

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

A

SAAKNOMMER: CC 482/85

PRETORIA

1988-05-03 (nm)
1988-05-04

DIE STAAT teen :

PATRICK MABUYA BALEKA EN 21
ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST en
ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS
ADV. P. FICK
ADV. H. SMITH

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON
ADV. G. BIZOS
ADV. K. TIP
ADV. Z.M. YACOOB
ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS :

LUBBE OPNAMES

VOLUME 394

(Bladsye 22807 tot 22 917)

THE COURT RESUMES AFTER LUNCH

SHEENA DUNCAN, still under oath -

FURTHER CROSS-EXAMINATION BY MR JACOBS: Did you have a campaign for women, the organising of women in the Black Sash? -- There again I do not know if you would call it a campaign, but we have worked, we did have a campaign many years ago called "Who cares" that had a particular focus on women. We have during the decade, the international decade of women from 1975 to 1985, we did focus on the position of women to a certain extent. We have always been particularly concerned about the black wo- (10 men in the South African society who were at the very bottom of the pile of oppression. Whether you can describe it as a campaign or an on-going concern which resulted in various publications and speeches being made, I am not sure.

Did you have a campaign to organise women in 1983? -- Well, I cannot remember a specific campaign to organise women in 1983.

1984/1985? -- No. I cannot remember. 1985 was the year the South African Council of Churches made a special focus on women at its national conference, at which I was the keynote speaker, but I do not think any of our ongoing activities (20 with regard to women would be described as a concerted campaign.

Now on group areas, in 1983 did you run a campaign to organise around group areas? -- I do not exactly recollect we organised to run a campaign around group areas right back in the 50s and again it has been one of those issues with which the Black Sash has been continuously concerned. I do not know that you would describe it as a specific campaign and certainly I do not recollect a specific campaign on group areas in 1983, as opposed to involvement in a group areas issue that might or might not have happened at that time, (30

You / ..

You refer back to the 50s. Was that also an issue taken up by the ANC during the 50s? -- I am sure it must have been, ja.

Now did you organise people around, that is, not running a campaign, but did you organise, mobilise and politicise people on the issue of group areas during 1983 to 1985? -- We have certainly had an ongoing concern to organise, mobilise and politicise members of the white community with regard to group areas, but I do not remember any specific campaign of that kind during those years.

What was the purpose of running this campaign in the white areas? -- Well, the purpose of all our work on the group areas act is to call for the repeal of the legislation. (10

And on bantustans and independent states, did you run a campaign, the Black Sash, on that issue during 1983, 1984 and 1985? -- We did run that campaign but again it was a continuation of the campaign that we had run for very many years on those issues. 1983/84/85, it was particularly related to the removal of people into or to the edges of the homelands. In the years prior to that, it was particularly in relation to legislation giving independence to four of the homelands. That is an on going part of Black Sash work. (20

What was the purpose of this campaign? -- The purpose of that campaign is to persuade the government to abandon its homelands policy in its entirety, with a view to both the geographical and political and administrative unity of the South African country in one piece.

And what about the independent states that already had independence? -- Well, the independent states we have from the very beginning opposed that independence. We do not recognise that independence insofar as recognition by the Black Sash would mean anything / .. (30

anything at all and we would hope that one day that these independent homelands would seek to once more become part of the whole South African nation.

Now they are independent states. Whether you identify them as such or not, what were you going to do about them? What were you trying to achieve by this campaign in that connection? -- The eventual or longterm goal would be the repeal of the status acts which gave them independence, but in the short term it is a question of trying to monitor what happened in those states. When we are asked by people who happen to live in those areas (10 to assist, for example during the whole of - well, a year between 1986 and 1987 I went to Ga-Rankuwa, Bophutatswana, once every month to run an advice office session for people who were being denied their pensions within Bophutatswana. That sort of on-going support with local problems and also a concern about capital punishment in those states. The low level of pensions paid in those states. At the moment we are currently very concerned about the position of citizens of those states with regard to their unemployment insurance benefits.

But how will this question of pensions and all that (20 stuff that you have mentioned now, assist you in the question of the independence of that state? If you cannot answer that, my question was.. -- It probably won't, but it greatly enlarges our understanding and the fact if you are trying to mobilise public opinion about those independent states; the fact that people in Bophutatswana only get an old-age pension of R40 a month as compared to the present R117 for black people in South Africa, is a bit of very important information that enables on to explain how the homelands policy excludes the people who live in those areas from access to the wealth and resources of South Africa (30

that / ..

that they become cut off and that the people who live there and whom we regard as South Africans are deprived because of the homelands policy.

Did you as the Black Sash use that which you have just told the court in order to politicise and mobilise the people in the independent states as well? -- No, I do not think I have used it - not in any public sense, but in the course of running the advice office sessions for example. One finds oneself in a position where you were saying to a citizen of Bophutatswana that I know your pension is very little and I cannot help you to (10 get more because the law says your pension is R40 a month, but that the next person in that queue who is a person who is living in Bophutatswana but who is a South African citizen; and if she removes herself to her family on the farms in Brits, within the Republic of South Africa, she can apply for a South African pension and receive R117 a month. I made no conscious effort to politicise the people that attended those sessions, but as I have said, the inequalities and the injustices speak for themselves and people become politicised as they learn the reasons for discrepancies in pension payments, but it has not been my (20 purpose in setting out on those meetings to politicise the people of Bophutatswana.

Well, the Black Sash do not regard the governments of the independent states, the four of them, it does not recognise them as being legal states and do you propagate that to the people in your campaign? -- No, I did not say we do not recognise them as a legal state. They are legal but what I said was that we did not recognise them in the moral and legitimate sense. The Black Sash changed its own constitution, because our own constitution says that we will work within the Republic of South Africa, (30

and / ..

and after the independence of Transkei we changed that to say that we will work in the Republic of South Africa as defined in 1910, so that is what I mean by non-recognition. We do recognise them as legal states and legal governments because they were established by law.

I do not understand. You said you did not recognise them in a moral and legitimate sense. What do you mean then by "moral sense"? -- What I mean is that I do not recognise those governments as being legitimate.

What do you mean by that? -- I mean that I do not (10 believe that they came into being as a result of the desires of the people whom they govern. I believe that they are not representative. I believe that they are therefore illegitimate.

What do you mean "not representative"? Is there not an elected parliament? -- There is an elected parliament in all four of them, but in Venda when the opposition actually won the elections, the appointed members of the legislative assembly outnumbered those elected members of the opposition, so the government party was not a party representing the people.

But now the appointed members are chiefs. -- Yes, but (20 they are members of the legislative assembly.

Yes, but are they not there as chiefs? -- They are there as chiefs.

So it is part of the constitution that chiefs would be there in a certain number and elected members in a certain number. -- Yes, and the chiefs outweigh in numbers the elected members and the chiefs are not elected people.

Yes, that may or may not be, but on what basis do you say that the authorities there are not legitimate? -- Well, my experience is that the authorities do not represent the people (30

of / ..

of those areas, or the desires of those people - the people of those areas.

MR JACOBS: The chiefs, do they not represent the people under them? -- No, the chiefs are appointed by the South African government before independence and they are not elected. I do not believe that the majority of chiefs are any longer representing the people.

You do not believe it? -- I do not believe it.

It is only your perception, it is not what you know? -- I think I could say I know it. It is my perception, but then (10 one's political judgements have to be made on perceptions.

Well, that is.. -- Based on the information that one has available.

That is your perception on Venda. Now what about the others? -- No, my perception of the others is more or less the same. In the last election at Bophutatswana I know that the opposition party had great difficulties in getting permission to hold any meetings whatsoever, and if there is no freedom during an election period for the opposition party to organise itself, to canvass votes, then one cannot say that the government that re- (20 sulted from that election, was representative because the election results do not show the true position, or what may be the true position.

And in your mobilisation and politicisation of the people in those areas, did you use this moral and legitimate arguments of yours to mobilise and politicise the people? -- Can I repeat that I have consistently said that I have made no attempts whatsoever to mobilise and politicise people within the bantustans. I have not at any time used the argument to groups of people within homeland areas about illegitimacy, my concern in (30

speaking / ..

speaking to groups of peoples in those areas has been with the practical day to day problems that they experience.

Did the Black Sash politicise and mobilise and organise the people on the moral and legitimate statement made by you here?

-- No. I do not think they have ever thought to do that.

So how did you, the Black Sash, mobilise and organise the people then? -- We did not try to mobilise and organise the people in those homeland areas.

And the people from those areas in the Republic? Did you..

-- No, I have said that we have sought to mobilise and politicise the white community in South Africa. That we have in some cases of homes communities facilitated people in becoming organise in the purely practical need to have a representative committee with whom the authorities can negotiate. (10

Can you give us examples where you did.. -- Well, I did speak about the people at Fred Clarke..

I am sorry, you are speaking downwards, we cannot hear you?

-- Sorry. I did speak earlier about the people as an example of the Fred Clarke emergence camp who approached us because of problems they had about not being offered land that they thought they had been promised. The initial meeting we had with them it became clear that they were not organised in any way. They were a loose grouping of people and the extent of our organisation went into suggesting that they hold a meeting of the community in order to elect for themselves a properly representative committee. There was no need for us to try to mobilise or politicise them because some of them have been in that emergency camps since 1963 and they have been high politicised about their own lack of adequate shelter. Their politicisation has come from their own experience, not from outside people coming in and (30

telling / ..

telling them that they need to be politicised.

