so 'n bietjie, daar was nou 15 of 16 as ek reg onthou. Nou trek ons al by 26? -- Ja, van die mense het die (30

volgende / ..

volgende mōre daar gekom. Ons het die nag daar deurgebring saam met die 15 of 16, toe was daar no bygebring die volgende mōre.

Dankie.

MNR JACOBS: En is dit reg dat al hierdie borg, al julle verdediging was verskaf nadat daar aan Mathew Goniwe gerapporteer was dat julle gearresteer was en dat hy toe gereël het deur UDF dat julle 'n prokureur of 'n regsverteenwoordiger kry? -- Dit is nie so nie.

Wie het julle verteenwoordig in die hof, julle regsver- (10 teenwoordig wat al hierdie mense verteenwoordig? -- Mr Nkanunu.

Van waar af? -- Port Elizabeth.

HOF: 'n Advokaat of 'n prokureur? -- Dit was 'n prokureur.

MNR JACOBS: Wie het hom betaal om almal van julle te verteenwoordig? -- Ons ouers het die geld daar gegee.

Wie het hom opdrag gegee? En gekontak? -- 'n Mnr Zweni wat 'n kêrel is van een van die vrouens wat daar saam met ons in hegtenis was, is die persoon wat die kontak gemaak het met die prokureur want hy gee onderwys in Port Elizabeth.

So hy het sommer vanself daarso gegaan en gereël dat (20 daar 'n prokureur moet kom? -- Omdat sy vrymeisie betrokke was het hy dit gedoen.

Sommer vir al die mense, nie net vir sy vrymeisie nie? -- Dit is wat hy gedoen het.

En wie het julle borg betaal? -- Elke ouer het vir sy kind betaal.

Het jy ooit geweet van Mathew Goniwe op hierdie stadium? -- Nee.

Het julle nie sy begrafnis gaan bywoon in Julie 1985 nie? -- Nee, ek het nie sy begrafnis bygewoon nie. (30

Julle / ..

Julle organisasie, Adelaide Youth Congress, het julle 'n afgevaardigde soontoe gestuur en mense gestuur om daardie begrafnis te gaan bywoon? -- Daar was geen afgevaardigdes wat gestuur was nie.

Is dit reg dat die skole daar in Adelaide was gesluit omdat die kinders aan die skoleboikot deelgeneem het? -- Ek het daarvan gehoor.

Hoe lank was die skole gesluit deur die departement? -- Ek kan nie sê wat die tydperk was nie.

Was dit 'n redelike lang tydperk, maande, twee maande? --(10 Ek kan nie daaraan dink nie.

Kan u vir die hof sê het u op enige stadium na hierdie gebeure van Maart/April 1985 kennis gedra dat daar is wel 'n tak van COSAS in Adelaide? -- Ek het nie van COSAS gehoor nie.

Het jy ooit van COSAS gehoor? -- Ek het nie van COSAS gehoor nie.

Toe ek hier gemeld het van COSAS was dit die eerste keer wat jy van COSAS gehoor het? -- Nee, dit was nie die eerste keer nie.

Waar het jy die eerste keer van COSAS gehoor? -- Ek het (20 dit van die nuusblaaie gesien.

Ek stel dit aan jou dat julle in die Adelaide Youth Congress - die Adelaide Youth Congress as sulks, as 'n "youth congress" was gestig met die samewerking van Mathew Goniwe en dat julle dit gestig het om deel te vorm van die sogenaamde vryheidstryd. -- Dit is nie so nie.

En dat julle dit gestig het met die doel om mense te kry en hulle te mobiliseer, te organiseer om aktief deel te neem aan hierdie stryd. -- Dit is nie so nie.

En dat julle gewerk het om die eenheid van die swart (30

mense / ..

mense te kry. -- Dit is nie so nie.

Daarom is ook in julle embleem die woorde opgeneem van "long live unity". -- Dit is nie so nie.

Hoekom het julle dan in julle embleem opgeneem die gedagte van eenheid wat so lank moet leef? -- Die maker van daardie embleem, dit is sy idee dat dit so geskryf was.

Nou watse eenheid het julle nagestreef wat so lank moes leef? -- Ons het nie van die eenheid gepraat nie.

Dankie, edele.

RE-EXAMINATION / ..

(10

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RE-EXAMINATION BY MR TIP: Mr Nkonki it was put to you that Mandewu was not seen at his home on the night of 11 April 1985. Now could you tell his lordship please how far is it from the road to the front of his house, in other words how wide is the front yard? -- The distance between his house, that is the front yard, and the fence bordering the street is about from where I am to the corner of the bench here.

COURT: About three metres.

MR TIP: Perhaps a little less than that my lord.

COURT: Well let us make it two metres. (10)

MR TIP: Two metres.

COURT: If that would satisfy you Mr Tip.

MR TIP: I am indebted to your lordship. And when you personally went past him how far was he from you? -- Between the two distances, between the two points, this distance from where I am to that corner and then in the middle.

COURT: Well that is one metre then.

MR TIP: Yes. And one last aspect. You mentioned the attorney Mr Nkanunu who represented you in that case that you had. On how many occasions did he actually appear in court on your behalf? -- On one occasion only. (20)

COURT: Why was that? -- It is because the case was since postponed from that day and it was never tried.

Yes?

MR TIP: Thank you my lord, no further questions.

ASSESSOR (MR KRUGEL): Excepting for yourself and Joseph Botha, were there any other people who were not dressed? -- No.

You did not, did you see anybody naked that night? -- No.

Thank you.

COURT: Any questions flowing from those put by the court? (30)

NO FURTHER QUESTIONS.

ALFRED STETI SKWEYIYA: d.s.s. (Through Interpreter)

EXAMINATION BY MR BIZOS: Mr Skweyiya you are 48 years of age and do you live in Craddock? -- That is so.

You are married and have four children of your own? -- That is so.

Did you matriculate in 1958? -- That is so.

And from 1977 were you the ledger clerk of the Eastern Cape Administration Board? -- That is so.

