

SAAKNOMMER: CC 482/85

DELMAS

1987-04-23

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST E.

ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

VOLUME 205

(Bladsye 10 731 - 10 782)

COURT RESUMES ON 23 APRIL 1984.

MR BIZOS : All the accused are before Your Lordship this morning. There is just one aspect that subject to Your Lordship's leave arrangements can be made for the hospitalisation of accused no. 10 for the night of Monday, what will that be? He will be absent on Tuesday.

COURT : Coming Monday?

MR BIZOS : Coming Tuesday he will be absent. The doctor wants him to be admitted overnight.

COURT : Monday would be 27 I think. (10)

MR BIZOS : If he could be absent on the 28th. If he can be admitted to hospital on the 27th.

COURT : Will he go in in the afternoon, not in the morning?

MR BIZOS : In the morning. The probabilities are that he will only be away for a day or two. That is Mr Vilakazi, accused no. 10.

COURT : Permission is granted.

MR BIZOS : My Lord, the next witness will be Mr Gcinumuzi Petrus Malindi, accused no. 5. He will give his evidence in Zulu. (20)

MNR. JACOBS : U Edele, ons wil net op rekord plaas dat toe ons verdaag het hierso het die verdediging ons belowe hulle sal ons in kennis stel wie die volgende getuie is sodat ons kon voorberei vir wanneer hy klaar is om die kruisondervraging te doen. Dit sou verlede Woensdag gewees het wat hulle ons in kennis sou stel wie die getuie is. Dit was nie gedoen gewees nie, tot nou toe. Met ander woorde, op hierdie stadium het ons vanoggend eers gehoor wie gaan die getuie wees. Dit mag dan wees dat ons miskien tyd sal vra om voorbereiding te doen op sekere dinge. Ons het mooi van die begin af (30)

gevra/...

gevra dat ons samewerking kry, dat ons weet wie die getuie is dat ons nie die Hof se tyd moet mors nie, maar ons kry dit nie.

HOF : Wel, ons sal kyk hoe dit gaan met hierdie getuie en hoe lank dit duur.

MR TIP : My Lord, may I just place on record what has happened here. I arranged with Mr Hanekom that I would speak to him on the Wednesday before we resumed, that is as I understood it, to convey this information. I in fact telephoned here yesterday afternoon and was advised that the prosecution team had gone away. They had been there in the morning but had left at lunch-time and I communicated that to Mr Hanekom this morning before we started.

GCINUMUZI PETRUS MALINDI, d.s.s (Through interpreter)

EXAMINATION BY MR BIZOS : What is your age, Mr Malindi? -- On my next birthday which is 18 July I will be turning 27.

And where were you born? -- Evaton.

For how long did you live in Evaton? -- From 1967 to 1974.

Was your parents' residence in Evaton regarded as (20) lawful or unlawful by the regulations which were in existence at the time? -- It was being said that they were illegally there. Which means they did not have permission to stay there.

COURT : So, they were not land owners? -- No.

MR BIZOS : Did you have any relatives who were land owners in Evaton? -- Yes, I know of one of our relatives.

Was that your great aunt? -- Yes, that is so.

Although this was a place that you were born at, how was your family life in your early years as a result of this contention that your family was there illegally? -- It was (30)

a/...

a very difficult kind of life we were living there, because my parents were being frequently arrested and being accused of not having the necessary permission of staying in Evaton.

COURT : What was the authorities' attitude? Where would you have to stay then? -- What was happening was, that if a person did not have permission to stay in the urban areas, then this person would be given an endorsement indicating that this person is not supposed to stay in any urban area, except in the outskirts of towns. Especially to the homelands.

Where did your parents originally come from? -- From (10) the Free State.

Was the idea that they should go back to the Free State? -- No, what was being said there they were supposed to have gone to Zululand.

MR BIZOS : Is that because you are regarded as members of the Zulu ethnic group? -- Yes.

Was yours a small family or a large family? -- I would say it was a large family, because already we are seven children right now in that family. During that period of 1967 to 1974 we were five children. (20)

During the past raids, were you ever involved or ever questioned about your father and your mother and the illegality of your residence? -- Yes, that is so.

In what way were you involved? -- I remember such an incident which occurred. That is when the police came to my residence. On arrival there the police arrested my parents. What happened is the following. We had gone to play outside. On return to our home, I found my parents just at the doorway leaving the house with the police who were on their way taking them with. What hurt me the most, I understood my father (30)

to/...

to be saying to the police that he is not the head or the father of the family which lives there, but he is just there as a visitor. At that stage my mother was busy protesting, speaking loud, saying that they must leave this person, referring to my father as a stranger. The stranger is just visiting here. The owner of the house, namely the head of this family, I am referring to my father, has not yet come, so they must leave this stranger alone. On my arrival there the police asked me who this person was, pointing at my father, on which I said I do not know this person. They (10) asked me if he is not my father and I said no, he is not. Both my parents were arrested by the police there. Which was said was the following, that even though my father to whom we referred as a visitor, was a visitor there, he had no right to visit in the urban areas or the townships and if he was visiting, he was supposed to have had an endorsement indicating that he is a visitor. They therefore arrested both my father and my mother. Until the time when I joined my parents from 1967 to 1974, that was the kind of life we were living! That is prior to getting permission or getting (20) the necessary legality of staying there.

COURT : Did you originally live apart from your parents? -- That is true. I was staying with my grandmother who is my mother's mother in the Free State until in 1967 when I joined my parents.

MR BIZOS : Did your parents' position become regularised, either in Evaton or in a place nearby? -- Yes, it happened to many other people with whom we were staying in Evaton.

No, but your own family, did their stay in the Vaal Triangle eventually become regularised? -- Yes. (30)

When/...

When did that happen? -- That was in 1974.

Did you continue living in Evaton? -- We moved to Sebokeng Zone 13.

Did you go to school in the meantime? -- Yes, I was attending school.

I do not want all the details as to how you moved from one school to the other and the difficulties that you had, were you a good pupil at school? -- Yes, that is so.

Did you distinguish yourself at school? -- Yes, in the sense that I was always leading at school. (10)

In lessons? -- Yes, that is so.

And how far did you get in school? -- During the year 1980 I wrote my St. 10 examination. I did not succeed.

Did you feel that that was a result of any effort on your part or because of other circumstances? -- That was caused by the reason that our education was inadequate and we were therefore not properly prepared in our teaching.

Did you go to work? -- From the year 1981 to 1983 I was doing temporary jobs. That is casual employment. I only became permanently employed from September 1983. (20)

What sort of part-time jobs did you do? -- For instance at times one would be employed on a casual basis to go and paint a machine by a firm or in the capacity of a cleaner, cleaning those machines. I did some work as well as a researcher for SACHED, which is South African Council for Higher Education. I was employed at a certain place again as a clerk while they were doing their stocktaking. That means I had quite a number of jobs at different firms from time to time.

Whilst you were still at school and in 1978 did you (30)

join/...

join any club? -- Yes, that is so.

What club was that? -- I joined a youth club which was in fact having its commitments done at the AME church. This was called Vaal Youth Crusade.

COURT : Was it a Christian youth club? -- Yes, it was religiously orientated.

MR BIZOS : What was the purpose of this organisation? -- The purpose of this organisation was to bring together the youth who are capable of doing certain things in order to come and teach one another about the capabilities of different (10) people. For instance, a person by the name of Leslie Mokweni was a dancer. Ben was capable on poetry. Richard Dube had the capability as an artist. Mandla Sebegu was capable of writing short stories. There were others there who had a good capability of singing as a result of which then we used those people to teach the others about their capabilities.

Did you attend a seminar in 1979? -- Yes, I did.

What was that seminar for? -- It was a celebration of the year of the child.

Where was this celebration? -- That was held at the (20) Central Methodist Church in Johannesburg.

Among others, did you meet anyone there that has featured by name frequently in this trial? -- Yes, I met this person while I had gone there under the auspices of the Vaal Youth Crusade.

Who was this person that you met? -- Edith Lethlake.

Was that the first time that you met her? -- Yes, I met this person for the first time at that organisation.