Is that the only place? -- No, I expect we have done the same thing in other homeless communities. As far as I can remember it is only the squatter communities which have lacked organisation to that extent, so the same kind of process happened at Wheeler's farm when people came to ask us to assist them, and I have no doubt with other members of the Black Sash who worked with those squatter communities at their invitation, I have no doubt that that first organising step has to very often be taken. But it has not been the case in our work with rural communities or in our work on other issues. (10

So if I then understand you correctly you did not conduct a campaign, the Black Sash, around bantustans? -- We did conduct a campaign, but that campaign did not include politicising or mobilising the residents of those areas. It was a public campaign that was directed towards informing the general public, black and white, on the consequences of the homeland policy in terms of poverty and exclusion, and the consequences of that policy in terms of denationalisation, or the consequence of that policy in relation to the new constitutional system in South Africa. (20

Now in what way - was it only when you were asked for assistance that you conducted this campaign, or in what other way did you conduct.. -- No, that campaign we decided upon and planned and conducted amongst the general public; not with specific communities but through the pages of the newspapers; through our own ways of protest, through communication initially before the independence of Transkei in 1976. We compiled a memorandum which we sent to Chief Matanzima, explaining our anxiety should Transkei pursue this path of taking independence. I believe, as far as I recollect, that we did submit written evidence to the Quail (30
commission/ ..

commission prior to the taking of independence of the Ciskei. We have addressed public meetings on the subject of the Balkanisation of South Africa and we have consistently and publicly stated our belief that the homelands policy is inimical to justice in South Africa, and that if we are to ever reach a time when South Africa has a just and democratic society, it will necessitate the absorption of those areas into our geographical, political and administrative structures.

You have mentioned now publications. Is that only in your paper or what do you mean by.. -- No, we write articles for (10 the newspapers, for other magazines. On the homelands issue we produced a whole separate book about the situation in Kwa-Ndebele. Ja, we have had pamphlets from time to time. Fact sheets about conditions in various of the homelands either specifically or in general. It has been a consistent, on-going concern of the Black Sash.

And then you mentioned public meetings. Was that in Johannesburg or where? -- Everywhere around the country. I have spoken ..

In the cities? -- ..at endless public meetings. Mainly in the cities because not many public meetings of that kind are (20 held in rural areas, but also in smaller towns meetings organised by parish churches in smaller towns. This particular subject is so much part of the constitutional system of South Africa that one could say that I hardly ever addressed any meeting without having to refer to it in one way or another; because it is basic to the constitutional structures in South Africa.

If I understand your answer correctly, it was not meetings organised by the Black Sash but it was meetings where you spoke all over the country, where you were invited to as a speaker? -- Some of them were organised by the Black Sash. The majority (30 of / ..

of them were not organised by the Black Sash and I was invited as a speaker or one of the speakers.

But I am interested in how you conducted your campaign. Did you and the Black Sash organise meetings? -- We did.

Where? -- All around the country in the cities where the Black Sash is organised over the years in Johannesburg, the Witwatersrand, Pretoria, Cape Town, 'Maritzburg, Port Elizabeth, Grahamstown and East London.

Were those in the black townships or in the white areas? -- It could be either. Occasionally, but the Black Sash normally does not organise meetings in black townships. The Black Sash organises meetings in the city centres on the whole, city halls or church halls but - ja, I think most of the meetings I have addressed in the black areas have been organised by other organisations, non-racial organisations. (10

I am not interested in what may have been. Did you and the Black Sash organise any meetings in the black areas. Yes or no? I do not want to know what may have been or what may not have been. -- To the best of my recollection the answer is no.

Did you in any way canvass for the black people alone in this campaign of yours, to politicise and mobilise them? -- No, I have spoken at lots of meetings where only black people were present, but the purpose of those meetings has never been politicisation and mobilisation. The invitations have come because those people are already politicised and mobilised, and want solid information.

Did the Black Sash conduct a campaign during 1983/84/85 on the Ciskei? -- On the?

On the Ciskei. -- No, I think not that I recollect in particular. We were very concerned at the time when the Mdantsane

bus / ..

bus boycott led to a considerable amount of violence being exerted by vigilantes called the green berets, but I would not say that the Black Sash themselves conducted any special campaign on that. The Black Sash in East London became involved in the victims of that violence seeking assistance by way of introduction to lawyers and so on, and we undoubtedly or I do not recollect - I am sure that the Black Sash in East London did write letters to the newspapers at the time about that situation, but we have not had a specific campaign on the Ciskei as such during the years 1983 to 1985 as far as I remember. (10)

Now on political prisoners, did the Black Sash conduct a campaign on political prisoners, exiles and banned organisations? -- No, I would not call that a campaign. We have consistently called for the release of political prisoners and detainees and for the return of exiles. I find difficulty with this word "campaign" because sometimes we design a campaign that has a specific time period when one throws a great deal of energy into a specific issue, but in one sense all Black Sash work is a campaign, and the release of detainees would fall into this category. It is something that we constantly reiterate and where it is appropriate, renew that call that we have made. (20)

Did you and the Black Sash from 1983 to 1985 organise meetings in this regard to mobilise and politicise people in regard to political prisoners, exiles and banned organisations? -- No, not to the best of my recollection.

Now on repression itself, did you conduct a campaign on that? -- Again that - yes, the Black Sash has constantly worked on that aspect. I would not describe it as a campaign all on its own but as an on-going part of our campaigning for justice in this country.

Your action in this regard, was it in support of other (30
organisations/..

organisations, for instance the "release Mandela" committee? -- No, because the release of Mandela campaign started long after the Black Sash had been saying these things, and we have not...the release Mandela committee says the same things as we have said, but we have not done anything in response to their call. It does not add anything to what the Black Sash has called for over many, many years.

Is it not so that this campaign on political prisoners also originated from the ANC? -- I have no personal knowledge whether it did or not. (10

In the 1950s? -- I have no personal knowledge of that, but I would be surprised if they had not addressed themselves to that issue, although I do not know.. ja, I am not aware of whether it was an issue for them in those years or not.

Now the campaign on the freedom charter. Did you and the Black Sash conduct a campaign on the freedom charter? -- No, we conducted no campaign on the freedom charter. We merely asked our members to study and discuss it in case we were faced with the situation where an organisation wished us to affiliate to them and then made it a condition that the freedom charter be(20 endorsed. That never happened so beyond the question of studying and discussing it and considering it, the Black Sash has never run a campaign on the charter.

If I remember correctly, you said in your evidence-in-chief that the discussion which you had, had been referred to the regions - on the freedom charter. -- Yes.

Was there a report back and any further action taken in this regard about the freedom charter? -- No, the regions did discuss it amongst the members of the Black Sash. The report back was informal because no formal decision ever had to be taken. It(30

was / ..

was never put to a national conference that we endorsed the charter or otherwise. So it remained at the level of discussion and investigation and debate.

You said in your evidence-in-chief that you supported the UDF. -- Yes, I do.

In what way did you - by you, I mean not you personally, but you and the Black Sash. -- And the Black Sash.

Is that correct? In what way did you support the UDF? -- By indicating to the UDF that the Black Sash would be happy to co-operate with them in any of their campaigns on issues that were of concern to the Black Sash, and in our request to them that we be granted observer status on their national and regional councils.

Is that all? -- And we have - when you say is that all, that was our request to them but that expression of support has been expressed in our willingness to address UDF meetings on specific subjects if they have asked us to; to assist their affiliates on various practical matters of teaching and information. It has been, I think, a co-operative relationship.

Did you in any way help the UDF in supplying information and such to them? -- Well, I have never prepared any information for the UDF alone, but all the information that the Black Sash has prepared and published or circulated by means of roneoed sheets has gone to the UDF as well as to other political groupings inside South Africa, to organisations interested in those specific issues. So we have never so to speak been commissioned to supply the UDF with information, but if we are asked by them or by one of their affiliates to please come and explain some issue, we always will. But that information is of course never exclusive to the UDF.

Did you supply the UDF with information on say black (30

local / ..

local authorities? -- I do not remember doing that because the Black Sash never studied that legislation clause by clause or made any analysis of it in Johannesburg; but it may well be that our Cape Town region did study it - in fact I know they did. They spent more time on that than we did in Johannesburg and they may well have supplied the UDF or its affiliates with that information. But again it would be information that was for general distribution to the public.

Don't you know about any articles with information on this nature that had been supplied to the UDF? -- I know - I mean a(10 great many of the documents that were put into the records, such as the "You and the new pass laws" booklet; the other roneed material that we produced on that issue certainly have reached the UDF office because we usually deliver them to all the relevant organisations within Khotso House as the first thing.

Did you at the request of the UDF ever supply them with information on constitutional developments in this country? -- I cannot recollect that they asked us for that information. If they had asked us, we would have given it to them with great pleasure and I believe that our book "Vote no", would be known to the (20 UDF and would have been sent out to our home mailing list or delivered around Khotso House in the normal sort of way.

What book is that? -- That is EXHIBIT DA.136.

Was that the only book by the Black Sash on constitutional developments? -- I think that is the only publication apart from various articles written in Sash magazine, and various articles written for the newspapers. That was the only separate publication that we produced on that issue.

Did you at any stage receive any request from the UDF to supply them with information removals? -- Yes, I believe we (30

did / ..

did because at one stage the UDF was considering what it could do on the removal issue and I believe at that time they would have received information from the Black Sash but whether they came and requested it, or whether it was already delivered to them as part of our mailing list on an on-going basis, or whether they obtained it from any of the other organisations that receive our information on removals I do not know.

So you only believe that they - you are not sure? -- No, I am sure that they did have removals, the subject of removals on their agenda at one stage. I know that they did that and I (10 believe that during the course of that they must have used our information, but I do not know whether they came and asked for it or whether they obtained it through the churches or other organisations who get it.

No, from the Black Sash. I am not referring to other organisations. -- No, the churches - on the removals issue, or any organisation that is working on the removals issue, use Black Sash information. It is in a great many libraries, it is in a great many filing systems of many organisations.