COURT: Are you still that? -- Unfortunately not. It was this year that my services were terminated because of my having (10) been detained in terms of the emergency regulations.

MR BIZOS: Were any charges brought against you before you lost your job? -- No.

And did the Cape Administration Board, where were you actually working for the Cape Administration Board?

COURT: The Eastern Cape Administration Board?

MR BIZOS: Eastern Cape Administration Board. -- I was in Craddock since 1977, in Craddock.

Yes. Was the function of the Eastern Cape Administration Board taken over by a community council in 1978? -- That is (20) so.

And did you continue being employed by the Council in the same capacity? -- Yes.

Was it a Village Council up to 1983 and did it become a Town Council in 1983? -- Yes.

Did you only have your own children living with you at home in 1983 or did you have other children living with you? -- There were other children staying with me. Those were my cousin's children. One staying - that is one of the cousins - staying in Johannesburg, the other one in Cape Town. They (30) were/....

were ten in number, that is the children were ten.

ASSESSOR (MR KRUGEL): Their children? -- Their children only.

And your own? -- No, no, their children were ten excluding my own children.

COURT: So did you have a sort of a boarding school? -- Yes.

MR BIZOS: And were a number of these fourteen children at school in various standards? -- Yes starting from the lower primary to the secondary school.

Yes. Now before the Administration Board took over the area in which black people lived in Craddock who was it (10) administered by? -- Craddock municipality was in charge.

Up to when? -- That was up until 1 October in 1973 when the Administration Board took over.

Yes. Now whilst the Administration Board was administering the black living area were there any houses built? -- Not a single one. The last houses which were built by the municipality was in 1964. There was only some building that was done in July 1983. That was the building of 279 house units.

Had the population of the area increased substantially between those two years? -- Yes. (20)

Do you hold any position in your church? -- Yes.

What position and in what church? -- I am a preacher at the Methodist church.

And did you take part in the community's affairs? Prior to 1983? -- Yes quite so.

And did you take a keen interest in the education of the children that you were looking after? -- Yes, not only to the children I was living with in my house but also to children that could not complete their junior certificates or matric, who were taking private tuition. I was assisting in giving (30) tuition/....

tuition to those children to enable them to make the grade in passing their examinations.

COURT: Why did your cousins send their children so far from Johannesburg and Cape Town? -- No they did not send the children. We grew up there as a family with my cousins but they left me there at home where we grew up with the children to go and work at different places, Johannesburg and Cape Town. They always come home during the holidays.

Did they leave their wives there also? -- No they are not males, they are females. They are unmarried so they (10) left their children with me.

Oh I see, yes, thank you.

MR BIZOS: So were you in the position of guardian of these children? -- Yes.

Now in view of your concern about the education of the children I am going to ask you to describe in your own words what the position was there in the beginning of 1983. Were the children disciplined and did they attend school regularly or not? -- After the riots in 1977, which riots occurred in that area, the relationship and respect between the parent (20) and the child was poor. What was happening is that there was no respect from the children at all during that period. These children would play sick at school for instance in order to be sent home and the next thing one would see them in town wearing uniforms. Another thing that was happening is one would see how much in big numbers were they arriving late for their schooling and our office was not far from the school. At times after the bell in the morning for them to be in the schoolyard or at assembly you would find them still standing around smoking, that includes boys and girls. There were (30) some/....

some disco souls concerts which were being held by the schools with a view of getting fees, that is the fees for the school funds to be raised, which resulted in the pregnancy of the schoolgirls at a high rate. This also resulted in the teachers failing to exercise proper discipline on the children. That is how much bad it was.

The school that your office was near, what was the name of that school? -- Sam Xhallie ...

COURT: Spell it please? -- X-h-a-l-l-i-e Secondary School.

Sam is just S-a-m? -- S-a-m, yes. (10)

MR BIZOS: Before the riots that you told his lordship about in 1977 did this have, did this school have good or bad results? -- From during our time when we were attending school until 1977 this school rated amongst the top five schools in the Cape Province.

Was that your old school? -- Yes.

Where you matriculated? -- No I matriculated in Lovedale.

Yes. What happened to the results, did it remain one of the five top schools in the Cape by the beginning of 1983? -- This deteriorated in so much that if parents who had money (20) would send their children away to other places, which used not to happen there.

Did you know the late Mr Mathew Goniwe? -- Quite well. I knew him when he was still a small boy.

Was he a son of Craddock so to speak? -- Yes quite so.

And before 1983 where was he teaching? -- Graaff-Reinet.

And did he come back to his home town in the beginning of 1983? -- Yes as a vice principal.

Did he specialise in the teaching of any subjects? -- He was an expert in mathematics and physical science. (30)

And/....

And his vice principalship was that at your old school, the Sam Xhallie Secondary School? -- Yes. In July of the same year he was appointed an acting principal of the school.

Did he take any steps to remedy the situation that was prevalent in Craddock, at that school? -- Yes we got that from our children. Immediately when he took over the first thing he did was to stop the disco shows.

Any other steps that he took? -- And stop the late coming of the children. We used to see him doing it himself with a Mr Fort, that is Fort Calata, punishing the children who (10) were coming late.

Fort Calata, F-o-r-t C-a-l-a-t-a. Was he also a teacher? -- Yes.

At the same school? -- Yes.

Do you know whether or not they visited the parents of children who were not doing well or offered excuses for not coming to school? -- Yes he used to do a thorough investigation of an excuse by a child who was late for instance, to verify if that was true or not.

Did you accompany him ... (20)

MNR JACOBS: Ek wil nie graag beswaar maak nie elke keer maar dit lyk vir my asof die getuienis wat gelei is, gelei word, ek het gedink dit sounet inleiding wees maar dit gaan blykbaar aan, dit is alles wat die man gehoor het en niks wat hy persoonlik af weet nie. Dat mnr Bizos nou 'n hele klomp hoorsê getuienis op, wat die skool kinders kom vertel het. Ek maak beswaar.