COURT : At that seminar? -- What I mean is that she was also a member of the Vaal Youth Crusade, which means then therefore (30) that/...

that when we proceeded to the seminar she was in our company as a member of her organisation.

MR BIZOS : Where did you hold your meetings of this Youth Crusade? -- At the AME Church premises in Evaton.

Who was the officiating priest at that church? -- Modise Makhene.

What happened to this group? -- During the year 1979 we were forced to disband.

Why do you say you were forced to disband? -- As a result of what some of our members experienced by being worried (10) by the security police and this Minister being called in by the security police for questioning, we decided to disband the organisation.

Was anyone charged with any offence? -- No.

Did you feel that you were doing anything wrong that it required a dispersal of your group? -- No, that is not so. In fact my feeling was they did not have a reason to be worrying us about what we were doing at the time.

You told us that you were considered among the first pupils academically at your school. Was there a SRC at your (20) school in 1980? -- Yes, it was launched in May/June 1980.

COURT : What was the school's name? -- Sepo Themba High School.

In zone? -- Residensia, which is known at Zone 6 at present.

MR BIZOS : Did you hold any office in your school's SRC? -- Yes, that is so. I was elected a chairman of this SRC.

Is this by the students that you were elected? -- Yes, that is so.

His Lordship has heard that from time to time commemoration services are held in the Vaal Triangle. Did you (30)

attend/...

attend any of them at any stage? -- Yes, that is so.

Did you attend in 1980 the Sharpeville shooting commemoration service at the Sebokeng Hall? -- Yes, I was present there.

COURT : Is there only one hall that is called the Sebokeng Hall in Sebokeng? -- The one I am talking about is in fact called Mphatlalatsane in Zone 14.

Mphatlalatsane Hall? -- Community hall in fact.

In Zone? -- Zone 14.

MR BIZOS : How did you come to be there? -- I first became (10) aware of this by reading newspapers that there was such a service to be held and a friend of mine with whom I was in the Vaal Crusade, Youth Crusade, also came and asked me to keep company in going there.

At the ceremony was any call made for the formation of any organisation? -- Yes, it was announced that all the school children shall have to remain after the service, meaning the commemoration service (changing over to new cassette) an organisation of schoolgoing children could be launched.

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You say they had to remain. Was this an order or a (20) request? -- It was a request referring to those who are interested in launching an organisation which had to do with school children. That those people must remain behind after the service.

Did you remain behind after the service? -- Yes, I did.

Did a number of others also do so? -- Quite many.

And those who remained behind, did you have any meetings? -- We agreed on a date for a meeting, that is those of us who remained behind. After that we subsequently had quite a number of meetings. (30)

And/...

And what was the intention of this group coming together after this commemoration service? -- It was with the view of the formation of the Vaal Congress - formation of the Vaal branch of COSAS.

Was that branch formed? -- Yes, because we continued with our meetings until in October when a full committee was elected.

COURT : Of that year? -- Yes, 1980.

MR BIZOS : Did you hold any particular position either in the ... (Court intervenes) (10)

COURT : This commemorative service, was this in March? -- Yes, that is so.

MR BIZOS : Did you hold any position in this group that was to form the Vaal branch of COSAS? -- I was elected a chair person.

When did that happen? -- This happened in October 1980.

Even though you had failed your matric, did you go back to school in the beginning of 1981? -- Yes, for a few weeks the reason being that my father said he would not be in a position to pay whatever fees would be required for my (20) being kept at school. As a result of which then I left schooling and tried to find employment.

Did you give up the idea of passing your matric? -- No. I registered for the two subjects that I had failed, which then meant I was supposed to have written them in May 1981 examinations. I sat for this examination and again I did not succeed.

COURT : Which subjects were they? -- Mathematics and Science.

MR BIZOS : Did you have any tuition inbetween? -- No, I was just doing it at my own. (30)

You/...

You told us that you had been elected chairman of COSAS in October 1980? -- Yes.

For how long did you hold that position? -- Until the beginning of the year 1982.

How did you come to no longer be the chairman of COSAS? -- What happened is the following. At the beginning of the year 1982 a new committee was elected and during those elections I was elected a publicity secretary and my brother was elected a chairman. It was during May when we attended the congress of COSAS. (10)

COURT : Was this in May or are you going on to a different subject now? -- My mentioning May is a different subject. The elections were held earlier. I think if I am not mistaken it was January or February 1982.

Which brother is this? The brother that was an accused or another brother? -- Amos Malindi who was also an accused person in this case.

MR BIZOS : Just as a matter of interest, did you stand for the position of chairman? -- Yes, that is so.

And so did your younger brother? -- Yes. (20)

And you lost? -- Yes, I lost.

But you became publicity secretary? -- Yes, that is so.

COURT : Could you just explain this to me. I thought that COSAS was for schoolgoing persons. Now, at this stage you had already ceased being schoolgoing. Why could you still be on the committee? -- That was because I had not yet taken a decision of leaving school altogether. During the years 1981 and 1982 I was still considering myself a learner, because I was reading during that period and therefore I still had interest in school affairs. That is why I considered (30)
myself/...

myself to be still a scholar for the fact that I was still reading.

Do you mean reading for exams or reading something else?

-- Reading for exams, yes.

MR BIZOS : Any way, in the beginning of 1982, was there a rule before May 1982 in relation to persons who were not at school being members or not being members of COSAS? -- Yes, at the COSAS congress in May there was a rule there that those who are no longer full time at school will not be allowed to be members of COSAS. (10)

COURT : Did you then resign? -- Yes, that is so.

MR BIZOS : The election of your brother as chairman of COSAS the beginning of 1982, was that at a properly constituted meeting of COSAS in the Vaal? -- Yes, that is so.

And how many people were present that voted your brother as chairman? -- People present there were hundred plus.

As a result of this resolution or rule as you call it at the May conference of COSAS in 1982, was there any discussion as to whether or not there should be an organisation to cater for persons who had left school, but who were still (20) young? -- Yes, that is so, as a result of which a committee was elected to go and look into this matter of a possibility of launching an organisation which will cater for those who are no longer at school but still falling within the age of the youth.

Did you take part in this committee or any particular committee to look into this matter? -- Yes, I was involved with the committee which was to look into that in the Vaal Triangle.

COURT : Were you on the committee? -- What happened is the (30) following/...

following. At this congress a committee was elected to look into this, that is the national committee for the whole of South Africa, but what happened is, we in the Vaal not having been elected as a committee or officially elected to look into it in the Vaal, came together in a small group and started investigating or discussing this issue amongst ourselves.

So, you were not on the national committee that was appointed by the conference, the COSAS conference, but an informal group just for the Vaal? -- Yes, that is so. (10)

Besides yourself, who else was involved? -- We were quite a few people. I remember Tseko Johnson, Themba Mazibuko, Khela Kusama, Oupa Mariletsi and another friend of ours we used to call Fisto, Peter Kekana, Simon Vilakazi, David Radebe, Tau Radebe, Moses Kanghula, Abner and some other people whose names I cannot recall now.

Did you do anything between May 1982 and June 1983? -- No, nothing was done by us I think up until the end of April 1983.

Did you hold any special position in this group? -- (20) No, what I can say is, that I was one of those who were playing a leading role in order to have this organisation launched in the Vaal.

But did it have any office bearers or any formal existence? -- No, no elections were made whatsoever, but in most cases I was conducting the meetings as the chair person without having been elected. Oupa Mariletsi used to take the minutes of the meetings held.

Were there any reasons for this lack of cohesion or inactivity during this period? -- Yes, for instance myself. (30)

I/...

I would say I in particular had some certain problems during that period.

What sort of problems? -- In the first place my parents were not happy about my involvement in the organisations and at the same time during that period I had a girlfriend who was not also happy about my being too involved in the organisations. Thirdly I had a friend who was a PRO of a recording company and who was also promoting festivals and beauty contests and I most of the time was also in his company.

Were you supposed to have any contact with anyone (10) higher up, either on provincial or national level in your attempt to form this youth organisation? -- The person elected by the conference in May 1982 in the Transvaal was Mandla Nkofe. He is the person we were supposed to wait for in order to hear what the resolution was about the decision which was taken in May 1982.