ASSESSOR: Is the UDF on your direct mailing list? -- Well, (30 it is not a mailing list because their office was on the sixth floor of Khotso House.

So you distributed it in.. -- And when we produce something new, one of our interpreters or our messenger would actually deliver that paper throughout Khotso House to any - to all the organisations that are there. And the UDF would have been included in that delivery. If UDF affiliates want that material it is not automatic because we clearly do not know all the affiliates and then UDF affiliates would write and say please put us on your mailing list. And then it would be a specific request. (30

MR / ..

MR JACOBS: So you cannot tell the court that the UDF approached you, the Black Sash, for information in this regard and that you supplied them with the information? -- I cannot tell you that. If you had been asking me had it happened last month, I might have been able to tell you firmly, but 1983 - now five years ago - and so many people ask us for information that I cannot say that precisely.

Did you receive a request from the UDF to supply them with information on conscription? -- Not to the best of my knowledge.

And you never supplied them with.. -- I did not say that(10 I said (simultaneously)

..any, specifically to them when they requested information on that. -- I have no recollection of that.

Can you tell the court of any instance where the UDF specifically approached you for information about any of the issues? -- Well, individual people like Mr Lekota or Mr Molefe whom I often met in the foyer in Khotso House as we were both coming and going would from time to time say: have you done any work on this or do you know anything about it and I would say either no or yes. There has not been any formal communication, ordering or ask-(20 ing the Black Sash to prepare information for the UDF as a national organisation. But frequent requests from UDF affiliates asking for whatever material you have for example on the Koornhof bills, for whatever material you may have on the constitutional proposals; just for information on issues that are of interest.

Can you tell the court which affiliates? -- Well, civic associations.

Specify which ones. -- I definitely remember Tumahole. I definitely remember Vryburg. I definitely remember the civic at Leandra. I definitely remember the civic association of (30

Duncan / ..

Duncan Village, not asking me actually to go and meet with them for information on various things they needed at that time. I cannot remember the whole variety of UDF affiliates along the Witwatersrand who have asked for information. We keep the information in box files in the Black Sash office and people come to the advice office throughout, all the time; almost every day people will come in and say: have you done anything on this, that or the other, and I will take them through and give them the papers if we have them, without necessarily knowing where they came from. They are public documents. (10

You mentioned that Mr Lekota or Mr Molefe, that is accused nos.19 and 20, would meet you in the passage and you this or that. Can you be more specific about that? -- No, I cannot because it is so long ago and we saw each other during those years so often in Khotso House, that it is very difficult to be specific about the subject of our conversations.

Now accused no.19, did he have an office in Khotso House?

COURT: Accused no.19 is Mr Molefe.

MR JACOBS: No, accused no.20, that is Mr Lekota. -- I do not know whether he was in that office. The UDF have an office, (20 whether he had his office there, but I often met him there. Not in his office but in the public spaces in Khotso House.

Have you ever been to the UDF's offices there? -- No, I actually never did go up to the sixth floor. People were kind enough because of my age I suppose, to come down if they wanted me, to the Black Sash office. I went to the sixth floor of Khotso House for the first time last week.

Is there not a lift in the building? -- There is a lift, but I am very busy and I never had occasion to go up to their offices for any purpose. (30

Can / ..

Can you remember whether either accused no.19, 20 or 21 ever came to your office for specific reasons? On issues?

COURT: 19 is Mr Molefe, 20 is Mr Lekota and 21 is Mr Chikane.

MR JACOBS: Mr Chikane.

COURT: Moses Chikane. -- Yes, I do not remember.

MR JACOBS: Did you and the Black Sash ever invite people from the UDF, either the three people already mentioned, or any of the other people in the executive of the UDF to attend Black Sash meetings? -- Public meetings, yes, but not Black Sash committee meetings or regional conferences or anything of that kind. (10 We may have had Black Sash general meetings, in fact we did, to which we invited speakers from the UDF to speak to us about certain issues, but I am unable to be specific about dates or the speakers because it is too long ago.

Now before the national launch of the United Democratic Front in August 1983, did the Black Sash also assist in the organising for the launch of the UDF? -- We did not, certainly not in Johannesburg. Whether people in Cape Town did - but I am sure that the organisation as an organisation did not.

Did you attend the national launch of the UDF in Cape (20 Town? -- No, I did not. That was that very enormous meeting I think and I certainly was not there. I read the press reports about it, but other members of the Black Sash were there from our Cape Town branch.

Would you agree that before the launch of the UDF the different organisations at the different places all over the country were all engaged in their own small struggles without any cohesion or national co-ordination? -- Yes, I would agree that they were separate organisations without national co-ordination, but I do not think they were engaged solely on their own little local (30 problems / ..

problems. They were engaged on national problems: housing, education, local authorities, rents, all of which are national problems.

Would you agree that there was a very great need for an umbrella body to co-ordinate and bring together all these little organisations into one body, one national body? -- I would agree that having a national body greatly facilitates the work of local bodies, and that is why the Black Sash is organised nationally and not just as eight separate branches.

And is that not the reason why and how the UDF came into(10 being? -- I do not know whether that was the reason or not, but it would be logical to suppose so.

And did you not attend any of the meetings before the launch organised by the UDF either in the Transvaal, that is the region Transvaal or the Western Cape or Natal?

COURT: Meetings of what?

MR JACOBS: Of the UDF regions. Transvaal region..

COURT: Before the launch in the region?

MR JACOBS: No, organising by the regions before the launch.

COURT: In a particular region? (20

MR JACOBS: Yes, in any region of the particular region.

COURT: The question is whether you attended any preparatory meetings prior to the launch in a particular region. -- No, not meetings that were called to prepare for the formation of the Front. I do not believe I attended any of those.

ASSESSOR: While we are on the formation of the UDF, in your 1963 minutes on page 6 at the top. -- 1983.

Yes, 1983, EXHIBIT DA.139. -- Yes, the page?

On page 6 at the top. -- Yes.

It is headed: "The freedom charter", but the very first(30
sentence / ..

sentence reads as follows:

"It seems likely that a broad democratic alliance at present being formed to oppose the proposals.."

Now these seems to me to refer to the previous page. -- Ja.

That is the constitutional proposals. -- Correct.

"..and legislation arising from them may require participating organisations to endorse the freedom charter."

We have talked about this before. -- Ja.

What did you have in mind with the expression "the likely broad democratic alliance being formed"? -- Well, by that (10 time in 1983 there was already work going on towards the formation of what became the United Democratic Fund's launch in August and that is the broad democratic alliance at present being formed which was still at the stage where we said it seems likely - it was that broad democratic alliance which eventually became the UDF but was certainly not at that time, because the discussion was based on if that alliance should require organisations to endorse the freedom charter, would the Black Sash do it.

Can you remember what information you had at that time about this? -- I think - yes, I had very little but the Black Sash (20 in Durban was involved with some of those earlier talks with the Natal Indian Congress and various other groupings in Durban, and I believe that they were the ones who brought this issue to the conference.

Yes, thank you.

MR JACOBS: Do you agree that although different issues were taken up previously before the launch of the UDF by different organisations at different places, different times; that at the launch of the UDF, it was the first time since the banning of the ANC that all these organisations were brought together? -- Yes, I(30 think / ..

think that is correct.

And would you agree also that they were brought together in order that the UDF must unite them in what is called united action. Do you agree with that? -- I would agree with that and would agree that it is a very good thing.

And that the main purpose was that the United Democratic Front would co-ordinate and lead them in the struggle? -- Co-ordination and facilitation and possibly leadership, yes.

Do you know the ultimate aim is of the UDF? -- The achieving of a non-racial and democratic South Africa in a unitary (10 state.

A government of the people according to the freedom charter? -- The UDF did not at that stage officially adopt the freedom charter, but certainly yes, government by the people for the people because that is the meaning of the term "democratic".

Would you agree then that the UDF was bringing together all the people in order to achieve people's power? -- If people's power is another way of saying democracy, which I believe it is, yes, I would agree with that statement.

And not just a question of getting civil rights, but it (20 is to take over power? -- But if people enjoy civil rights, they also have power; because if they have civil rights they have the power to vote and to choose which government of the people they wish to elect, so I do not see a distinction between civil rights and people's power.

Is it not the question that they were not only interested in just having a vote in the existing system, or a vote for blacks in a fourth chamber or anything like that, but they were interested in taking over power and be the government of the country? -- The Black Sash yes, would quite agree that there (30

is / ..

is no point in working for a fourth chamber or anything of that kind, because power remains entrenched in the hands of a white minority, therefore it is true that a democracy would demand a complete change in the constitution, and taking over power through a democratic process is the normal desire of political parties in any democratic and civilised country.

But in this case the UDF was not interested in any discussions with the government, not in obtaining it by way of the vote (intervenes)

COURT: Are you telling the witness that? (10

MR JACOBS: No, I am putting it to her..

COURT: Or are you asking the witness?

MR JACOBS: I am asking her.

COURT: If you ask the witness that, why do you ask the witness that? She was never at any meeting of the UDF, general council or otherwise, or public meetings.

MNR JACOBS: Met respek, ek sit met..

MR BIZOS: It also with respect does not accord with the evidence given by accused no.19, accused no.20 and the appropriate documents. Nowhere did anybody say we are not prepared to talk to the government. In fact, the documents say that we want to sit down at a national convention. (20

MNR JACOBS: Ja, edele, ek kan sekerlik aan haar sekere dinge stel.

HOF: U kan. My vraag aan u is dit, as u nie die grondslag lê vir die dame se kennis van die UDF se binnewerking nie, watter nut het haar antwoorde vir die hof?

MNR JACOBS: Ek sit met 'n probleem, edele, in hierdie geval dat die dame het getuig dat hulle het heelhartig saam met die UDF gewerk, omdat die UDF 'n nie-geweldadige organisasie is. Ek moet daardie aspek toets. (30

HOF / ..