MR BIZOS: The question that I, I have a statement before me and the question that I asked immediately before the objection, whether he accompanied Mr Goniwe to any of these house (30)

visits./....

visits.

COURT: Yes well just curtail the evidence to what he personally knows.

MR BIZOS: As your lordship pleases. Did you accompany Mr Goniwe? -- On many occasions yes.

And were you present whenever, on occasions when Mr Goniwe and Mr Calata spoke to the parents about the discipline of their children? -- Yes I was present. For instance in the case that they found that the parents were to be blamed, like parents who drinks a lot, who does not pay attention to the (10) children then they would talk to the parents about it, strongly talk to them. And when it is found that the child was playing truant then that would be addressed to the child.

Yes, did things improve soon after Mr Goniwe came there? -- Yes especially on the discipline because what we became aware of was that the other schools were also no longer having the disco shows.

COURT: How many senior schools do you have, secondary schools?

-- At that time we had only one secondary school but at present there is a high school as well. (20)

Yes but now 1983, 1984, 1985 was there only one secondary school? -- Yes. Yes but in 1984 was the first year of a high school there, it opened in 1984.

This is now starting in standard 6? -- No, J.C. and standard nine.

Yes, thank you. So in fact you had, in 1983 to 1985 you had two, you had a high school and a secondary school? -- Yes.

MR BIZOS: Now I want to ask you of your personal involvement in the formation of the Craddock Youth Association, or CRADOYA. Were you approached by anyone in 1983 about this? (30)

-- Yes/....

-- Yes I was approached by Mathew Goniwe saying because of the fact that I am a preacher he was asking if I was going to be able to get the ministers together, the reason being that he is being worried about the youth.

COURT: About the youth, the non-school going youth? -- According to him he was worried about the youth in general, including the scholars and those that were no longer attending school.

MR BIZOS: What did he ask you to do? -- He requested me to try and get the clergymen to meet with the professional people, the nurses, social workers, in order to hold a meeting. (10)

Was the late Mr Goniwe married? -- I beg your pardon?

Was the late Mr Goniwe married? -- Yes he was married to a social worker by profession. A request was made that she, the wife to Goniwe, was going to organise the professional women, nurses and other professional women, to come and meet with us, namely the clergymen I shall have arranged with.

And was there a meeting held of the clergymen and the professional people of your community? -- Yes at a Methodist church.

Can you remember more or less when that was? -- It was (20) in May 1983.

Who presided? -- Reverend Thunyiswa, T-h-u-n-y-i-s-w-a. Of the Methodist church.

How many people were present at this meeting, more or less? -- We were about 20. The reason is that we did not know yet what was it that Mr Goniwe wanted to talk about.

Was this meeting addressed by Mr Goniwe? -- Yes he put it to the meeting as I explained earlier that he was worried about the youth and therefore making a request to the professional people, including the clergymen, to encourage the (30) youth/....

youth in attending church and also to take part in some other cultural activities, including sports, drama and music.

Now how was the idea or ideas expressed by the late Mr Goniwe received by the persons there present? -- We were all happy about that. It was therefore accepted by us.

COURT: But now were they to participate in these cultural activities on their own or was an organisation to be formed? -- No at that time not. What was happening is we thought we were going to meet with the youth first and then introduce the whole thing to them and discuss it with them during which (10) discussions then we were going to discuss the way of doing it and therefore it was going to be decided then.

What would be decided? -- The formation of the groups, for instance for the choral music, how this was going to be formed, and the drama group how that was going to be formed. Such things.

MR BIZOS: Yes, and was there any decision at this meeting of approximately 20 people as to whether another meeting should be called? -- Yes it was decided that we were going to introduce this to the children at different places, schools, (20) churches, wherever, and also their parents so that we hold the mass meeting in a hall of the Anglican church.

COURT: Public meeting? -- Yes.

MR BIZOS: Was, I am going on to the next meeting my lord.

COURT: Well this is a convenient time to take the adjournment.

COURT ADJOURNS UNTIL 14h00.

COURT RESUMES AT 14h00.

ALFRED STETI SKWEYIYA: d.s.s. (Through Interpreter)

FURTHER EXAMINATION BY MR BIZOS: Was there a further meeting shortly after this first meeting? -- Yes there was.

How long after the first? -- A week or two, I am not quite certain.

And where was that meeting held? -- Methodist church.

And how many people turned up to this meeting? -- That hall takes about 600. It was full.

Who presided at this meeting? -- Reverend Phezi. (10)

From which church? -- African Methodist Episcopal Church.

Did Mr Goniwe speak at this meeting? -- No he did not speak.

Was he there? -- Yes he was.

Who spoke? -- Reverend Phezi, Fort Calata and some other teachers.

And what did they speak about in general terms? -- They were talking about discipline on the children and also the introduction of attending church services by the youth.

Did any priest or paster speak about this? -- Yes (20)
Reverend Zweni.

You have already told us that Mr Fort Calata was a teacher. Where was his home town, was he also a Craddock person? -- Yes he was also from Craddock.

And at this second meeting was there any suggestion of the forming of an organisation? -- No different committees were formed. For instance a committee for drama and a committee for music, committees pertaining to any other activity involved in here.

Yes. If you are asked are you able to give the names (30)
of/....

of the committees, and were convenors appointed to convene these committees? -- Yes I do remember about people who were chosen as convenors there.

Of the committees? -- And they were then to co-opt members from the youth, that is convenors of the committees.

Yes. Now do you remember the names of some of the convenors of these various committees? -- For the drama a Mr Balley, B-a-l-l-e-y, was the convenor.

Yes? -- On education the convenor was Boss, spelt the usual way. (10)

COURT: Double s? -- Yes. For sports Alfred Mose, M-o-s-e. Then we had a convenor for the committee of the choral music, that was Reverend Phezi.

MR BIZOS: And after the formation of these committees was any activity conducted by any of them? -- Yes quite so. In fact it was something that progressed well, specially on drama, music and sport.