You say what the resolution was about the decision. I am not sure that that is entirely clear. -- By that I mean they were elected into the committee which was supposed to look into this formation of this organisation national (20) and he was elected to represent the Transvaal. We were therefore waiting on him to come and report to us in the Vaal about their progress, how far they have gone in doing what they were assigned to.

Did Mandla Nkofe get in touch with you at all? -- Yes, it was in 1983 beginning of May or the end of April where he reported to us that it was agreed upon the launching of such an organisation at which he told us that we could also go ahead in preparation for the launching of such an organisation in the Vaal Triangle. (30)

After/...

After your brother was elected chairman of COSAS and after you resigned, did you have any formal contact with COSAS? -- No.

Were any COSAS meetings held in your house?-- Yes, that is so.

All the COSAS meetings or only some? -- Some of the meetings.

Did you keep up with COSAS, what COSAS was doing and how they were getting on or did you leave that to your brother? -- I left it over to him and other members, although of (10) course I came to know about certain things that were to be done that they are still proceeding in doing that.

Did you then take the request that was made to you by Mandla Nkofe - did you take it up to try and form a youth organisation? -- Yes, that is so. What we did the first was, we the people living in Zone 13 were to meet. That would mean the Zone 13 people would meet alone. Those in Evaton would come together and meet together wherever. The same applies to the others who were living in the other zones. They had to meet in small groups according to their area of (20) zoning.

Were you involved in any other communal activity besides the ad hoc chairman of this group? Were you involved in any other communal activity during 1983? -- Yes, much later, that was in June.

What happened then? -- I attended the commemoration service of June 16, during the year 1983, at which commemoration service a call was made that it was necessary for a formation of an organisation of the residents in the Vaal Triangle. (30)

Do/...

Do you recall who made that call? -- Yes, I do.

Who was it? -- The first person who made that call was Philip Masiya who was later supported by some few speakers after him in the call.

Was there any discussion either during this commemoration service or thereafter about the formation of this organisation? -- Yes, there was a request made that those who are interested in the formation of this organisation shall have to remain after the service of the commemoration, that is remain at that venue. It did happen like that, that (10) these people remained behind and this group of people then agreed that they are going to meet again on 18 June.

Among the people that supported Mr Philip Masiya's proposal, was there anyone that has also featured in this trial by name? -- Yes, that is so, namely Esau Raditsela.

Did you know Mr Philip Masiya? -- Yes, but not quite well.

What contact, if any, did you have with him? -- If my memory serves me well when I saw this person for the first time was during 1981. What I cannot remember exactly in (20) placing him, is whether it was during the commemoration service of March, 21, June 16 or October 19 Secondly while I was still in COSAS we had a pamphlet made as a result of which we went to his office to go and request the use of his duplicating machine.

COURT : What did he work? What was his work? -- He was the secretary of the Orange Vaal General Workers Union.

MR BIZOS : Do you know where he lived? -- I know that he lived in Sharpeville, but I later came to learn that he is originally from Soweto. (30)

And/...

And during the latter part of 1983 and 1984 do you know whether he was a resident of the Vaal or not? -- No.

You told us that Esau Raditsela spoke in support of the formation of this association of residents? -- Yes, that is correct.

Was any other of the accused still before the Court now present at this meeting where the idea of the - can I call it the civic association, because it was in fact that? The civic association was to be formed? -- Yes, Thabiso Ratsomo was present. That is accused no. 22. He supported that (10) idea.

Were there others who supported the idea? -- Yes, that is so.

Did you speak at this meeting? -- In my address there this was meant for the youth present there informing them of the necessity of the formation of a youth organisation in the Vaal.

Did any people stay behind at the end of the meeting? -- Yes, that is so.

Both for the civic association and the youth organisa-(20) tion? -- No, only those who had interest in the formation of the civic association remained that day. What was said was that we, about the youth, are going to meet on the 18th.

Do you recall whether in 1983, 16 June was a week or a weekend day? -- It was a week day.

And the 18th? -- It was a Saturday.

Where were you going to meet on the 18th? -- Catholic Church Small Farms.

And what would be the purpose of the meeting of the 18th, purpose of purposes? -- The purpose was for those who(30) could/...

could not make it to attend the commemoration service which was held during the week day, that they also be given the opportunity of attending, because the 18th was over the week-end.

COURT : But was this actually another commemorative service or was this merely a youth meeting? -- It was still a continuation of the commemoration service of June, the 16th. That is we agreed on the 18th to meet on the 18th because we had in mind that we were going to continue with the commemoration service of the 16th on this day of the 18th. (10)

MR BIZOS : Did you hope to do anything after the continued service had finished? -- Yes, what we had in mind was, after this service, then we are going to hold a youth meeting.

Did you have a meeting on the 18th? -- Yes, that is so.

Did you attend that meeting? -- Yes, I was present.

Was it well attended? -- Compared to the day of the 16th, there were not many. There were very few.

Did you in fact have a commemoration service on the 18th? -- Yes, we did, but it was very short. We had only one speaker pertaining to that. Then the service was closed (20 and then we started on other things which needed our attention.

Did you all remain in one group or did you split up? -- We had to split up in groups. It was agreed upon that those who are interested in the formation of the youth organisation will form one group and those that were interested in the formation of the civic association will form another group and those who are not interested in anything, can go.

To which group did you go? -- To the youth group.

Did you chair that group? -- Yes, that is so.

Did you speak there? -- Yes, I did. (30)

In/...

In your own words would you please tell us what you said?
-- I informed them about the resolution of COSAS during the year 1982. I then further said that in the Vaal Triangle it is quite apparent that we need a youth organisation because of certain problems. I further said we need to bring together the youth in order to have the youth in constructive things than to do things which are not acceptable to the community. I made an example by saying for instance in the townships the tendency of the youth spending their time in shebeens. I further made mention to them that it was necessary for (10) us to get the youth together in order to do like we did previously with the Vaal Youth Crusade as I have already mentioned to Your Lordship what the Vaal Youth Crusade used to do. That was to be done by the youth again.

Was your proposal favourably received? -- Yes, quite well.

Did other people speak in favour of it? -- Without it being opposed everybody agreed with what I proposed.

Were there people just from one zone or from various zones at this meeting? -- We were from different zones. (20)

Do you remember from which zones there were people there?
-- Evaton, Zone 3, Zone 7, Zones 11, 12, 13 and 14.

And if you are asked you will be able to give the names of the people who were present? -- Quite well, yes.

Were there people there from Sharpeville? -- No, there was none.

Were there people there from Bophelong? -- No, there were none.

Were there people there from Boipatong? -- No, there was nobody from Boipatong present. (30)

Did/...

Did you decide that you would meet again? -- Yes, that is so.

What about the people that were concerned with the formation of the civic association? Did they have a meeting on that day as far as you know? -- Yes, that is so.

Did you go to it after your meeting had finished? -- I in the company of Simon Vilakazi went to that meeting. Simon Vilakazi, the former accused no. 18 in this case.

What was happening at this meeting when you got there? -- They were discussing as to what steps are to be taken in (10) the formation of the civic association. What I can still remember being said from those discussions was the following. It was said that a survey was to be conducted in order to find out what the feeling of the other residents was about the formation of the civic association.

Could you tell us who were the main people that this meeting concerned with the discussion about the formation of the civic association? -- I would not be in a position to tell this Court exactly who the people were who were present initially when this was suggested, but this day when I was (20) present at this meeting, people present there were the following: Edith Lethlake, Dorcas Raditsela, Esau Raditsela, Zake Mafa, Bonani Mafa, Zacharias Mahlatsi.

ASSESSOR (MR KRUGEL) : Is that the witness? -- No. Johnny Motete and many other people. I will estimate the group between 40 and 50.