HOF: Ja, dit is haar siening van die saak. U kan haar toets maar - vra maar die vraag, kyk waar ons kom.

MNR JACOBS: Ek sal verder gaan en ek sal na 'n ander aspek toe gaan terwyl mnr Bizos nou die ander aspek aangehaal het waarby ek wou uitgekom het.

MR BIZOS: May accused no.9 be excused in the meantime?

COURT: Certainly.

MR JACOBS: Mrs Duncan, the question of the national convention. Do you know that it was first raised also by the ANC? -- I did not know that it was first raised by the ANC because the (10 first national convention or constitutional conference took place in South Africa prior to 1910. A national convention or a constitutional conference is the normal, are the normal terms used for a process whereby constitutions are devised. So I again would be very surprised if the ANC had not called for a national convention, but I would also be surprised to learn that they had been the first to do so in South Africa.

In your presidential speech at your conference of 14 to 17 March 1985 at Port Elizabeth, did you refer to the history of the Black Sash in your speech? -- Yes, because that was the 30th (20 anniversary of the Black Sash and my speech was centred around that fact.

And in that speech did you refer to, said that the right to come together and protest has been taken away piece by piece"? -- Yes.

And you referred to open air meetings and funerals, is it correct? -- Did I refer to funerals? I haven't got a copy of that speech, it is not amongst the documents in front of me.

Can you remember? -- Could you read it, the whole paragraph?

No, I have not got - I am asking you. If you cannot (30 remember / ..

remember it, just say so. When you said that "the right to protest" had been taken away piece by piece, then you gave certain examples, for instance open air meetings and funerals. -- Yes, if it is written there, I said it. I mean I certainly did say it with regard to open air meetings and protests and if I said funerals, I said funerals.

And at that meeting you also said, you emphasised that the Black Sash is supporting the UDF in the same manner as it is supporting the ANC. -- I do not recollect saying that. It seems highly unlikely because I am very aware that to stand up on (10 a platform and say that the Black Sash is supporting the ANC would be a most unwise thing to do in this country.

Did you refer to.. -- And I would really like the whole quote there, if I could have a copy of that whole thing.

Did you refer to Chief Luthuli in that speech? Can you remember? -- Oh yes, I would have referred to Chief Luthuli.

He was from the ANC? -- Yes, he was. He was a member of the ANC before it was banned. He was the leader of the ANC and a Nobel prizewinner before he himself..

Can you remember what you said about him? -- No, I do (20 not recollect.

Was it not in connection with the assistance given to him - that the Black Sash is giving to the UDF now is the same as that which the Black Sash gave - in the history of the Black Sash to the ANC.. -- Oh.

And Chief Luthuli? -- I might have said that because those were the days when the ANC was a perfectly legal organisation and though not me personally, my mother certainly knew Chief Luthuli quite well and supported him throughout that time when he was on trial, and certainly we worked in a co-operative (30 relationship/..

relationship with the ANC before they became an illegal organisation.

So then the Black Sash must have known about the call by the ANC in its history, before it was banned, for a national convention? -- Yes, I never denied. I said that I myself did not think that that was the first time a national convention be called for but that I would be surprised if the ANC had not called for it.

And this call.. -- But I was not living in South Africa during those years of the late fifties. So I have no personal knowledge of the ANC calls at that time. (10

Have you got the records, because you gave the history of the Black Sash? -- Yes.

I suppose you got that out of the records? -- Out of the archives, yes. Out of the magazines mainly, and from my mother who was one of the founding members of the Black Sash.

Did you keep the minutes of meetings and all that from that period? -- Yes, they are in the archives of the university of the Witwatersrand.

So I suppose it must be (intervenes)

COURT: Accused no.9 is back. (20

MR JACOBS: So I put it to you that this idea of a national convention emanated from the ANC and it was taken over by you also from the time that it was.. -- I deny that that idea emanated from the ANC. I think that idea is much older in history in this country and in other countries.

Well, I would like to refer you to an exhibit before the court, EXHIBIT C18.

COURT: C18?

MR JACOBS: C18. (30

HOF: Watter volume is dit?

MNR JACOBS: Ek sal nou vir die hof sê, ek wil net dit kry.

Volume 2. That is some notes on the call for a national convention. There is on the next page you will see, the first page you cannot see the numbers on the bottom, but on the next page you will see on top there is page 8. -- Yes.

On the right-hand side. Have you got that? -- I have got that.

Now will you please go to the first page. The first thing that is important there is then "Some notes on the call for a national convention" and then on the second page there, that (10 must be sub-page 7 then. -- Yes.

"the people take up the call for.." (intervenes)

COURT: It is just next to the words: "Some notes"?

MR JACOBS: "Some notes".

COURT: Yes, thank you.

MR JACOBS: In the second column, call it a column. -- Yes.

COURT: It is page 7? -- I have it.

MR JACOBS: Now there it says, the last portion of the second paragraph: "Over the years the ANC has demanded that there should be a new national convention involving all South Africans. (20 This call has also come under discussion within other democratic organisations from time to time. Only such a national convention could draw up a legitimate constitution". So it emanated from the ANC that over the years the ANC has demanded a national convention? -- Yes, that does not contradict what I have said, which was that I doubted that the ANC was the first organisation to call for a national convention, or that I had no doubt that they did call for a national convention. It is not a contradiction of what I have said.

Now do you know, or do you in the Black Sash set certain(30
demands / ..

demands for a national convention? -- It is one of the things we have called for consistently over the years.

No, do you have any demand for it? -- Oh, you mean preconditions?

Preconditions. -- We have usually - in fact, we couple that demand..

COURT: The lady mentioned three preconditions yesterday when she gave evidence. Should she repeat them again?

MR JACOBS: No. Those three, are they all? -- Those are all that the Black Sash has talked about. (10)

Do you know whether the UDF - you said you knew they were also calling for a national convention. Do you know whether they had any preconditions? -- I have not heard of any preconditions other than the three that I mentioned. I am not aware of any other preconditions.

And if I put it to you that they have other preconditions, what would you say? -- Well I would not contradict Mr Jacobs in the court, m'lord.

COURT: Although you would like to? -- Well, it depends, I do not know what he is going to put to me. (Laughter) (20)

MR JACOBS: Have you ever heard of the preconditions of the UDF - I put to you one of the preconditions of the UDF: the scrapping or suspension of the constitution in South Africa. -- I have not heard that. Not as a precondition to a national convention.

Or that the army and the South African police are to be unarmed? -- I have not heard that.

They must be scrapped. -- I have not heard that.

Abolished, dismantled.

COURT: What scrapped? -- The army.

MR JACOBS: The army must be dismantled. (30)

COURT / ..

COURT: Disarmed?

MR JACOBS: Disbanded. Must be disarmed and disbanded. -- That is outside my knowledge. I have not hear that before. Had you known that, would you still have assisted the UDF in its efforts and campaigns? -- Oh, yes, because we are campaigning for a national convention but I would perhaps have suggested that it needed deep thought and debate. And how one could dismantle the army and the police. Disarming them is what Mr Jacobs said first might be quite a sensible way forward but I did not know about this call and have never discussed it. I have not had time to think about it in depth. (10)

Would you agree that the minimum demands set out by the UDF was impractical and not acceptable to..

MR BIZOS: M'lord, the disbanding of the army and the police force were expressly by the two witnesses disowned as preconditioned. Your lordship will recall their evidence and I may say, m'lord, that I would like to remind your lordship that this exhibit C18 on which I think the witness is being cross-examined.

COURT: C18, yes.

MR BIZOS: Yes, C18. Mr Molefe gave evidence in cross-examination when my learned friend tried to put substantially similar questions to the ones that had been put to the witness. Mr Molefe said that this was not a UDF document and your lordship stopped the cross-examination on this document, on the basis of it not being a UDF document. (10)

MNR JACOBS: Ek het dit nie dat dit so is nie, maar ek kan haar ook na 'n volgende dokument verwys waar dit in die UDF se notule is. Ek sê nie hierdie dokument is nie 'n UDF dokument nie.

COURT: What is the question now?

MR JACOBS: Do you agree that..(intervenens) (30)

COURT / ..

COURT: What do you want to argue with the witness about? Whether it is practical politics? Whether she liked it or whether she knew about it? She has already said that she did not know about it. Now you can argue with her whether it is practical politics or not.

MR JACOBS: Now achieve its ultimate aim of a government for the people, do you know what is the policy of the UDF to achieve that? -- The policy of how to achieve it?

Yes. -- Yes, I believe that the UDF policy of strategies is to use exclusively non-violent means to bring about change in South Africa and I have found them consistently adhere to that principle, whatever strategies are undertaken are non-violent strategies and where violence has broken out on the fringes during the course of such a campaign, I have found the leadership both at national, regional and local levels concerned to restrain that violence, to stop it; to maintain the discipline in the action whatever it may be.

How can you say that. Were you present with them, did you attend any of their meetings? How can you say that you found them to restrain violence where it broke out? -- They have consistently said so that the public meetings that I have attended. I have consistently found it at the affiliates at a local level where for example the civic association at Duncan Village in East London who had invited me to go down to help to do a workshop with various problems that the community had, and one of the problems they raised with me - this was the committee of the civic association - was did I have any idea how they could stop the young elements in Duncan Village, coming from the poorer section, who were using violence and who would come to meetings with the leadership and agree that they would not do it anymore, but the next day(30 would / ..

would throw bricks or seek to burn down a house or something again and I have at that level consistently a great concern to discuss how does leadership in such a position manage to continue to exert that influence for discipline and non-violence, and particularly in cases where, as it so often happens, the respected leadership figures have been taken into detention and are not on the scene.