Was any suggestion made as to whether or not an organisation should be formed after the establishment of these committees? -- Yes, after having noticed that there was (20) progress on these committees in August we had a meeting at which it was suggested and this was a success.

COURT: That is August 1983? -- Yes.

MR BIZOS: Was there a public meeting or mass meeting held? -- Yes this meeting I am talking about was a meeting of the parents involving the youth as well.

And in August 1983 at this meeting did you personally attend it? -- Yes I did.

Is that the meeting at which CRADOYA was formed? -- Yes. CRADOYA for the youth. (30)

Who/....

Who presided at that meeting? -- Reverend Phezi.

Was Mr Goniwe there? -- Yes he was.

Did he speak? -- Yes.

What did he say? -- He was talking about discipline on children, that this is very important on children and in fact it must be given at home and be kept even at school, in life generally.

Was there any form of decision to form the organisation?

-- We first elected the chairman, the secretary and the treasurer.

(10)

Who was elected chairman? -- Mr Goniwe.

Who was elected secretary? -- Mr Calata.

And who was elected treasurer? -- Reuben Mahangu,
M-a-h-a-n-g-u.

COURT: Now this was a youth organisation? -- Yes this is where we start forming this youth organisation.

Yes now this is the start of CRADOYA? -- That is so.

Now what was the age of Mr Goniwe? -- About 35 then.

And Mr Calata? -- About 29.

And Mr Mahangu? -- About 34.

(20)

Yes, thank you.

MR BIZOS: Did Mr Goniwe remain as the chairman of the youth organisation for long? -- No he was the chairman until in January 1984 where he terminated his chairmanship, that was after the formation of the Civic, then Fort Calata took over from his as the chairman of the youth organisation.

At this meeting at which Mr Goniwe was elected chairman of this youth organisation were there only young people there? -- No parents were also there, there were quite many.

Did they participate in the election of the office (30)

bearers?/....

bearers? -- Yes they were allowed at this meeting to participate.

What had happened, what happened to the four committees that had convenors appointed, what happened to those four committees? -- They were also taken to form part of the committee of CRADOYA.

COURT: The chairmen of those committees? -- Yes they chairmen of the different committees were elected to the executive of CRADOYA.

MR BIZOS: You told us that houses were built in 1983? -- Yes.

In the township. By the way what is the name of the (10) township? -- Lingelihle, L-i-n-g-e-l-i-h-l-e. Good effort.

Now

ASSESSOR (MR KRUGEL): Is that what it means? -- Yes that is what it means.

MR BIZOS: Now I think you told his lordship already how many houses were built. What were people expected to pay to occupy those new houses? -- They were paying differently. That is what we used to call a sliding scale for those houses.

How many rooms did those houses have? -- Four roomed houses. (20)

And what was the rent of a four roomed house that I can describe as an old house, built long before?

COURT: Built in?

MR BIZOS: Long before?

COURT: 1964?

MR BIZOS: 1964 or thereabouts? -- R29,04, that included the rent and service charges.

COURT: That was now in 1983 we are talking about? -- Yes.

MR BIZOS: And for a four roomed house on the sliding scale what did people have to pay? -- A person who was earning (30)

R500/....

R500 a month was paying R84,73 per month for a four roomed house.

COURT: Service charges included? -- Yes.

These were now for the new houses? -- Yes.

And those earning R200 a month? -- About R40 per month.

MR BIZOS: Who is the largest employer of labour in Craddock, who was the largest employer of labour in Craddock in 1983?

-- Railway.

What was the average wage of the railway worker in 1983? -- R242 per month. (10)

And on a sliding scale what did they have to pay in rent, those earning R242? -- R59,03.

COURT: But for R200 you would pay R40? -- That is so.

Yes.

MR BIZOS: You give these figures with confidence. Is that, did you actually work with these figures as a ledger clerk? -- Yes.

And how was this difference between R59,03 if you were working on the railways and the R29,04 if you lived in an old house, how was that received by the residents in the community? -- This was causing problems, complaints. (20)

And was there any particular group of people articulating the complaints of this disparity? -- Yes the teachers and nurses were the people who in the majority were going to move into the new houses with the sliding scale and they were very much dissatisfied with the way in which it was being done. As a result of which they called a meeting with the parents in the township.

When was this meeting? -- This is one meeting I will never forget. It was on 25 August 1983.

Why will you not forget it? -- It is because we were (30)

cross./....

cross.

Yes, what happened at this meeting? -- A chairman was elected.

At the meeting? -- Yes.

Yes, who was that person elected? -- Mr Goniwe.

Where was this meeting held? -- At the Anglican church.

And what was said? -- The sliding scale system of the rent was discussed and it became apparent that people cannot afford paying that kind of a rent. The reason being that this is calculated on a gross salary, not on net after deductions. (10)

There were different suggestions made there, some saying that the authorities, officials, must be seen at the office about this issue. I am one of the people who got up and said no we had better go to court, let the court solve this problem for us. Because in 1980 there were rent increase which was from R17,38 to R29,04. A parent delegation was sent to go and meet the officials of the Eastern Cape Development Board on which it was said by the Development Board that whoever is finding some difficulties in paying that rent shall have to go and see the township manager who on having heard the reasons shall (20) recommend that the rent for that particular person be reduced on grounds of what this person had put forward. Quite a lot of people who were not employed and those that were receiving lower income went to the township manager to complete those forms. That did not help them at all because their arrears were accumulating until during the year 1983. That was the reason then which resulted in saying well we had better go and see an attorney who will process this to be heard by court. The reason for that is we felt there was not enough investigation done before deciding on this about the income of (30)

the/....

the people of Craddock to justify that kind of increase.

Before I go further than this the pensioners were receiving R114 in two months. There is a portion of the township there which is called the sub-economical houses. Those houses were built somewhere in 1940. That is the area which is being occupied by these people, the pensioners. They were paying R56,36 for two months, that is from that R114 they were getting.

COURT: But now whether them paying more, no they were paying approximately the same as those in the R29? -- That is so.