MR BIZOS : You heard about the proposed formation of the civic association and you were concerned about the formation of a youth organisation, was there any discussion or did you have in mind which sections of the population or what (30)

age/...

age groups would be invited to be members of the one and which members of the other? How were you going to appeal to people? -- In the youth we agreed that we were going to accept membership of a person up to about 30 years of age and it was further agreed that even those who are now married with families falling within this age limit, if they were interested in joining the youth, they would be accepted. Those who were working towards the formation of the civic association said that their membership will be limited to those with families, namely the Ratepayers. (10)

Ratepayers? -- Rent payers. They further said there was going to be some exceptions in the case of a person who is not a family man, but all the same being interested in the formation of the civic and they will be prepared to accept that person on admission as a member.

You said that there was talk about a survey being conducted? -- Yes, that is so.

Was there any talk as to who would conduct the survey? -- It was said all those present there will have to carry out the survey and then there was going to be a request (20) to other people as well to come and assist in the survey.

Whilst this meeting was on, did you yourself intend participating in the committee that was to investigate the formation of the civic association whilst the meeting was going on? -- Although I was supporting that fully, that is the formation of the civic association, but I was interested in working with the group about the formation of the youth organisation.

When the meeting was finished, did anybody approach you? -- When we finished with our meeting, that is the youth (30)

meeting/...

meeting dispersing there, Edith approached me requesting me to come and assist in their group because she felt it was necessary that I also be included in that group.

That was the group that was concerned with the formation of the civic association? -- Yes, that is so.

Was it agreed that there would be a meeting thereafter? -- Yes, after the civic group finished there, it was then agreed that there was going to be meeting held.

Where? -- It was agreed on a meeting to be held at Esau's residence in two weeks to come after this day. (10)

Did you attend a number of meetings of this action committee to form this civic association? -- Almost all of them were attended by me.

What happened to the formation of the youth organisation? -- After our meeting of the 18th, we held about two meetings and later we decided to wait in holding meetings with the youth, because of our having been requested to assist in the action committee, namely myself, Cheaper Motubatsi and Simon Vilakazi were the people who were requested to assist in the action committee. (20)

ASSESSOR (MR KRUGEL): All young people? -- That is so.

MR BIZOS : Did you agree to assist with the formation of the civic association? -- Yes, that is so.

In September 1983 were you associated in any way with Zakhe Hlengwa? -- Yes, he was an old friend of mine because we were together at school, that is himself and his brother. Zakhe is a female. I was with her at school and her brother.

Did she become your special friend during 1983? -- She was my bosom friend.

In 1983? -- No, since the year 1981. (30)

Did/...

Did she have any influence over you in 1983? -- Yes, she was influential.

COURT : Do you distinguish between a bosom friend and a girlfriend? -- Yes, I do.

MR BIZOS : What did you do as a result of your association with her? -- She one day invited me to attend their church service. What happened is, she first invited me on a Sunday for a church service at her church and again invited me the following Sunday. Later I found myself attending that church.

Which church was that? -- Bethani Baptist Church in Eva-ton. (10)

Was that your family's church? -- Yes, her father was the Minister of the church.

Your family, were they Methodists? -- Yes, traditionally we are members of the Methodist Church.

Did you change your allegiance to the Methodist Church? -- No, I would not call that a changing of religion, because prior to that I did not attend and secondly I was not even baptised at the Methodist Church.

What did Zakhe do about that? -- I then took up the (20) membership of the Baptist Church where I was baptised and therefore I became a regular churchgoer in the Baptist Church.

Did you take part in any of the cultural and social activities of the church during 1983 and 1984? -- When I took up membership in September they were busy preparing a national conference of the youth. I therefore joined the church choir. We then made preparations for a play on a stage. Those were the activities in which I was involved at the time until December 1983 because the conference was to be held in 1983 on 16 December. That means between September and (30)

the/...

the 16th, those were my involvements.

Were you elected to any office in the church? -- Yes, the beginning of 1984 I then became the chair person of the youth in the church.

COURT : Was this a society inside the church? -- Yes, that is so.

MR BIZOS : As a result of all these commitments, did you get around to actually calling the people together to form a youth organisation? -- No, I could not or was not in a position to proceed with that. (10)

WITNESS STANDS DOWN.

COURT ADJOURNS. COURT RESUMES.

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GCINUMUZI PETRUS MALINDI, still under oath

EXAMINATION BY MR BIZOS (continued) : You told His Lordship that you attended most of the committee meetings which we call the Vaal Action Committee. When did it actually become known as an action committee? -- In September 1983.

Was there any reason why a name was given to it at that stage? -- Yes, that is so. There was a pamphlet to be printed from us and therefore it became necessary to mention in (20) the pamphlet itself that it comes from these people and therefore it had to be named.

You told His Lordship that you attended most of the meetings, if not all the meetings and you also told us earlier about a survey having to be done. Did you take part in that survey? -- Yes, that is so.

Who were the people primarily concerned with this survey? -- The members of the group which was aiming at the formation of the civic. That is the people who were attending most of the meetings pertaining to that. (30)

Did/...

Did one or other of you have had any experience in the conduct of surveys? -- That is so. That is because Dorcas was employed as a social worker by the Development Board. So, therefore she had a knowledge of conducting a survey. I was also involved in the research for SACHED in 1983 which job I found to be very interesting and in fact I liked that kind of work. I therefore also accepted the idea of a survey to be conducted due to my experience.

Was any other of your co-accused involved in this? -- No, except for the person Simon Vilakazi, the former accused(10) no. 18.

Was a form printed to carry out this survey? -- Yes, that is so.

What sort of information was to be obtained? -- Some of the questions which were contained in this questionnaire were the following. Under the heading of housing, there was a question as to whether the community was satisfied about the rent they are paying and whether the houses in which they are housed are adequate and about their being satisfied with services, namely the water supply and sanitation. Then under(20) the heading health services the question was whether they had enough clinics in the township and as to whether the hospital was in fact near enough and enquiring about the satisfaction of the ambulance services in the township.

Anything about the councillors? -- Yes, amongst the last questions something was asked pertaining to councillors. The question was whether the community was satisfied about the system of the community council.

Did people go out and interview residents on the basis of this form? -- Yes, that is so. (30)

And/...

And were they returned to the members of the, what became known in September as the action committee? -- That is so.

Were they studied and analysed? -- That is so.

Can you recall what problems were identified as a result of this survey? -- That is so.

Please let us know. -- The first thing that was identified was that the residents indicated that they were not satisfied about the moneys which are being paid for rent.

COURT : Do you mean it is too high or what it was used for?

-- They were saying it is too high, they cannot afford it. (10)

The other dissatisfaction was about the electricity which was not installed in quite big areas of the township. The other dissatisfaction was about the pace of the development in the township. They also indicated that they do not trust the community council system. They also indicated that they are in agreement with the formation of the residents' committee or organisation.

MR BIZOS : What happened to those survey forms, the completed ones? -- I attended a meeting where 800 plus of these survey forms were analysed. At another meeting of the action (20) committee it was reported that the forms that had been received back, is about the number of 1,300. We then agreed that Dorcas should keep the forms and she was further mandated to continue drafting a document pertaining to our analysis as received.

You told the Court that Dorcas, Mrs Dorcas Raditsela was employed as a social worker by the Board? -- Yes, that is so.

Was she still employed whilst this survey was going on? -- Yes, that is so. (30)

Were/...

Were preparations made by this committee to hold the launch of the civic association? -- That is so.

Were these preparations discussed at meetings at which you were present? -- That is so.

It is alleged in the indictment against you that this committee was under the guidance and support of the United Democratic Front Transvaal. -- There is no truth in that allegation.

Your Lordship may find it of assistance. It is 28.1.1 of the Further Particulars. Was there any contact with (10) the UDF by this action committee whilst you were preparing either the survey or making the early preparations for the calling of the launch? -- No, because when this call was made for the first time in June 1983, this happened prior to the formation of the UDF and even after that, when this was made, when we were holding our meetings and with the preparations, we had not met anybody who is from UDF or associated with the UDF. The same applies to the period of the survey which was conducted.

Was a tentative date suggested for the calling of the (20) launch? -- It was agreed upon 24 September for the launching of the civic, but we did not succeed in doing that on that date.

Whilst you were trying to find a suitable date for the launch of the civic association, were speakers discussed? -- Yes, that is so.