You have told us a lot now. Can you tell us, and I ask this question again now that I asked you this morning, mention one meeting, public meeting that you attended of the UDF, where they said this at a public meeting. -- Nobody has asked me that at (10 a public meeting, but I cannot..

Well, I asked you (simultaneously) -- It is so consistent that call for non-violent strategy and as I could not remember the public meetings I attended in the years 1983 to 1985, I am not able to remember any particular meeting, any particular meeting at which that was said. I think I would remember if there had been any particular meeting (intervenes)

COURT: Are you saying that at virtually each and every meeting that you attended, a speaker got up and said: We do not want any violence at all? -- Not in so many words, but he might be in (20 talking about the constitution and he would say: We must oppose this by all non-violent means available to us. That has been the tone and tenor of their meetings and if it had not been explicitly stated at some of those meetings, it has not been explicitly stated because it has been the common assumption of the people at that meeting.

MR JACOBS: So it was not said in so many words? -- Sometimes it has been said in so many words.

But you referred to.. -- And sometimes it has not.

You referred in your evidence to where violence had (30

broken / ..

broken out and then it was said on the meetings. -- No, I referred to where violence had broken out..

Yes. -- ..and people were concerned to control it, but I do not recollect saying that in connection with public meetings.

But you said you had heard that whenever violence had broken out, it had been said at public meetings. -- No, I deny saying that.

Then what did you say about where violence had broken out.. -- I said where violence did break out that my experience with the UDF both national and regional leadership, was concerned to stop that violence and to restore disciplined non-violent action. (10

Yes, and now I will repeat my question again. Can you say that because you did not attend meetings with the UDF; where did you get the information from that where violence broke out, they tried to stop it? -- I did not - I said I attended public meetings I think I did describe at an earlier stage in the court, a meeting in the Selborne Hall where it could easily have become a violent situation because the police had gathered in great numbers outside the hall and there had been a lot of singing at the meeting and so on, and the leadership of that meeting said to (20 people: we will leave this hall as we entered it in an orderly and disciplined way and we will walk away from this hall, and we will not say anything provocative to the police that could in any way lead to any violent confrontation. The Duncan Village meeting I described were people asking me if I could in any way think of ways that they could use, to prevent violence; that they had found themselves that they had found out of control amongst a certain group of young people in the poor section of Duncan Village. It is a constant experience in my work that the UDF and their affiliates as well as other political leaders in the black (30 community / ..

community are seeking to prevent the eruption of violence.

When you referred to where violence had broken out, to which incidents were you referring? -- Well, there had been..

Be specific now and let us get the facts before court. -- I cannot be specific about it because there has been so much violence in this country, that violence breaks out every other week.

I do not want your experience with the UDF as you have said.. -- Okay.

..I want to know where did any of the leaders of the UDF at a public meeting say that where violence breaks out the people must desist from violence and stop it. -- I have never been at a public meeting where violence has broken out.

Or referred to where violence had broken out at another place? -- I do not recollect any specifics of that.

Now can you tell us where you were present where any of the leaders of the UDF said that people must stop from being violent? -- Where I was present as opposed to - if I have never been present at any place where violence had happened, I have never been present on any occasion when the UDF leadership has tried to stop it. My experience has been with discussions of how to stop (20 it, not in an immediate situation where it is happening. I have no experience of being there in the immediate situation.

No, not where violence broke out and you were present at that stage, but where did any of the UDF leadership say that they are not violent where you were present. -- The Selborne Hall, at Duncan Village, at Huhudi.

That was an experience as you said. You said they did not say so, or do you change your evidence now? -- No, no. I am saying those discussions were about that. I am sorry, I do not understand the question. (30

COURT / ..

COURT: Well, there are various aspects that one can deal with. I understood you to say in answer to a question by myself, that at no public meeting had a person said: we do not want any violence at all. -- I said I do not recollect those precise words.

Well, then the example you have given at the Selborne Hall is an example of people being told: please be disciplined and do not provoke the police. That is the type of.. -- Do not provoke any violence.

Do not provoke the police into any violence? -- Right.

The other example you gave was one at Duncan Village (10 where there was a discussion at the leadership level of an affiliate about township violence. Violence by whom, against whom? -- It was violence by a specific group of young people from what they call section C, which is the poorer section of Duncan Village who were roaming around during the day, trying to throw petrol bombs into people's houses. Nothing, no specific targets that were identified, but a generally violent pattern of behaviour. That was a particular problem.

Indiscriminate violence? -- In Duncan Village.

Yes? -- And those particular leaders had been trying to (20 stop it and they had tried all the ways they knew and in the course of our discussions they raised this problem of how were they going to bring an end to that particular example of violent behaviour.

MR JACOBS: Who were the leaders? -- The leaders of the local civic association but I no longer remember their names.

So it is not the leaders of UDF national? -- No, no, it was the leaders of an affiliate.

And not the leadership of UDF region? -- No, it was specifically the civic association at one particular township. (30

Which / ..

Which civic association was that? -- The Duncan Village. I do not know if its official title is civic association or residents' association.

Well you surely must have known or do know the members of the executive leaders of that civic association? -- Well, I met with them on that day but I had forgotten what their names were.

Do you know the people who were responsible that violence, why did they go around being violent? What was the reason? Can you tell the court? -- I have no idea because I never met the people who were using the violence. (10

What did the people from the Duncanville civic association say? -- Well, they described it to me as that they were very poor, young - the kind of gang behaviour that you get, criminal gang behaviour that you get. That was how it was described.

Was it not for the police then to see to that violence? To report it to the police, to say the people are violent here? -- Well, the police can and do act after a violent incident but it is difficult for the police to act in such a way as to prevent a violent act, even - unless you are suggesting that the best solution would be for the police to take them into preventive detention in case they might be going to commit an act of violence, but that would not be a solution that would recommend itself either to myself or a civic association. (20

How many people were engaged in this violence? -- Oh, they never told me that. It was not an enormous number, it was a few disorganised small groups of people.

So that is the only instance where you can remember where leaders of affiliates of the UDF spoke to you about violence? -- Oh, no, no, there are lots more. In Huhudi where the civic association was very concerned about their own advice office but (30
their / ..

their problem was how would they react to the violent attacks of unidentified vigilantes against them and they were quite clear that could be no violent response. In the end they did not succeed, their advice office was burnt down and destroyed; but that was a discussion about how do we resist what the attacks would have made upon us, and it was made quite clear that that resistance must be a non-violent resistance.

When did this incident in Duncan Village happen? When was that? -- About two or three years ago. Three years ago possibly.

How long after the launch of the UDF? -- Well, I cannot (10 remember if it was summer or winter but roughly two years I would guess.

So it must have been in 1985 then? -- Yes, thereabouts.

And the incident at Huhudi? -- Huhudi was I think the same year. It might have been 1986.

Yes, were those the only two? -- No. Do you want me to confine myself to my personal involvement..

Yes. -- Or do you want me to give hearsay evidence about what other people had told me?

No, I do not want hearsay evidence, I want your personal (20 intervenes) -- Well, if I am going to list experiences of other members of the Black Sash then it has to be hearsay.

COURT: This was your own personal experience? -- Those two were my own personal experience.

MR JACOBS: And I expect then that except for those two cases of your own personal experience, there are no other cases where you discussed violence, or violence had been discussed in your presence by any leaders of the UDF. Where you were personally present? -- Violence has been discussed where I have been personally present at so many meetings that I cannot possibly recollect (30 them / ..

them all. Church meetings where members of different political groupings are present where members of youth organisations are present, the anxiety about the issues of violence and non-violence is a constant feature in the places where I work in my daily life. It is a constant anxiety, it is a matter of constant concern and I have never experienced any member of the UDF national executive or any person I know to be an office bearer of the UDF who has ever in my presence argued in favour of violence.

You cannot mention the names of any people from the UDF executive who spoke about this violence? -- No, I have no (10 immediate recollection of that conversation with any of them.

Are you conversant with the fact that the UDF regard the people, the masses as the people who are to bring about change in this country? -- I am aware of that and I believe that myself. I believe it is always people in any society who bring about K1341 changes and it is always governments who seek to maintain the status quo, or almost always.

And it will not be the leadership but the people themselves who must bring about the change. -- I do not understand that distinction, because leaders cannot be leaders unless they are (20 leaders of people. You cannot be a leader of anything unless there are members of that organisation.

And I put it to you that what is actually meant by that, by the UDF is that people in their action, united action will have to bring this government to a fall. They will have to take action and not speak about it. -- No, my understanding of political action is no different from that. I do not understand how one can bring about change unless one takes action.

And is it not so that the only way it can happen is by a violent revolution? -- Oh, I do not believe that for one minute.

(30

I / ..

I believe that the greatest power on earth is non-violent direct action in any situation. I think it is sad that people all over the world have lost their understanding on the whole and taken to arms, taking up arms for resolving that conflict, but it is the most powerful force in the world; and the best example of it is the whole Ghandian revolution in India.

And I put it to you that that is why the UDF took up all the issues, the campaigns or the issues in EXHIBIT A1 mentioned by you here, is to organise, mobilise and politicise the people in order that they themselves, can take over the government (10 of this country. -- But I think it is an obligation of citizens to organise and mobilise and politicise people to bring about change, or to take over the government, or to win power - however you like to put it. It is a duty of citizens to organise around issues.

And all these issues, from the constitution, black local authorities, the whole lot through that we discussed this morning that they were taken up and used by the UDF to mobilise and politicise the people; especially the black masses. -- Yes, you asked me to agree earlier that there were a great many local asso- (20 ciations and organisations long before the UDF came into being. I do not think the UDF had to politicise people, or to mobilise them but I think that being able to introduce a level of national organisation is - makes the organisation, the campaigning, the thrust, the push, the force for change very much more efficient.