But now why not the same? -- The difference is here, (10) they get pension from the government because of their age and they are expected to pay this amount which is R56 for two months and the difference from the R114 they receive must see them through for another two months before they get another payment.

Yes that I appreciate but the payment per house for the old houses was R29,04. So that should make it R58,08 and they were paying R56,36. Were they in different houses? -- The difference is the pensioners houses are two roomed houses, that is point no. 1. Secondly they were built in 1940 and these other houses I am referring to as old houses are four roomed(20) houses who were last built in 1964.

Thank you.

MR BIZOS: As the proposal to see a lawyer accepted? -- Yes, because at this very meeting it was decided that those who can afford must contribute an amount of R5 per family, and there were meetings that we used to have after that until we ended up going to see the lawyer for this issue.

Was the money for the lawyer? -- yes.

Was there a follow up meeting in September? -- Yes from this particular meeting we held meetings every week. (30)

Was/....

Was some money collected? -- Yes at each and every meeting, that is the weekly meeting that was held, those who were responsible for the collection of the moneys were to report to the meeting and they ended up being chosen as a board of trustees, a body that had to control that money until such a time a lawyer was seen and instructed and the money was used.

Who were these trustees to keep the money? -- They were eight members. I do not know whether I will remember every one of them but Mathew and Fort, Mathew, Fort and Reuben Mahangu were members of the eight trustees. (10)

Yes, and was an attorney approached? -- Yes an attorney was approached but it did not prove anything better.

You mean there was no benefit derived from this? -- That is true.

And did you continue having meetings, trying to find a solution? -- At the end, some time in September, we had a meeting where it was decided that a letter be written to Mr Louis Koch who was the chief director in Port Elizabeth.

I have it as Koch my lord, K-o-c-h. Yes? -- We wrote to him and on which he replied. In reply to this he instructed (20) the town clerk to meet with us.

Yes. At this stage was this differential in rent the only complaint that you wanted to raise or were there other complaints? -- At these meetings that we held a lot of things was mentioned like for instance the conditions of the roads which were being complained about, the condition of the house like where for instance a window handle were broken, things that were not being repaired on the conditions of the houses, and people using a single tap, being many, and a complaint about electricity. And also a complaint about people who are (30)

earning/....

earning very little, and the majority of people are without employment.

Was any suggestion made in relation to the formation of any organisation at any of the meetings that you were holding at the time? -- Yes, in September it became apparent that these complaints were rather many. They justify a residents committee or organisation.

Was any proposal made at any meeting at which you were present? -- Yes.

What was the proposal? -- Yes what was said there is (10) that Mr Goniwe is being asked to see a person by the name of Molly Blackburn, who was a member of the provincial council, to go and find out from this person about a draft constitution for the residents committee or body which will represent the residents.

Yes. And did Mr Goniwe accept this mandate to approach Mrs Molly Blackburn? -- Yes he accepted that, in fact he did go and see him.

Did he report back at any meeting that you were at? -- Yes at his reporting back he came already with a drafted (20) constitution that had been done by the executive which was read to the meeting and this draft constitution was accepted by the community.

COURT: Who was the executive? -- Mathew Goniwe as a chairman, Acting chairman, Gladwell Makhawula, M-a-k-h-a-w-u-l-a. The secretary being James Nqishe, N-q-i-s-h-e. The treasurer Fort Calata.

Now when had these people been elected? -- They were elected at this meeting of the 4th, that is the day of the formation of CRADOYA. (30)

What/....

What is the date? -- 4 October 1983.

MR BIZOS: This committee of trustees that was to look after the money, did it do anything with the money that had been collected? -- This money was handed over to the executive committee of CRADOYA. In other words it was left in the hands of CRADOYA executive.

At this meeting of 4 October was the constitution discussed?

COURT: Well it was read to the meeting, it was accepted.

MR BIZOS: Oh I am sorry my lord, I missed that, yes. Was (10) there any talk by the people there present as to what would be the main aim of the organisation? -- Yes it was said that this body was going to look into the problems of housing, that is finding housing for the community, and the condition of the roads, that this be attended to. And also the sewerage system because at the time the toilets there was a bucket system. Up until now it is still a bucket system and what was mentioned also there was about electricity. To look into such things.

Was there a council in existence in Craddock at the time?

-- Yes there was. (20)

How was it viewed by the people that attended these meetings, were they referred to at all at these meetings leading up to the formation of the association? -- They did not even care this much about that council, it was discredited because since the inception of the council in 1978 the rents were being increased. For example during the time of the municipality the rent there was R4,48.

COURT: R4,38? -- Forty eight cent. And in three years time it was already R11,50. In 1980 they had called a meeting, they were saved from, for their lives when a beerhall was (30)

set/....

set alight.

When was that? -- That was in 1980.

COURT: Did they have the meeting in the beerhall? -- No the meeting was held in a community hall and while being there holding a meeting they were attacked by the people, the community there, by using stones and they were chased, lights were put off from the community hall. They ran away and therefore succeeded in getting away from the attacking people. Then thereafter the people who had been attacking them from this community hall went to the beerhall which they destroyed by (10) setting it alight and damaging it.

MR BIZOS: What was going on, what brought this about? -- That was because of their promises they were making to the people when holding meetings of which promises were not kept. The rents were hiking, being increased. There was nothing that was going on which was being done in the township since their taking over. The last that was done was during the time of the municipality when the township was still being served by the municipality.

To come back to 1983 were you at any meeting where any (20) suggestion was made that CRADOYA should consider affiliating to the UDF? -- Yes I was present.

Can you remember when that was? -- It was a meeting in November. I remember the speaker who introduced that saying that I read from a paper about a formation of the Eastern Cape region of the UDF. It was then that mentioning was made of the affiliating to UDF.

Did he say anything to motivate his proposal for this affiliation to the Eastern Cape region? -- The speaker said our problems are not different from other townships and (30)

therefore/....

therefore we must identify ourselves with the other people who are having the same kind of problems by falling under the wing of the UDF.