Who were the speakers that were suggested? -- After having failed in deciding on people to call as speakers in the Vaal, we then decided that we invite people from outside the Vaal Triangle, namely Dr Motlana, Reverend Frank (30)

Chikane/...

Chikane, Mr Curtis Nkondo, Mr Elliot Shabangu. Those are the people we agreed upon to invite, two or three of them at the launching of the civic.

Why was Dr Motlana asked? -- The idea was to invite a person with a broad knowledge on civic affairs. We decided on Dr Motlana to be a suitable person because of his having been a member of the committee of ten and the Soweto Civic Association.

Did you know whether or not he was an office bearer of the UDF? -- No, not about Dr Motlana, I did not. (10)

Why was Reverend Frank Chikane asked? -- Because of his being wellknown within the community and being a founder of the residents committee in Krugersdorp, we decided upon him. That is the founder of the Khagiso Residents Organisation.

Did you personally know whether or not he was an office bearer of the UDF at the time? -- I knew but I was not sure what his office was in the UDF.

And why was Mr Curtis Nkondo asked? -- Because of his being wellknown within the community, secondly he has got a broad knowledge of education, this is based on the following. (20) He is a teacher by profession who taught for some time and he had been involved with the education organisations for some time and therefore his knowledge was considered to be essential.

Did you know whether he was an office bearer of the UDF or not? -- I knew he was within the UDF.

And Mr Elliot Shabangu? -- Mr Shabangu is also known because of his being involved in the civic affairs.

COURT : What is his profession? -- I do not have an idea.

MR BIZOS : Other than their qualifications and their high (30) profile/...

profile, was there any other particular reason why you decided to invite these high profile people? -- Another reason for having decided on him, that is Dr Motlana, was he is a crowd puller. Many people would like to listen to him speaking and therefore we decided on him.

These persons, did they have this high profile before the formation of the UDF, be that date the beginning of 1983 or August 1983? Did they have a reputation in your community prior to the end of 1982? -- They were known long before the launching of the UDF. (10)

Was anyone mandated to approach the speakers? -- Yes, that is so. Edith and Johnny Motete were mandated to speak to these people.

Any particular reason why they were chosen? -- Pertaining to Edith, she was employed in Johannesburg, therefore it was convenient for her to meet these people in Johannesburg and with Johnny, he was not employed at the time and therefore had ample opportunity of boarding a train with Edith and accompanying her to see these people.

What was your job at this time? -- I started working (20) in September as a store clerk.

Where? -- In Denver Johannesburg, working for MAG Brakes.

And is that what you were doing up to the time of your arrest in September 1984? -- Yes, that is so.

After this decision to try and get these speakers, did you meet any of the accused now before the Court? -- Yes, that is so.

Whom? -- Accused no. 22, Thabiso.

You have already told us that you heard him supporting the idea of a civic association at an earlier meeting? -- (30)

Yes/...

Yes, that is so.

Did you ask him to do anything when you met him in September 1983? -- Yes, that is so. I asked him if he remembered the call which was at a meeting in 1983 which call was supported by him and therefore said to him that there are meetings being held pertaining to that call which he supported. I am therefore requesting him to attend these meetings in order to give assistance on which accused no. 22 agreed.

Did he come to a meeting? -- Yes, he did come to one or our meetings which was held in September. (10)

Was he the only new comer to this meeting? -- No, he was not the only one. I remember Mike Kgaka also being there.

Is that the attorney practising in that area? -- That is so. In Vereeniging. There were others as well. I remember one, for instance I only remember his first name Oupa.

COURT : There is a lot of Oupa's. It is not an Oupa involved in this case? -- No, he is not in this case.

MR BIZOS : Was any decision taken at this meeting as to whether the launch should go on on the 24th or not? -- It was agreed upon the change of date to 9 October, the reason being that(20) we did not succeed in completing all that was necessary to be done in preparation for the launch which was to be held at an earlier date.

Were preparatory steps discussed to call the meeting to launch the civic association on 9 October 1984? -- Yes, it was agreed on 9 October at this meeting. We further agreed that this day of the 24th will be used to invite more people to attend this meeting which was going to be held on the 24th, so that we get more people who will have to give assistance in preparation for the launching on the 9th. We also agreed(30) that/...

that we will have to produce some pamphlets and posters in order to keep the community informed about this launch on the 9th, that is 9 October.

I want to come to the meeting of 18 September 1983. Shortly before the 18th, did you see any advertisements of any meeting in the newspaper? -- Yes, that is so. I saw a notice which was saying that there was going to be a meeting held on 18 September at the Roman Catholic Church premises in Small Farms.

Did the action committee that you were participating (10) in have anything to do with the calling of that meeting? -- No, we did not have any knowledge about that, nor did we have anything to do with the arrangement of that.

Who was going to hold the meeting according to the advertisement? -- This notice was about the UDF going to hold meetings at different places at which meetings UDF was going to be introduced to people and the meeting to be held in the Vaal was to be addressed by Popo Molefe, accused no. 19.

Did you go to this meeting? -- Yes, I did.

Do you know who organised this meeting other than the (20) UDF? Did it have any local supporter or representative or agent? -- I after some time came to know that one Thembekile Sahluko had given some hand in the holding of this meeting, which meeting was chaired by Sepho Photolo who is known to me to be staying in Evaton. I got the impression then as a result of what I have just said that Thembekile is the person who convened the meeting with the knowledge of Sepho Photolo.

Did your action committee take any part in either organising or advertising the meeting? -- No.

Was it a well attended meeting? -- No, it was just a (30)

few/...

few people, not more than 100.

Was it held at the Roman Catholic Church Small Farms?

-- Yes, that is so.

In the hall which the Court has been told over a thousand people can fit in? -- Yes, that is so.

Do you know whether Mr Photolo or Mr Sahluko were representatives of any local organisations? -- No, I do not know them as members of any organisation in the Vaal.

Did any other members of your action committee attend this meeting? -- Yes, that is so. (10)

Who? -- Thabiso, accused no. 22, was present, the former accused no. 18, Simon Vilakazi was present, Esau Raditsela and Edith Lethlake was also present.

Were you there in your official capacities as members of the action committee or not? -- No, not in our official capacity. We were just attracted by the formation of the UDF. In fact the purpose of our attending there, was to go and hear exactly what is it all about.

Was Oupla Hlomoka there? -- No, he was not.

COURT : Is that no? (20)

MR BIZOS : No. 2. -- Yes.

Were you a member of COSAS at that time? -- No, I was no longer a member.

When you got to the meeting, you told us that Sepho Photolo was the chairman? -- That is so.

Did he speak? -- All that he said was that we have speakers here from the UDF who will explain what UDF is. He then later called upon different people as speakers. For instance he would call the name, the speaker would take the stage and then he would introduce the speaker there to the audience. (30)

Do/...

Do you remember which speaker he introduced after he himself spoke? -- He introduced Mr Msebenzi Bokala.

Has Mr Msebenzi Bokala got a first name? -- Well, he is known to me by that name only.

He will be identified later, My Lord, as Mmereki. -- Msebenzi is Nguni and Mmereki is Sotho.

COURT : He is a worker in two languages? -- That is how we call him.

MR BIZOS : What did he speak about? -- He spoke about the match-box houses. This means the four-roomed houses, which(10) were for sale by the authorities and these were 500,000 in number countrywide.

What else did he say about that? -- What is said further was, this was not going to benefit us, that is the selling of the houses because immediately the 500,000 houses are bought, then the majority of the community will remain without housing, because he said the new law that is going to be effective from November 1983 is going to be that the authorities will not build houses in the town ships any more and what is coming is that there is a scheme which is called elite houses. (20) That is people will have to build their own houses. He further said because of the fact that Black people does not have sufficient money to afford building their own houses, that will mean that the majority of the Black people will be without houses. He then further said that those who will remain with houses, are the people who will be moved to the homelands, because this very law which was coming into effect in November was coupled with another one which was that a person without an adequate accommodation will not be permitted to live in the urban area and he further said (30)

these/...

these houses referred to for sale were being sold under the 99 year lease-hold whereas the people wanted the freehold. He then further said that it was in fact the aim of us all and good intention to have our own houses which are bought by ourselves. He further said "Look, by saying this and making it clear to you people about what is going to happen pertaining to the selling of the match-box, I am not saying that you must not buy them." He further said "The UDF does not yet have a clear policy about regarding the scheme of the selling of these houses." He then said further that (10) he is mentioning this to the community that whoever is buying a house must consider these loopholes on the side of the buying.