Are you saying that it was not one of the strategies of the UDF to mobilise and politicise the people? -- No, I am not saying it was not one of there strategies at all. I am saying it is a strategy that any political organisation is obliged to undertake.

And that is why I put it to you that that was part of (30
the / ..

the programme of action of the UDF, and an important part of that is to mobilise, organise and politicise the people around issues and using issues for that purpose so that they engage the government in struggle, and struggle meaning violent struggle. -- No, I have absolutely no knowledge whatsoever of the UDF seeking to engage in violent struggle. I have never heard that before and I have had absolutely no evidence of that nature whatsoever.

And you have also no knowledge that they used, no knowledge at all why they were conducting campaigns or taking up issues around which to mobilise the people? -- Ja, I would deny that (10 they took up issues in order to mobilise people. The people present the issues and were already mobilised around them. The UDF may address itself to issues, but I do not believe it addresses itself to issues in order to mobilise people so much as to seek redress or to change the things that cause the grievances of the people with regard to that particular issue.

I am not asking your opinion on that. I am putting it is a fact to you. -- Oh.

Or do you say as a fact that it is not so? -- No, I cannot argue with you if you are putting a fact. I do not agree (20 with your interpretation or the way you have stated your facts as if people create issues in order to mobilise people. The issues exist and people are mobilised and organised around those issues. It is just that I had difficulty in the way you stated the fact.

I want to refer you to a few documents of the UDF where it is said that issues must be used in order to mobilise, organise and politicise the people. In the first instance I would like to refer you to C22, volume 2.

COURT: Now what are you attempting to do, Mr Jacobs? (30

Convince/ ..

Convince the witness? I thought the purpose of counsel was to convince the court.

MR JACOBS: As the court pleases.

COURT: But you can put it to the witness.

MNR JACOBS: Ek het ongelukkig verder gegaan as wat ek kon voorberei vir hierdie getuie en miskien kan ek vra op hierdie stadium omdat ons in die situasie geplaas was dat ons kon nie heeltemal alles voorberei vir vandag nie - ek is eintlik op die oomblik uit basiese dinge waarheen ek tot nou toe kon voorberei; as die hof my geleentheid gee dat ek dan met my kruisondervraging môre (10 kan aangaan.

COURT: Mr Bizos?

MR BIZOS: We are in your lordship's hands.

HOF: Gaan dit die kruisverhoor verkort?

MNR JACOBS: Ek gaan probeer. Ek gaan heelwat probeer maar daar is heelwat basiese dinge wat ek nie kon gedoen het voor die tyd nie, veral op hierdie kwessie van die geweldaspek wat belangrik is wat die getuie oor getuig het.

DIE HOF VERDAAG TOT 4 MEI 1988.

THE COURT RESUMES ON 5 MAY 1988

SHEENA DUNCAN, still under oath -

FURTHER CROSS-EXAMINATION BY MR JACOBS: Is it correct that you cannot out of your own knowledge tell this court precisely what the UDF did when they used the issues as resolutions in EXHIBIT A1, to mobilise, organise and politicise the masses? -- No, I cannot tell the court that.

You cannot? -- No.

Is it also correct that you cannot tell this court, out of personal knowledge, how they used the issues and resolutions (10 in order to mobilise, organise and politicise the masses? -- Sorry, did Mr Jacobs say - I did not hear the middle part of that question?

Is it also correct that you did not know how the UDF used these issues and resolutions to mobilise, organise and politicise the masses? -- No, I do not know precisely how.

Is it also correct that you do not know what successes were achieved by the UDF in their use of the issues or the resolutions to mobilise, organise and politicise the masses? -- No, I would say that there have not been many successes, but I believe (20 that things like the improvements in the administration of black education was certainly a response to what the people were demanding.

Do you know what successes they have achieved in the black townships? -- No, I do not.

Is it also correct that your perception that the UDF is not propagating or inciting violence, based on a mere belief? -- No, it is based on my experience with UDF affiliates all over South Africa.

But you cannot out of personal knowledge tell us, it is (30
only / ..

only through your experience that you mention two cases? -- Yes, I did refresh my mind with my 1988/1984 and 1985 diaries last night and I can, if you wish me to submit my notes, I can list many places where I spoke to or conducted workshops with UDF affiliates, at none of which there were ever any suggestion that violence was an appropriate or indeed desirable way of bringing about change. Uniformly those groups were concerned with organised, disciplined, non-violent action.

COURT: When you speak of action, what type of action do you mean? -- Well, the kind of action - the meetings that I attended were always associated with advice office type work, whether it was pensions or rents or unemployment insurance or pass laws or citizenship legislation. It was always..

Your line? -- My line, because that was what I was invited to speak about. And the whole range of action goes from finding out what people's problems are, considering strategies of negotiation, of complaint, of protest, of what kind of action would be effective in dealing with a particular issue in a particular place.

MR JACOBS: Were you invited to attend a conference on South Africa in Arusha in Tanzania? -- I do not remember any such invitation and if there was one I certainly must have been unable to go because I have never been to Arusha.

So you did not attend that meeting? -- No, I have never been to Arusha.

Is it also correct that you cannot tell the court out of your own experience how the UDF implemented the issues and resolutions in practise? -- No, I have no direct experience on a day to day basis of how they implemented them.

On this aspect where you said that you held workshops (30
and / ..

and planned action was it with the UDF executive that you held these workshops or was only with its affiliates? -- It was with the affiliates. UDF affiliates in many places. The local committees, local leadership of UDF, amongst others. It was not only UDF affiliates.

I beg your pardon? -- I say the workshops were not only held with UDF affiliates, there were many that were with church groups or groups across the political spectrum.

What affiliates? Can you name them, what were they? -- The Oudtshoorn civic association, the Cradock civic association (10 intervenes)

COURT: Go very slowly, I would like to write it down. -- Sorry. Oudtshoorn, Cradock, Kimberley - which was a mixed group, civic association and church. I have a whole list of notes here if you would wish me to..

Well, get it out if you would, then we will have the answers. -- Thank you.

MR JACOBS: Just before you read that list, when did you compile that list? -- Last night.

Not at the time? From what did you compile it? -- No, I (20 compiled it from (intervenes)

COURT: But Mr Jacobs, the lady told you that she had a look at her diaries in order to refresh her memory. Now you want to know which affiliates. This is the only way you are going to get it.

MR JACOBS: I thought the diary was here.

MR COURT: Well, you can ask for the diary if you want to. -- I brought the diaries but I would be very reluctant to lose them.

No, you won't. You definitely won't lose them and we will first debate whether Mr Jacobs should see them, but let us (30

get / ..

get the answer first to the question, that is, we have got Oudtshoorn and Cradock and Kimberley. -- Okay, at Onverwacht; that was also mixed, a church meeting with the youth organisation.

Where is Onverwacht? -- Onverwacht is now called Botshabela, 33 km from Bloemfontein in the Orange Free State.

Yes? -- At Brandfort which is also in the Free State at the opposite side of Bloemfontein.

ASSESSOR: Were they all civics? -- Those ones, I will tell you when they are mixed otherwise they are civics or UDF affiliates, youth organisations.

COURT: Now which were mixed? Kimberley I think you said was mixed? -- I said Kimberley as mixed and I also said the Onverwacht meeting was church and the youth organisation there.

MR JACOBS: Perhaps you can also tell the court the date when you mention that? -- I can tell the court the dates of sixteen meetings I addressed between 3 May 1983 and 3 March 1984. Do you want the comprehensive list? After that I could not finish and I just took out the ones that are appropriate.

No, carry on.

COURT: Let us just see where this is leading to. Do you want to know about affiliates only or do you want to know about everyone?

MR JACOBS: No, the affiliates only.

COURT: Now could you just pick out affiliates there. I have got Oudtshoorn, Cradock - when you say mixed, what does mixed mean? Does it mean that there were affiliates? -- It means that it was a group which was partly church and the other part was the Galeshewe residents' association.

And that was an affiliate of the UDF, because the emphasis is on the affiliates. -- Yes, I cannot say that I am (30

absolutely / ..

absolutely positive whether they are formally - they were certainly a group that regarded themselves as part of the UDF.

MR JACOBS: No, we want only the affiliates of the UDF. -- Okay.

COURT: Cradock which one did you have there? -- Cradock was the civic association.

CRADORA? -- Yes.

Right, we have got Oudtshoorn, Cradock, Kimberley, Onverwacht, Brandfort. -- Right, Duncanville, which was the residents' association, definitely an affiliate. In Cape Town, groups from Nyanga, Crossroads, Gugulethu, Langa and Worcester and I know (10 definitely that the Worcester civic association was affiliated to the UDF. I do not know definitely about the others. Tumahole at Parys was definitely the civic association and the youth organisation.

MR JACOBS: And affiliated? -- Hm?

And affiliated. -- And affiliated, yes.

The NUSAS orientation week. In 1985 I think it was, on five campuses - the university of the Witwatersrand, Durban, Pietermaritzburg, Rhodes and the university of Cape Town; Huhudi; a residents organisation in Bloemfontein, in the townships of (20 Bloemfontein as opposed to Onverwacht. Lamontville, the UDF local committee, the residents' organisation organised a meeting. The South African Domestic Workers' Association in Johannesburg, who is a COSATU affiliate, which is in turn an affiliate of the UDF; various meetings of the "end conscription" campaign, mainly in Johannesburg.

Are they affiliated with the UDF? -- Oh, I beg your pardon, they are not. I am sorry, they are not.

ASSESSOR: And you say COSATU is affiliated? -- COSATU, I believe it was affiliated to the UDF.

(30

In / ..