And was any formal decision taken by the meeting? -- Yes the executive was sent to go and affiliate to UDF in Port Elizabeth. That would happen in the first week of December.

1983? -- Yes in 1983.

Mr Mathew Goniwe, on what you have told us, was active in the youth organisation, in the residents association, how was he viewed by you and others insofar as you know, as (10) to, in relation to his teaching job or, was he a success or a failure as the vice principal of the school? -- He was a well gifted man for the fact that he was teaching maths and science and a young man who did not partake in consuming liquor, a well behaved person. He was doing very well as a teacher.

Right. Did you and your community receive any news about his future in Craddock towards the end of 1983? -- On 29 November 1983 a telegram was received where the Department of Education and Training was transferring him, Goniwe, to Graaff-Reinet where he came from when he took up the post in (20) Craddock.

When was he to return to Graaff-Reinet, or to go to Graaff-Reinet? -- According to the telegram he was to assume duties on 1 January 1984 in Graaff-Reinet.

How was this transfer received by you and other people in your community as far as you knew? -- We were shocked about that, we were not happy. We were spending sleepless nights. Even up to now, now that he is no longer there, we sometimes spend sleepless nights.

When you say he is no longer there he was murdered (30)
later?/....

later? -- Yes he was.

Was any meeting called after the transfer was announced?
-- Yes during the first week of December we called a meeting which was convened at a community hall.

Who called the meeting? -- CRADOYA.

Did you go to that meeting? -- Yes, oh quite well.

How many people turned up at this meeting? -- That hall was full because people had heard about his being transferred, that Goniwe was being transferred to Graaff-Reinet.

And how many hundreds or more people were there would (10)
you say? -- It was overflowing. That hall takes about 1 700 and there were quite many other people outside. I would say there were 2 000 plus.

Yes. And how did the people there gathered, what did they have to say about the transfer of Mr Goniwe? -- I do not know whether to describe the behaviour of the people there as one of people who became mad on hearing about this man's transfer because immediately that was announced they caused a noise which one could not even control. The only way in which we succeeded in having them quiet was when the school (20) committee announced that there are certain members of the committee who had gone to see a Mr Merbold from the Department of Education about this man's transfer. That was the only way of having them calm and quiet.

COURT: Mister? -- Merbold.

MR BIZOS: M-e-r-b-o-l-d my lord, Merbold. -- That school committee was not consulted by the department in order to transfer Goniwe. On their return, that is the members of the committee, they reported to us that Merbold says they must write a letter in which they are complaining, which letter (30)
will/....

will be, on receipt by him, forwarded to the department.

At the meeting were there any statements made in relation to the reasons or possible reasons for the transfer of Mr Goniwe to another place? -- Yes the next meeting with Merbold was in February when he was seen by the parents...

Before we have any objection in relation to this, was a committee formed to negotiate for the cancellation of the transfer of Mr Goniwe? -- Yes the last week of December 1983 we had a meeting at which meeting some people we chosen to go and see the department, that is a representative of the (10) department, about the transfer of Mr Goniwe.

Were you at that meeting? -- Yes I was.

Were you one of the persons elected to represent the community? -- Yes.

And did you ever accompany other members of the committee to find out what this was about and how you could avoid the transfer of Mr Goniwe? -- During the meeting which was held in December the parents as a whole, who were at that meeting, decided that Goniwe must not go to Graaff-Reinet, he must just remain there in Craddock because we as parents are going to (20) see Merbold and talk to him about this.

Did you go? -- Yes we did.

Were any reasons given to you for the transfer? -- Yes what he said is he is in need of a maths and science teacher in Graaff-Reinet.

Did you or any other member of the delegation respond to this statement by Mr Merbold? -- We told him openly that the transfer of Mathew Goniwe to Graaff-Reinet is political in the sense that if that is being done we in Craddock are going to be left without a maths and science teacher just as they (30)

do/....

do not have one in Graaff-Reinet, and we further made mention to him that the transfer of Goniwe here is in fact being effected by the Department of Education and Training with the association of the security police. Those are the two bodies that are in fact transferring Goniwe.

Did you believe that the security police were responsible for this, or part responsible? -- Without any doubt. That town there is small. We used to see Mr Merbold visiting the security police offices.

You told us that in December the parent body urged (10) Mr Goniwe not to accept the transfer to Graaff-Reinet. Did you do anything in January to try and regularise the position? -- Immediately when we came out of that meeting in December we asked for an appointment with Mr Merbold who kept on delaying us until we only were able to see him on 3 February.

In between the two, the December meeting and 3 February when you saw the official did you do anything in your community to try and avoid the transfer of Mr Goniwe? -- What was done is that a petition was drawn and it was taken around in the township. When it came to me by the time it was to be (20) signed by myself it had so many people by 3 February.

What did the petition say? -- We were appealing to the government to reinstate Goniwe as a teacher in Craddock and did not see it justified for the government to have terminated his services as a teacher because of having refused to go to Graaff-Reinet.

COURT: Now I am sorry, you are jumping the gun. Did he refuse to go to Graaff-Reinet? -- After our request and our suggestions to him, yes he refused to go to Graaff-Reinet.

But now did he refuse before 1 January to go to (30)

Graaff-Reinet?/....

Graaff-Reinet? -- This is a report we got from him, Goniwe, that I am going to tell the court now. Goniwe made a report to us saying that Mr Merbold said he was giving him a chance. So it was some time in January when Merbold had phoned him when he made it clear to Mr Merbold that he, Goniwe, was not going to Graaff-Reinet.

And was he then dismissed? -- Yes he was dismissed.

When was he dismissed? -- It was confusing because on the 3rd when we met with Mr Merbold Mr Merbold said that they did not terminate his services but he himself terminated his (10) services.

By not turning up for work? -- That is so.

Yes, so he dismissed himself according to Mr Merbold? -- That is what he says.

MR BIZOS: When were schools to open in 1984? -- I do not quite remember exactly what the date was but it was late in January.