Did Mr Molefe speak at the meeting, accused no. 19? --
Yes, he did.

Please tell the Court what he said? -- Popo told us about the initial steps towards the launching of the UDF. He said it was started by putting up regional structures, for instance UDF Transvaal, UDF Natal, according to the provinces. He further said that these organisations were (20) meeting with a view of being able to oppose the new bill, constitution bill and to oppose the law of governing the townships, which ended up being the Black local authorities act. He then further said that the provincial UDF's met on 20 August and launched the UDF. He then further explained that the purpose of launching of the UDF, which was launched by the regionals, was to oppose the new constitutional bill and the Koornhof bills. He then read the declaration of the UDF to the audience and explained it. At the end of his address he then asked the audience to ask questions if (30) there/...

there are certain things on which they were not clear. What he explained prior to his inviting the questions from the audience is that at some areas where they do not have the UDF itself, they put up a committee which is called a UDF committee, area committee. It was only thereafter that he clarified it that he gave questioning time to the audience.

I just want some clarity. He said that they would form area committees under which circumstances? -- Where there is no affiliate at a certain area, then they put up an area committee. That means some individuals who are prepared (10) to support the UDF in opposing this, can come together and agree to assist the UDF in that area. It is then from those people that an area committee will be put up.

And then, were some questions asked? -- Yes, that is so.

Did Mr Molefe, accused no. 19, ask whether or not there were supporters of the UDF that were prepared to form an area committee? -- Yes, he did ask that.

Did anyone respond? -- Yes, Thabiso, accused no. 22, responded to that.

What did he say? -- His response was that there are (20) people here in the Vaal Triangle who are working towards the launching of a civic association and we are therefore not in a position to divide ourselves into two, that means to do two things at the same time. He further said "We are going to give attention to our commitment of launching a civic association. We therefore are not going to be able to assist in putting up an area committee at the same time. There were quite many questions asked as a result of which he explained the conditions and the circumstances under which one can be a member of the UDF or to be associated (30) with/...

with the UDF."

Did you say accused no. 20?

COURT : 19 I think. He did not say it but I took it. --
I did not mention the number. All the same I am talking about
accused no. 19.

MR BIZOS : Was there any discussion as to who would even-
tually decide - well, was there any discussion as to whether
or not the proposed association would affiliate to the UDF
or not? -- Not direct, except when accused no. 22 responded
saying that it will be for the civic association after (10)
its formation to decide whether it affiliates or take part
in associating with the UDF or not.

Were a number of meetings held thereafter by the action
committee? -- Yes, there was a meeting which was held by us
prior to 24 September 1983.

Where was this meeting held? -- We usually held our
meetings on Wednesday evenings at Esau's residence, otherwise
on Saturdays at the Roman Catholic Church premises at Small
Farms. I am therefore not in a position to tell His Lordship
with certainty as to where this particular meeting was (20)
held.

Was there a meeting as far as you remember on 24 September
1983? -- Yes, there was.

Where was that meeting held? -- Roman Catholic Church
Premises Small Farms.

Do you recall who presided?-- Reverend Lethale.

COURT : Was it a public meeting or a meeting of the Vaal
Action Committee? -- It was a public meeting.

MR BIZOS : Were there a number of speakers or not? -- A
chosen speaker for this particular meeting was Thabiso, (30)
accused/...

accused no. 22, although there were other people who also spoke at that meeting from the floor.

What was the purpose of this meeting? -- The purpose of this meeting was to get more members into the action committee, the reason being that we were about 40 people serving in this action committee and we needed some more people to assist in preparations for the meeting of 9 October. It was therefore decided that we hold this meeting in order to get more people.

Was the 24th the original proposed date for the launch?

-- That is so. (10)

Did Mr Thabiso Ratsomo, accused no. 22, speak? -- Yes, he did.

Was it a very large meeting? -- No, it was not because the attendance there, people were just about 100, which is 100 plus.

Do you recall what accused no. 22 said? -- Yes, in his address he informed the audience there that on 16 June 1983 a call was made for the formation of the civic association in the Vaal. He further said that since that day there is a group of people who are holding meetings in preparation (20) for the formation of this association. He further announced to the audience that this call has got a support from the residents because of the survey which was conducted. He further said that above that, that is the support received from the residents of the Vaal, there are certain problems which are clear to anyone that they need attention, mentioning the following as an example that there is no building of houses at the rate which will accommodate the people who are on the waiting list and further said that some houses are being closed, that means locked, because the community (30) does/...

does not have enough finance to be able to pay the high rent on the houses. That explaining that people's salaries are very low. He further made mention of the shortage of the electricity power in our township, saying that a big portion is not electrified. He further said in his address that in view of the problems mentioned by him, one cannot just ignore what is happening by closing his eyes to what he sees which is necessary for the formation of a civic association which will look into the problems of the residents in the township. He further said that all those invited to attend this (10) particular meeting, this was done with a view that they must also assist in making the day of the 9th a success. That is as far as I can remember from his address.

Before the meeting ended, did anyone turn up who was not from the Vaal? -- Yes, that is so.

Who? -- Msebenzi Bokala arrived. He is a member of the UDF. Mohammed Vali who was the secretary of the UDF Transvaal also arrived.

COURT : Did they come together? -- They came together.

MR BIZOS : Did they address the meeting or take part in (20) the meeting? -- No, they did not address the meeting, nor did they take any part in this meeting.

Did they ask for anything at the end of the meeting? -- Yes, they requested to have a word with the members of the action committee.

And did you agree? -- That is so.

Where did you have the meeting? -- We met in one of the classrooms of a school on the premises there, which is in fact no longer used.

What was the discussion about? -- They introduced (30) themselves/...

themselves as people who are from the UDF Transvaal and then explained to us the purpose of their visit which was that they were there to ask the Vaal Action Committee to affiliate to the UDF Transvaal, at which meeting they then explained to us about the UDF. They read to us the declaration of the UDF and ended up giving us two copies of the declaration. In response to their request we said the following that the Vaal Action Committee is not going to be there for a long time or for ever. All that it has got to do is to launch the Vaal Civic Association and therefore we are not in a (10) position to affiliate to UDF and further told him that after the formation of the Vaal Civic Association they can then approach the Vaal Civic Association for the question of affiliation. Although at the time we did not say Vaal Civic Association, what we said was they will have to approach the civic association which will be formed.

You told us that Mr Thembekile Sahluko was not a member of your action committee at the time that there was a meeting addressed by Mr Molefe, accused no. 19. -- That is correct. (20)

After that meeting, what was his position in relation to the action committee? -- After this meeting he said that he was very happy that there were people who have taken the initiative of the formation of the civic association in the Vaal and he is therefore requesting that he also be allowed to be a member or to be allowed in the group which is preparing for that.

Did he for all practical purposes become a member of the action committee after the end of that meeting? -- That is correct. (30)

After/...

After the meeting of the 24th, did you hold any other meetings of the action committee to prepare for the launch on 9 October? -- Yes, that is so.

Was there any discussion as to how you were going to try and secure a good attendance at the meeting of 9 October? -- Yes, we agreed on the production of pamphlets and posters. We further agreed that the members of the action committee will have to make a verbal announcement within the community about this meeting which was being announced on pamphlets and posters. Of these people I am talking about now who (10) were to go about advertising the meeting orally, I include those 100 plus who had attended the meeting on the 24th and the big number which was formed within the action committee.

Did anyone undertake any special responsibility in relation to pamphlets? -- Yes, Thembekile Sahluko said that he was going to talk to the people of the MARS media in connection that they produce the pamphlets on our behalf. MARS is Media and Research Services. Thabiso, accused no. 22, then said he was going to talk to the people of the STP, that was about the production of the posters for us. (20)

Is that the Screen Training Project? -- Yes.