In 1983/84? -- I am not sure when they affiliated. I cannot remember when COSATU itself was actually formed, but the "end conscription" campaign was definitely not affiliated. And those are the ones that I am sure were affiliates. Some of the others may have been, but I am not certain about that.

MR JACOBS: And you said you addressed this COSATU meeting between the periods of 1983/1984? -- No, I said I addressed a meeting of SADWA which is an affiliate of COSATU, which is in..

And that was addressed on..? -- SADWA was on 15 September 1983. (10

Now what actions were discussed at Cradock? -- Cradock, the residents' organisation was planning to set up an advice office in the township and the discussion was entirely centred around how advice offices are established; how training can be obtained and initial working through some of the issues such as pensions and so on.

Was that the whole action discussion, at Cradock? -- Yes, there was another action discussion that took place at that workshop. At the time the police were very visible by their presence in the township at that time, and there was a discussion on (20 how one prevented angry people venting their anger on the police and there was a discussion that one tried to make the police feel - many of the black policemen were part of that community and that one must not isolate them. One must treat them with friendship.

COURT: When was this? -- That meeting?

Yes. -- It is on the paper where I have stopped taking the exact dates because I did not have time, so it was in 1984 or 1985. The latest was 1984 or the early part of 1985. I think 1984. It was definitely before the Black Sash conference in 1985. (30

MR / ..

MR JACOBS: Wasn't there also discussion, when it was discussed that the police must get out of the township? -- No, it did not crop up at that meeting at all. There was an acceptance that the police were there. It was a question of how one (hesitates)

Do you know whether it was later, or during that period that it was complained and demanded by the civic association that the police is to withdraw from the township and.. -- Yes, I am sure that it was but not - I have no personal knowledge of that call being made.

And do you know whether the black policemen that were to(10 be treated civilly; do you remember that it was the idea that they should resign from the police and join the civic organisations? -- No, that was not said to me at all. That was not said during that discussion that I had with Mr Goniwe and Mr Calata.

Now what actions were discussed at Tumahole? -- Tumahole no action was discussed. Tumahole was a very large meeting, public meeting of the people who live in that town and I have been asked to speak to them about the details of section X of the urban areas act and pass laws and lodgers' permits, so that was not a meeting at which there was any discussion. It was purely a lecture. (20

COURT: You spoke on the pass laws? -- Pass laws.

And did you speak in English? -- In English.

Do you speak any of the black languages? -- No.

And you do not follow them? -- No, but one of the committee interpreted for me.

MR JACOBS: From English into the black language? -- Yes.

And after your speech did you remain at the meeting? -- Did I remain at the meeting?

Yes, or did you leave the meeting? -- Yes, no, because in fact it was an evening meeting and at the end of the meeting (30

the / ..

the police had gathered in large numbers; a great many vehicles and I said to the committee that I was not leaving until I was sure everyone dispersed in an orderly fashion. The committee agreed that I would stay with them while they saw that the meeting disperse in an orderly fashion and they then saw me to my motor car, and saw me off.

Were any of the UDF members speaking at this particular meeting? -- No, they were only speaking insofar as I was introduced by the chairman, the chairperson of the ..

Not any of the exexutive of the UDF? -- No, there was a (10 minister who prayed at the beginning of the meeting, but whether or not he was a member of the committee I do not know.

And at Worcester?

COURT: The lady was not at Worcester, she was at Cape Town.

-- No the Worcester people came to Cape Town. At Huhudi I went to Huhudi again which was a straightforward workshop on - their advice office was already in operation. Two workers from Huhudi had trained at the Black Sash office at Johannesburg and I went for a follow-up meeting to assist with problems where they had now known, individual problems where they had not know how to(20 take them further.

MR JACOBS: What actions were discussed? -- No actions in the organising, mobilising and politicising sense. It was actions on individual cases where they had not been able to take the problem any further.

And the meeting at Grahamstown, was that with the students or was it also with the civics?

COURT: I have not got a note that Grahamstown was mentioned.

MR JACOBS: Rhodes university. I thought.. -- Rhodes university. That was the orientation week which the National Union of (30

South / ..

South African students organises each year, and that year they took me to each of the campuses during the course of the last week of May.

COURT: Was that for new students? -- That is for new students but other students also come and they are public meetings. Those things are open to members of the public if they wish to come.

MR JACOBS: Now Rhodes, Grahamstown, did you at that meeting discuss any actions? -- No, they were all big meetings and my task was to inform people at that stage, mainly informing people about how the new constitution worked and so on. They were not meetings that - they were mostly at lunch-time and the introduction and the speech took the whole time and the meeting would then disperse. There was no discussion of strategy. (10)

ASSESSOR: Was this also in the form of a lecture then? -- Yes.

MR JACOBS: And in Cape Town? -- The same thing in that particular week; lunch-hour meeting with lots of students for information and no discussion.

No discussion on actions? -- No.

Was that the only meeting you attended at Cape Town? -- No, there was the workshop in Cape Town with groups from the townships in Cape Town and the Worcester group which I know to be a UDF affiliate; and that was a workshop on straightforward advice office work. The workshop was never completed... (20)

On what? -- .. because it was a few days after 21 March when people in Uitenhage had been shot and the workshop was adjourned because everybody wished to participate in the memorial service in the Methodist central church at Cape Town. We never got to the action discussion at that workshop.

Thank you.

RE-EXAMINATION BY MR BIZOS: Do the newspapers published in (30

Johannesburg/..

Johannesburg, Cape Town, East London and other places, do you know whether they circulate in what are called independent homelands or bantustands as you have referred to them in your documents? -- Newspapers?

Yes. -- I know very definitely that the Daily Despatch is widely read in both the Transkei and the Ciskei. I believe that the newspapers produced in Pretoria circulate quite widely in the areas of Bophutatswana that are near to Pretoria. I have no knowledge of what newspapers are available in Venda.

COURT: When you speak of homelands, do you mean independent (10 or not independent homelands? -- Well, in that case I thought the question was about independent homelands.

No, I just want to know when you use the word homeland do you usually include both? -- It depends on the context. If I am talking about a problem that is common to all of them, such as pensions or poverty I would just say the homelands, but if it is material I would say independent homelands or not independent homelands.

So when you say homelands it can mean either? -- Either.

And when you use bantustans, it means independent home- (20 lands or does it mean both? -- No, it means both..

So homelands and bantustans means the same to you and it means either? -- It means either.

Thank you. -- I normally use homelands, but sometimes in the context of the UDF resolutions, bantustans is the term used, so I have used it in this court.

But is your use of those two terms the general use in the circles you are in? -- Yes.

MR BIZOS: Is bantustans used in some of the documents actually published by the Black Sash? -- By the Black Sash. It is. It (30

was / ..

was used always in the past, but I personally try to avoid the use of words which have an aggressive connotation. I tend to use the more neutral term "homelands" in preference now.

You have told his lordship of the organisations that were either definitely affiliated or you thought that they were affiliated..

MNR JACOBS: Sy het nie gesê "thought affiliated" nie. Mnr Bizos lê haar nou woorde in die mond.

MR BIZOS: She said both.

COURT: Well, she gave us a list of organisations, Mr Bizos, (10 and we go on from there.

MR BIZOS: Did you have or did you study the list of affiliated organisations of the UDF? -- No, I have never seen that complete list.

And are you able to tell his lordship with any degree of certainty whether at any particular time any of the particular organisations that you spoke at, were definitely affiliated or not? -- No, because I could not say at that particular time if that particular organisation was affiliated, or I may have knowledge that it was affiliated at a later stage. Having seen (20 no lists and not asking the question, I have to deduce.

I have no further questions. There is just one further aspect though that I was hoping to get a document. Your lordship will recall that a version of what purported to be the witnesses words in her 1985 address was put by Mr Jacobs to her. I have not been able to communicate with the witness because she was under cross-examination. I asked whether someone else from the Black Sash could possibly make that address available to me. I do not know whether it has been brought or not because we are starting a bit earlier and the people came a bit after your (30
lordship / ..

lordship. Could I have a short adjournment to get a copy of that document, because I want to decide whether I should put it to the witness after I have seen it. Your lordship will recall that (intervenes)

COURT: Could we not do it in this way. Complete the evidence of this witness. If you decide to put a document to the witness on that line, because this was just cross-examination and there was no definite answer on it as far as I am concerned, and there is nothing on record. If you want to deal with it, recall the witness then after lunch and then you will have your time and we will go on with another witness in the meantime.

MR BIZOS: Yes, I have no further questions. We will look at it and I am indebted to your lordship for the indication about the lack of certainty about it and on that basis we might just leave it there.

COURT: Yes, my assessor agrees.

MR BIZOS: Well, on that basis I have no further questions for the witness. Could I have a short adjournment just to have a look at it?

COURT: Yes.

THE COURT ADJOURNS/THE COURT RESUMES

SHEENA DUNCAN, still under oath

FURTHER CROSS-EXAMINATION BY MR BIZOS: I am indebted to your lordship for the opportunity. There are two passages that I want to read in the record on which the witness was cross-examined and of course we will submit to your lordship in due course that a completely wrong impression..

COURT: Well, if you are going to talk about impressions, should not you put the document in, then we can read it as a whole?

MR BIZOS: As your lordship pleases. I would welcome it to (30

put / ..

put it in as the next exhibit - DA?

COURT: DA.182.

MR BIZOS: As your lordship pleases. No copies had been made..

COURT: What is the name of the document?

MR BIZOS: The document is Sash, volume 28, no.1, May 1985.

COURT: And the heading of the speech?

MR BIZOS: National conference 1985: Presidential address - Sheena Duncan.

COURT: Yes, thank you.

MR BIZOS: I am reading firstly the passage about the funerals that the witness was cross-examined about, and I want to read the second paragraph in column two on page 1 of the exhibit.