And when you asked for an appointment in December and you did a petition in January what did you hope to achieve by an early appointment and the petition? -- We were scared that this thing can easily explode because of the complaints by (20) the residents of the township, we were trying to avoid the explosion from the community about their feeling due to the transfer of this person.

Now you told us that in 1984, for the first time, there was a high school in your township? -- Yes.

Was that, did it start with standard 9 at the beginning of 1984?

COURT: Well does it not start with standard 6?

MR BIZOS: That is not the way I have it but it may be. It may be, that is not the way I have it in the statement. (30)

COURT: /....

COURT: Yes, very well. -- It was confusing at the beginning but what happened is the following, they first took some children at the secondary school who were doing standard 9 and brought them to this new school which was to be a high school. After a week or so then some standard 6's, 7's and 8's were also taken from that secondary school to open here a standard 6, 7 and 8 which will be class 9 which was taken the previous week.

I see. Thank you.

ASSESSOR (MR KRUGEL): We have got the mechanics now. (10)

MR BIZOS: We have got the mechanics. Now the people that went into standard 9 that year, in 1984, had they had Mr Goniwe as a teacher? -- Yes those who had passed their J.C., that is standard 8, with many distinctions about eight distinctions, were transferred to this new high school.

And you told us of the meeting of 3 February 1984 where it was said that Mr Goniwe had dismissed himself.

COURT: Well we have written that down Mr Bizos. Do you want it all interpreted again?

MR BIZOS: Well merely in order to put it in context (20)

because that came chronologically earlier. I merely wanted to, after you were told that Mr Goniwe had dismissed himself was this announcement made to the community? -- What happened is that on our return from Graaff-Reinet where we met Mr Merbold we arrived in our township at about 11h00 where we told the people that what is being said here is that Mr Merbold says Goniwe discharged himself. That is sparked the problem. The students then started to say that they want an SRC which will see to the reinstatement of Mr Goniwe.

And these children that had gone into standard 9, if (30)

Mr, /

if Mr, before the transfer of Mr Goniwe at the end of November whether it was intended to have him as a teacher at this new school teaching standard 9s? -- No the children did not want him as a teacher, they wanted him back as a principal of the school.

COURT: Of the high school or the secondary school? -- I do not know exactly but they did not specify. Sam Xhallie and Lingelihle, those two schools were the schools that were fighting for this that he must come back to Craddock as a principal. (10)

MR BIZOS: Had a principal been appointed to the new school? -- Yes a white man called Visagie.

And ...

COURT: And there was an existing principal for the secondary school? -- Yes there was a person who was appointed an acting principal who was a teacher there, a Mr Nelson Magadu.

I am not asking about acting principals. Who was the principal? -- There was no principal there. What happened is that when Goniwe came there and was appointed an acting principal it was because of the principal of that school (20) who was promoted as an inspector and therefore they did not have a principal at that school. When Goniwe left then they had to reappoint another acting principal because Goniwe was acting as well.

Yes, thank you.

MR BIZOS: You say that the children started boycotting the classes? -- Yes that was at Lingelihle on the 3rd.

Did it remain there or did it spread to the other school as well? -- It spread to other schools as well.

Did you personally, together with others, try to put...(30)

COURT:/....

COURT: I am sorry now, they started boycotting classes at Lingelihle, is Lingelihle where the two schools are? -- The position of this, the name of the township there is Lingelihle and the name of the high school, of the new high school, is also Lingelihle High School. So when I talk about Lingelihle I am talking about the high school Lingelihle which is in Lingelihle township.

So they started at Lingelihle High School and it spread to other schools. Which other schools? -- Junior secondary school which a secondary school then. From there it spread (10) to the primary schools, Nxuba Higher Primary, N-x-u-b-a and Solomon Akena which is also a higher primary. From where it went down to the lower primaries.

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And they all wanted Mr Goniwe back? -- As far as the lower primaries were concerned this was in fact the parents who were causing the so-called stay away from school. What happened is there was some fighting between the scholars and the police, that is those in the higher primary and high school and secondary school as a result of which then the parents of the children in the lower primary feared for their young (20) ones and decided to withdraw them from going to school because there was some sjambokking going on there between the police and the other scholars. That is how the young ones became involved.

MR BIZOS: Now shortly after 3 February did you, together with other members of the community, call on Mr Visagie to try and solve the problem? -- He invited us to a meeting which was to be held on the 7th, that is inviting the parents who had children at this high school to come and discuss the problem of the children. (30)

Did/....

Did you have a child in that school? -- Yes.

Did you go? -- Yes I did.

Yes, did you put, did you and others put your point of view? -- I beg your pardon?

Did you and others put your point of view to Mr Visagie? -- Yes we told him that this is being caused by the dismissal of Mr Goniwe.

Did you ask Mr Visagie to do anything about the dismissal of Mr Goniwe? -- Yes we did ask him but he said well it has got nothing to do with him, there is nothing he can (10) do about it and he also told us that the scholars there are not going to have the SRCs because they are not students but pupils.

And where were the pupils or students whilst you were talking to Mr Visagie? -- They were outside there busy singing. We went to tell them about what Visagie was saying. They said no they are not changing from SRC.

And did you report this attitude of the students to Mr Visagie? -- Yes we reported that to him on which he said he was going to phone his superiors. (20)

And how did your morning's delegation finish up, what happened eventually? -- We left that place very fast because of his coming back to us saying "Well the schools are closed now and I am giving you five minutes to leave this place otherwise the police are coming." Having invited us to come there for that day.

And did you take his advice and leave? -- Yes we left fast.

And did the schools remain closed? -- Yes but not for a long time, for a very short time.

How did they come to be reopened? -- How did they? (30)

How/....

How did they come to reopen? -- We heard from Mr Merbold that the schools are open and they will never be closed. This was through the newspaper.

How long did they remain closed, for what period did they remain closed? -- About a week. It was not long.

Did the children return to school? -- No they did not. Incidentally I was talking about one school which was said to have been closed when Visagie said this to us. But now before they went back to this school then something else happened at another school as a result of which then these children did (10) not go back to school here.