Who was going to pay for the pamphlets which were going to advertise your meeting? -- We, the members of the Vaal Action Committee, were going to pay for the pamphlets.

Did you pay for them? -- Yes, that is so. We did pay for them, but if my memory serves me well, our account was not paid in full. That is to MARS.

I want to show you EXHIBIT AN5. Was that the pamphlet that was produced? -- Yes, that is so.

Your committee - did your committee decide on the (30)

wording/...

wording of this pamphlet? -- Yes, this is our committee which decided on the wording.

We read that the emphasis really is directed towards two major complaints and that is in relation to the rent and to the town councils. Why did you choose to focus on those two complaints? -- The reason for that is that when a person is moving around in the community of the Vaal, these are the things are worrying the community in most places. Secondly, at the time of our conducting a survey, we came to realise that these were the top complaints. (10)

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Was the question of a high rental which members of the community could not afford something which only came to the fore after the formation of the UDF in 1983 or was it a problem that existed in your community before? -- As far as I know since the formation of the community councils, during the years 1978/79 this was the complaint I used to hear amongst the community. There is no other complaint I came to know about.

The dissatisfaction expressed in the pamphlet in relation to the councillors, was that something new? -- Not to me, (20) because since the year 1980 up to about 1983 the community council was being criticised by practically everybody in the Vaal Triangle. Nobody ever said any good things about them that I know during that period.

What do you say to the allegation in the indictment that the production of this pamphlet and the meeting that it called for, was in order to further a conspiracy to overthrow the State in which the African National Congress, the South African Communist Party and the United Democratic Front are supposed to have been involved in at the time? (30)

I/...

-- I am still surprised about that kind of an allegation. I deny that there is such as it is being put. What I say is, this we did because we realised that there were existing problems within our community. I am one of those who took the initiative of trying to correct these things in order to make better of our living in the townships compared to the present moment.

Were there meetings before 9 October at which progress reports were being made in relation to the pamphlets or posters? -- Yes, that is so. (10)

Was AN5 the only pamphlet produced or were there others? -- There were others as well which were issued.

To a similar effect? -- They were also announcing this particular meeting, but they were not exactly identical.

Who produced those pamphlets? Do you know? -- Those were from Esau Raditsela.

Have any of them been produced as exhibits? -- No, none.
COURT : Were they also issued by the Action Committee, Box 2126, Vereeniging? -- That is so.

MR BIZOS : Whose box number was that? -- This is Esau (20) Raditsela's box where he was working for the Industrial Aid Society.

Did you make any - I do not know whether to call them posters or placards, but any way did you make any documents to be stuck on anything, posters? -- Yes, we made posters.

What did the posters say? -- They were identical to the reading of this EXHIBIT AN5.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT/...

GCINUMUZI PETRUS MALINDI, still under oath

EXAMINATION BY MR BIZOS (continued) : You recall that before the adjournment you told His Lordship that you prepared posters. I want you to please have a look at EXHIBIT AN3.

Is that a poster which you produced? -- Yes, that is so.

Were there further meetings in the beginning of October before the launch? -- Yes, that is so.

At this meeting, was there any decision as to - sorry, at any of these meetings in the beginning of October, was there any decision as to who should chair the meeting before(10) the launch? -- Yes, that is so.

What was the decision? -- That Reverend Lord McCamel chair the meeting.

Was there any caucusing as to who should stand for election? -- Yes, that is so.

What was the basis of the caucusing? What sort of people did you want in the committee? -- What was said was when the organisation was launched, we would have to choose or elect proper people who will be trustworthy and do their work according to the expectations. We further agreed that(20) some of us who were serving in the action committee can stand for elections.

Who was mandated to approach Lord McCamel? -- Esau Radit-sela is the person.

Did he do so? -- Yes.

Before the 9th, was there any talk on the committee as to whether or not any resolutions should emanate from the committee? -- Yes, that is so.

What resolutions were to emanate from the committee? -- That we make the following proposals, firstly the formation(30)

of/...

of a civic association in the Vaal and that there be houses built which could be considered as adequate houses.

COURT : Does that mean that the house itself must be big or does it mean that there should be sufficient houses? -- Both. That the structure of the house be big and that there be enough housing for the community.

MR BIZOS : Anything else? -- And that the moneys which are being paid should be in such a way that people be able to pay them.

Rent? -- Yes, rent. Pertaining to other proposals (10) they are quite long in themselves. I think I need an exhibit to see, because there is one of the exhibits handed in here to which I can refer.

This is AN13 if my memory serves me correctly. We are dealing with the resolutions at this stage which were discussed that should be proposed by members of the committee? -- Yes, that I understand.

Refresh your memory from AN13 and tell His Lordship which you recall were suggested should be put by members of the action committee? -- One of the proposals which came from (20) us is this one that I can read as follows "Condemn the community councils as puppet bodies and to boycott the Black local authorities elections since we believe that nothing would be achieved by voting."

Any other resolution that was discussed at the action committee meeting? -- The following we proposed "Condemn and reject the Koornhof bills and the president's council's constitutional proposals."

Anything else? -- Another one was that after the formation of the civic association, this will have to work together (30)

with/...

with other organisations with the same aims and objects. That is all.

I want to ask you, are you a regular newspaper reader?

-- Yes, I do read a newspaper regularly.

Did you read a newspaper regularly during 1983? -- Yes, that is so.

Do you recall whether or not condemnation of the Black local authorities or the Koornhof bills was something that was kept a secret by people or whether there was wide discussion about this condemnation? -- This was being discussed(10) in the townships and in the public media one would come across a lot of writing pertaining to that.

And what about condemnation of the community councillors as puppets bodies, was that something that was new to this committee or was there wide publicity about that? -- The condemnation of the community council system started even before the actual functioning of the council. People started indicating that it was not going to serve any purpose for the people even before it was put into operation. Like for instance, referring to it as a still born, some saying(20) it is an abortive, some calling it a miscarriage.

Were these sort of words used in special publications or in the public press? -- These words were used in the daily reading papers, that is the newspapers we are reading.

What we may refer to as the commercial press? -- That is so.

Was there any caucusing in relation to possibly getting anybody onto the committee? Getting anybody elected at the launch?

COURT : Did we not discuss that previously? (30)

MR BIZOS/...

MR BIZOS : I thought that it was only in relation to the resolutions.

COURT : No, no, on the election as well and the answer was that it was decided that some of them would stand for election.

MR BIZOS : I am sorry about that. The poster advertised that the Reverend Frank Chikane would be speaking. Did any information come to your notice whether he would be able to make it or not? -- That is so.

When it came to the weekend of 8 and 9 October 1983, were you in the Vaal? -- Yes, I was, until the evening of the 8th. (10)
On the 9th I was not in the Vaal.

When did you leave the Vaal? -- I left on the evening of the 8th for a place beyond Pretoria.

Why did you want to go to Pretoria when you had worked towards the launch of the civic association? -- I was invited to a wedding of my friend, namely Sipho Radebe. This wedding was starting on the 8th in Boipatong. Then the evening we proceeded to the other side of Pretoria. So, therefore I was not available for the two days.

Did you attend the launch of the VCA on the 9th? -- (20)
I did arrive there, but it was very late, at about the end of the meeting.

It is alleged against you in the indictment that you really took part in the action committee to launch the VCA in furtherance of this conspiracy between the ANC, the South African Communist Party and the UDF in order to overthrow the State and in order to create conditions for violence and rioting. What do you say about that? -- I deny that allegation in the strongest way. I am just lacking words of describing how much of a fabrication it is. It is (30)
nonsense/...

nonsense.

Is your family a family that is well-off? -- No.

Are you the eldest child? -- Yes, that is so.

Was your father always employed? -- Yes, he worked continuously until March 1982 when he was retrenched from his employment.

How much rent were you paying? -- Prior to the increase which was effective from 1 September we were paying R15,16.

Was your father working in 1983/84? -- No, he was in full employment. He was just doing temporary jobs from (10) time to time.

Was your mother working? -- She used not to work, but during the year 1984 she was compelled to go and look for some employment as a demostic servant.

During 1983/84 who was the main breadwinner in your family? -- I started working in September 1983. We therefore assisted one another with my mother, in maintaining the family because she got employment in 1984.

How much were you earning? -- R78,00 net. That is after deductions. (20)

Per week? -- Yes, that is so.

Were you always able to keep up with the rent? -- No, it was a big struggle.

Were you ever in arrear? -- Many times, yes, even prior to my being employed when my father was still working we used to be in arrears with the rent.

Were you ever locked out of your house? -- On several occasions it happened that the house was locked during the course of the day, which meant then my mother must run around trying to get the money in order to pay so that the house (30) can/...

can be unlocked in the later day, which is in the afternoon. But in August 1984 the house was locked, we could not afford to pay the arrears, as a result of which it was locked for two days.

Were your other brothers and sisters at school?-- Yes, that is so.

Did you think that the VCA that was formed would be able to assist you in any way? -- Yes, that is so, because one of the reasons why the VCA was to be formed was that it must look into such problems. (10)

After the formation of the VCA, did you take any part in the work of the VCA?-- No.

You were not a member of any committee of the VCA? -- No.

Was there any reason for that? -- We agreed on that prior to the meeting of 9 October that I was not going to take part in any activities of the VCA which was to be formed, because of my intentions of going back to the other formation of the youth, therefore I did not partake in anything.

Were you nominated or to be nominated for any office at the launch? -- No. (20)

It is alleged that you became a member of the management structures of the UDF? -- There is no such.

27.2 page 77 of the particulars, My Lord. Was the action committee of which you were a member ever affiliated to the UDF? -- No, it was not.

Did you ever become a member of the VCA? -- I was not.

Did you ever go to a UDF national general council meeting - regional general council meeting of the UDF? -- No, I never attended that.

Do you know anything about the anti-election rally (30)

that/...

that was organised by the VCA on 27 November 1983? -- Yes, I do.

What do you know about that? -- I attended that meeting.

In what capacity did you go there? -- In my private capacity as a person who does not agree with that kind of the election in support of the rally.

When you got there, did you go into the meeting? -- No, I did not have the opportunity of getting into the meeting.

Why not? -- What happened is, on arrival there it was after 14h00 when Esau requested me to supervise the crowd (10) of people which was outside forming small groups to keep an order there, because it would appear that the people were being attracted by the surroundings of the premises of the Roman Catholic Church in Zone 12. Myself and other people were standing outside there holding the posters to the people who were arriving there and also explaining to them what the meeting was about, which was held on that premises.

Where did you get the posters from? -- Some of the posters were pasted against the wall of the church. We removed them and held them in our hands. Some were produced by Esau (20) from the boot of his car.

Could you explain what was Esau's concern about the group of people outside? -- I understood him to be saying it was because of the police vehicles which were parked across the street in the immediate vicinity of the premises and the police were busy shooting photo's and he felt that the police would not be pleased really to see people milling around there in groups and therefore suggested that we direct the people from outside and control them to go into the meeting, other than to be milling outside. (30)

Did/...

Did you go into the meeting itself at all? -- No, the nearest I was at that meeting was in the doorway when I was guiding the people to go inside the meeting, otherwise not.

Were you actually charged with attending an illegal gathering outside this church? -- Yes, that is so.

And was the charge proceeded with? -- No, it was withdrawn.

You yourself, what was your attitude to the council elections that were to take place at the end of November 1983? -- I was not in agreement with the election of the (10) councillors under this law of the Black local authorities act. The reason being that the councillors which were going to be introduced in the Black townships did not have enough powers to improve and make a better standard of living of the people who are resident in the townships.

Did you yourself attend any meetings held by councillors before this election? -- Yes, that is so. I attended a meeting which was called by Mahlasedi Party, led by Mr Mosala.

Did you attend any other party's meetings? -- Yes, I attended Bafutsana Party meeting. (20)

Anyone else? -- Lekoa People's Party meeting I also attended.

Were any questions asked of the candidates? -- Yes, there were questions asked from the candidates.

Anything about the finances of the council asked? -- One of the people asked that question.

And what was the answer? -- The answers were not satisfactory, because all that was said in answer to that question was that this is a new thing that is being introduced and therefore we shall have to wait and see whether it is now (30)

in/...

in operation as to what is happening. At the Lekoa People's Party meeting the questions were answered by Mr Mahlatsi, the mayor, saying the moneys that is the finance for the councillors will come from the taxes they are going to charge from business people and there are industrial sites which are to be put up. He further said that they were going to invite the heavy industries to come nearer to the townships to enable them to get enough finance as required.

We will deal with the conversation that you had with Mr Mahlatsi later on, but did you yourself vote for these (10) elections or for a candidate in these elections? -- No, I did not.

Let us deal with 1984. There are hardly any allegations against you in the indictment and the further particulars after November 1983 and August 1984. Were you particularly active in anything during 1984? -- Yes. The beginning of May 1984 we tried to revive the groups which existed prior to that time in different areas which were different trying to get them again back into functioning, as a result of which then we called a meeting for 9 June to meet with the (20) different groups from different areas, that is the groups which were already different to come and discuss the progress as to how are we going to proceed from then. Due to the fact that the attendance was poor, this meeting was not held as a result of which we postponed indefinite.

I want you to please have a look at EXHIBIT AN4. Do you recognise this letter? -- Yes, I do.

It does not appear to have a date on, but in the last paragraph it calls for a meeting on 9 June 1984. -- That is correct. (30)

EXHIBIT/...

EXHIBIT AN4 right-hand top corner Sebokeng Working Group, underneath that Zone 13. "Dear Comrades, The time has come now that we should come together again and re-assess our progress and to decide on what action or step to take in working towards the launching of a Vaal Youth Organisation. In a recent meeting of our working group it was reported that the steering committee that was formed to work towards the launching of the Vaal Youth Organisation no longer existed. Our committee decided to call a meeting of all working groups, area committee and youth associations in (10) the Vaal. The aim in calling this meeting is to select a committee that will co-ordinate all the abovementioned groups and to establish these groups where they do not exist in the Vaal area. This meeting will be held on 9 June 1984 at the Roman Catholic Church (Small Farms) at 13h00. All of your committee are welcome to attend this important meeting. At least three members of your committee must attend from Sebokeng Working Group, Zone 13." What do you know about this letter? -- We requested Oupa Mariletsi to write a letter similar to this which letter he was to despatch to diffe-(20) rent people whom we knew were interested in forming organisations.

What sort of groups was this letter sent to? -- This letter was being sent to the groups which were formed when we met for the first time in June/July 1983.

What sort of groups was this letter or similar letter sent to? Were they youth groups with a particular inclination or did you send it to church groups? -- This was meant to be sent to any organisation which we knew about or its existence regardless of its whether being a church (30) organisation/...

organisation or belongs to any other community. There were other invitations which were printed invitations which were sent to different churches inviting the youth and to different clubs, like for instance a different club which was in Residensia and a cultural club in Sharpeville.

Was the same letter written to every one? I want you to please have a look at a document AR4. What do you know about that draft letter? -- This is the one I referred to as a letter which was sent to the different churches and other clubs. The one I said which was printed. (10)

Were many of these letters sent out similar to AN4 and AR4? -- Yes, AN4, there was not much of it, because these were sent only to the groups we had met before this date, that is in June and AR4 is the one which was sent out in big numbers to different churches.

Was that also for the meeting of 9 June 1984? -- Yes, it was for that purpose. This was drafted in such a way that people could use it even in future whenever there is a similar meeting.

Were such letters as AR4 sent for 9 June? -- Yes, (20) that is so.

What sort of response did you get on 9 June from all these letters that you sent out for this meeting? -- Very few people attended this meeting on the 9th as a result of which the meeting did not proceed. As a result of which then we agreed upon that some of us will have to pay visits to these different groups in order to go and talk to them.

Was the Vaal Youth Congress or any Vaal youth organisation formed before the unfortunate events of 3 September? -- No, it was not formed yet. (30)

WITNESS STANDS DOWN.

COURT ADJOURNS UNTIL 24 APRIL 1987.