Did you yourself witness the event that happened during the period of the closing of the one school? -- The office at which I was working is just near Sam Xhallie secondary school. I saw children running away and being chased by the police who were hitting them with sjamboks. This is what happened there. I heard these children singing earlier. In their song they were saying they want Goniwe. I left them singing there and went into my office to work. While busy working there was some noise outside as a result of which I went out to see (20) what was happening only to find that the police were chasing the children with sjamboks.

After you saw that did you go to the school premises? -- Yes I went there very fast because I have a daughter at that school.

Did you find any other parents there? -- Yes when I came there I found some women who had children there, swearing at a principal whom I did not see where he was at the time, saying he is the one who opened the gate for the police to come into the premises. (30)

The/....

The principal of the school that you are speaking of he is not Mr Visagie, was that Mr Magadu? -- Yes that is Magadu at Sam Xhallie.

COURT: M-a-g-a-d-u? -- That is so.

MR BIZOS: Now do you know whether Mr Goniwe made an application for reinstatement? -- Yes he made that application because Mr Merbold told us that Goniwe must make that application.

COURT: Reinstatement where? At Graaff-Reinet or at Craddock? -- What he said is that before he is appointed to any other school he must first be reinstated as a teacher. (10)

MR BIZOS: And do you know whether Mr Goniwe did make that application to be reinstated as a teacher? -- Yes I know about the application. We took it to Merbold.

And do you know whether that application for reinstatement as a teacher succeeded or not? -- I know that it did not succeed.

When, was there an announcement made that his application to be reinstated as a teacher was not successful? -- Yes it was announced at a meeting.

And how was that announcement received? -- It was not accepted, it caused a lot of noise in which they were saying (20) children will not go to school.

Do you recall whether children were going to school in the beginning of March 1984 or not? -- After the opening of the school I heard about a few that was attending school at Lingelihle.

Did you hear of any clash or any incident involving a teacher and pupils in the beginning of March? -- Yes we heard about an incident in which it was said that a teacher was hit by a scholar.

A male or a female teacher? -- A lady teacher. (30)

COURT: /.....

COURT: By a male or a female scholar? -- No a male.

MR BIZOS: Yes, now did Mr...

MNR JACOBS: Dit gaan weer oor hoorsê getuienis weer hierso, gaan dit aan, ek het al vroeër gevra dat mnr Bizos nie die hoorsê getuienis sal lei nie.

MR BIZOS: It will become clear that it was a matter that was discussed at a meeting that was called after this incident.

COURT: Yes, go ahead.

MR BIZOS: Did anyone call a meeting after this incident was reported? -- Yes Goniwe called a meeting immediately at the(10) community hall, at the Methodist hall.

And who were present? -- The scholars of Sam Xhallie school ...

COURT: Just spell that second name again, I have forgotten it again. -- X-h-a-l-l-i-e. And the parents in the majority were present at this meeting.

ASSESSOR (MR KRUGEL): The teacher? -- No the teacher, we wanted the teacher to be there but the teacher was not there.

MR BIZOS: Did anyone speak at this meeting? -- Yes the meeting was opened by Mr Goniwe who had a lot to say about the(20) incident saying it never happened before that a teacher was hit by a student and therefore he wanted an explanation from the children of Sam Xhallie to explain how this happened and why.

Yes, did he express any view as to whether he approved or disapproved of this sort of conduct? -- He did not approve of it. He was very much annoyed about that.

Did anyone respond to his request for an explanation? -- Yes we knew already about who did that, namely Ponki Daku.

COURT: And did Ponki explain it? -- Yes he was called upon(30) to/....

to come and explain as to what was happening.

Well I do not know that we want you to give the long explanation unless you are asked but what was Mr Goniwe's attitude after this explanation? -- In his explanation Ponki was saying that the acting principal Magadu was saying bad things about Goniwe. Goniwe then said even if that is the case you had no right to hit the teacher.

ASSESSOR (MR KRUGEL): Was it the acting principal that got hit by Ponki? -- No he is not the one but what happened is the acting principal was the cause that the lady teacher was hit. (10) Because of his behaviour and what he had said about Goniwe some students objected to his behaviour and what he said about Goniwe, as a result of which he said the students must now be led into classrooms by the different teachers. On doing that Ponki refused to be taken to a classroom by this lady teacher who insisted that he must go into the classroom. That is how the whole thing started.

MR BIZOS: Now did you receive any letters as to whether or not the schools would or would not remain open if the children did not go back to school? -- Yes we received some letters (20) from the Department of Education in which it was said that if we are not taking the children to school that would mean the closure of the schools and therefore mean that the teachers are going to be transferred.

Now did the children return to school? -- No we did not care about that either and the children therefore did not go to school because Goniwe was not reinstated.

COURT: Rather childish was it not? -- I beg your pardon.

I say that was rather childish was it not? -- I do not see it childish. In fact I see that as the main reason up (30)

to/....

to now that is causing some misunderstanding.

MR BIZOS: You told us that you were regularly holding meetings. Did anything happen in March 1984? Which made it impossible for you to hold further meetings? -- Yes on 23 March the magistrate of Craddock banned the meetings of CRADORA and CRADOYA.

COURT: For a definite period? -- He first said on the 23rd that he was banning the meetings on the 23rd of the two organisations and therefore kept on renewing that banning with 48 hours, starting from the 23rd until the end of the month.

Now did he ban a specific meeting after it had been (10) announced or did he in advance ban meetings which were not yet announced? -- He was banning meetings that may be held, not a specific meeting.

Up to the end of that month? -- Yes up to the end of that month.

MR BIZOS: And at the end of the month was a longer ban imposed on meetings? -- I beg your pardon?

And at the end of the month was a three month ban of meetings promulgated? -- Yes this is now by the Minister of Law and Order, for three months. (20)

My lord if I may the section actually says either specific meetings or meetings for any period or any purpose, so that sometimes it is for a week or it may be even for a weekend.

COURT: Thank you.

COURT ADJOURNS UNTIL 2 JUNE 1988.