COURT: Have you marked it? Please mark what you are reading out otherwise I should mark it and I do not have the document.

MR BIZOS: As your lordship pleases. I put a pencil mark on the right-hand side.

COURT: Yes, please.

MR BIZOS: (Reads):

"It is my belief that this ban on outdoor gatherings together with the frequent temporary bans on indoor gatherings and on funerals must be held largely responsible for the chaos which is now the way of life in many black townships. People who have come together in orderly fashion to picket polling booths in the August elections to demand negotiations with town councillors and development board officials about rents, or with the department of education and training officials about abuses and the intolerable bantu education system, or to bury their dead, have been ordered to disperse and when they failed to do so, have been forced to scatter in confusion by the use of teargas(30 rubber/..

rubber bullets, bird and buck shot. Orderly organised protest and non-violent resistance is prevented. When the authorities also abuse the wide powers given to them, and resort to removing leaders by detaining them for 48 hours or indefinitely, it is not surprising that planned disciplined, non-violent resistance in the form of boycotts by students, boycotts by consumers, withdrawal of labour by workers, withholding of rent by householders, become disorganised with disorganised violence cropping up in all directions. It is only a short step from that to organised and cohesive violence, the evidence of which is now appearing in some places. It is inevitable that this should be so when the state uses its whole repressive machinery to prevent grievances from being expressed, to prevent demands from being laid on the negotiating table, to prevent organisation from taking place, to insist that control by the few over the many continues."

and the paragraph on page 3 on the right-hand column:

"Passive resistance and support for those entering into civil disobedience was an issue then as it is now. The Black Sash support for the ANC and for chief Luthuli in those long-ago days cause the same debates as has our support for the UDF in the last eighteen months. Protest against the banning of Chief Luthuli was as wholehearted then as our protest now about action taken against UDF and other leaders. Economic boycotts were very much in issue as they are now. In August 1959 we will say in the history of the white man he so frequently broken his word, that promises should not be broken now without the Africans to whom they were made, approving of the step. The list (30

of / ..

of broken promises has lengthened immeasurably in the 26 years since that statement was made. Is it really now coming to an end? There is no evidence of that yet."

and then a statement between two parallel lines:

"Allegations against the Black Sash remain much the same as they were then, but the issues which concerned us then are astonishingly the same as those which occupy us now."

Were those portions of your 1985 presidential address? -- They were. (10

I beg leave to hand this in and I assure your lordship that copies will be made for your lordship and - I think my learned friend has a copy.

COURT: Ja, we do not need the whole of the document, only the presidential address.

MR BIZOS: The presidential address. Well, then we will only copy the presidential address.

COURT: Yes, and mark it clearly as DA.182.

MR BIZOS: Yes, we will do that. We promised your lordship copies of two incomplete ones.

COURT: Yes. Will you just hand them to my registrar? (20

MR BIZOS: Yes, I think that there may be too many of the same thing, but your lordship's registrar and the attorneys can sort it out. (Sorts out copies for those concerned).

NO FURTHER QUESTIONS

The defence calls from Somerset East:

SICELO HAMILTON GQOBANE, sworn, states, (through interpreter) -

EXAMINATION BY MR TIP: You are a man of 33 years old and a teacher at the Somerset East high school? -- Yes.

Is that the only high school in Somerset East? -- Yes.

And did you first come to Somerset East in order to take(30

up / ..

up the teaching position in January 1983? -- Yes.

Now I want to ask you some general questions about what you saw and learned at Somerset East in the course of 1984 and up to the end of April 1985. First of all I want to ask you about certain organisations. Did you in the course of 1984 hear that there was a committee of COSAS in existence at Somerset East?

-- Yes.

Do you remember approximately when in 1984 you heard about it? -- Somewhere in August.

Now just in relation to that, in 1984/85 was there a (10 student at the high school there by the name of Zola Tesana? -- No, there was no such a person.

And did you at any time hear of such a person in relation to COSAS? -- No.

COURT: Or in relation to anything else? -- Yes.

So you know him? -- Now I know about that person.

MR TIP: Perhaps your lordship..

ASSESSOR: It is not clear what you mean. The question is did you in 1984 know such a person? -- No.

And do you at the moment know that person? -- Yes, I (20 know this person now.

When did you get to know him and how? -- During my arrest when I was detained for the state of emergency, I was detained together with this person.

MR TIP: First for your lordship's convenience, the point of those questions relate to sergeant Mguba's evidence at 5 471. I haven't the volume number unfortunately. My learned friend says it is volume 110. The Somerset East Youth Congress, abbreviated SEYCO, did you come to hear about that organisation at any time?

-- Yes.

(30

COURT / ..

COURT: The time being when? -- That was during January 1985.

MR TIP: Were you ever a member of that organisation? -- No.

Next I want to ask you about an organisation called the Somerset East Residents' Association, abbreviated SERA. Did you hear about the existence of that organisation at some time? -- What is the question now? I am not clear what the question is.

The question is did you hear of that association at some time? -- Yes.

Can you recall approximately when that was? -- Although I do not remember the exact date, it was during April 1985. (10

Now throughout 1984 to the end of April 1985, did you at any time see pamphlets or posters in Somerset East, issued by COSAS or SERA or SEYCO? -- No.

Did you ever see posters which had written on them: VIVA ANC? -- No.

During that same period did you at any time hear anything about a campaign conducted by anybody or any organisation against the community council of Somerset East? -- No.

I want to go now to the school at which you were teaching, the Somerset East high school. Was there in the course of (20 1984 a boycott at that school? -- Yes, there was.

Do you remember when that was? -- Even though I do not remember the exact date, what the date was, but it was during August 1984.

And in September 1984 did you attend a public meeting which was held in the community hall of Somerset East?

COURT: Can I just get clarity? Did it start in 1984, August 1984, or did it start and finish in August 1984? -- It started in August and ended in December 1984.

Thank you.

(30

MR / ..

MR TIP: I was asking you about a meeting in the community hall in September 1984. Did you attend the meeting? -- I was present yes.

And who organised that meeting? -- COSAS.

Do you remember who was the chairman of that meeting? -- Yes.

Who was that? -- A person August Quintin.

And just for clarity, which was his surname? -- August.

COURT: So he was Quintin August? -- Yes.

Quintin is not a Xhosa name? -- Well, we pronounce it Quintin in English. (10

Well, what is your answer. It is an English name? -- Yes.

Yes, thank you.

MR TIP: Do you know whether he had any position on COSAS? -- Yes.

What was this? -- He was the chairman.

Were the other members of the COSAS executive present at that meeting that you can remember? -- Yes.

Do you remember their names? -- Although I cannot remember everyone of them, there are some of them that I remember.

Yes, what names do you remember? -- One Jeffrey Sambokwe, Ndumiso Matsimbi, Zola Mangali; I do not remember the (20 others.

Did any of those members of the COSAS executive speak at that meeting? -- Yes.

And what was the message that they put across? -- The message in the address of these people was to explain to the parents about what was happening at school, namely the boycott.

COURT: The reasons for the boycott? -- Yes.

MR TIP: And what further did they have to say? -- They explained the reasons as to why there was a boycott at school and furthermore why they decided on the boycott. (30

COURT / ..

COURT: That is the same thing. -- What was made clear further is that even though they have been approached by those in authority to mention their reasons for their actions, it was quite apparent that there was no solution that was being forward by those in authority

MR TIP: Did they have any suggestions for the students there?

COURT: Well, could I just get clarity. Is it important, the reasons? Then let us have them now. If they are not important let us forget about them, but we are at this point now.

MR TIP: Yes, no, I am not asking the witness the reasons for(10 the boycott, just whether they had any suggestions as to the further conduct. -- Yes, they had.

Yes, what was this? -- What was suggested there by them at this meeting was the following: seeing that there is no solution which is being given for what has been taken to the authorities then the request by them was that they go back to school, that is the students must go back to school while waiting for a solution to be brought forward by the authorities, they will have to attend classes. In other words meaning that let the education and the tuition go on, because it was about the end of the year and (20 they are expected to write their end of the year examinations, that is in preparation thereof.

Did you know a Mr Andile Ntshudu. -- Yes.

ASSESSOR: I am sorry, I was still busy with your previous point. May we just go back for a minute, please?

MR TIP: Yes, certainly.

ASSESSOR: This request, was it the request made by COSAS members, executive - the suggestion? -- Yes, they were the people who suggested that.

COURT: Andile Ntshutu - (spells name)

(30

MR / ..

MR TIP: du, I think, yes.

MNR FICK: Dit sê op die rekord soos u hom nog gespel het deurgaans - Ntshutu. -- It is du - Ntshudu.

MR TIP: Did you know him? -- Yes.

Did he speak at all at that meeting of September 1984? -- Yes.

And what was his message?

COURT: Was he a parent or a scholar? -- A scholar.

Yes, what did he say? -- The gist of this person's address was a support of what had been said, suggestion by those who (10 has suggested that the children go back to school. In addition to that he was also making a request to the parents to encourage children to do so, by saying that the children must go to school.

MR TIP: And did you yourself speak at that meeting? -- Yes.

And what did you say? -- In my address I was talking about the importance of education for children to go to school and the importance of the children going to school at that time because of the fact that it was not long that they were going to sit for their end of the year examinations and therefore encouraging the children to return to school. (20

And can you tell his lordship, at the end of the year did the children write exams or not? -- They wrote.

COURT: Now I have not got clarity- I understood you to say that the school boycott lasted from August to December and this was in September. -- I said so yes, but I had in mind this that I will have to inform the court that at the end of the year they did write their end of the year examinations.

Without having attended classes for the second half of the year? -- Yes.

Now could they have any hope of passing? -- They had no (30 hope/..

hope.

They had no hope? -- Some of them had no hope. The reason why I say so is because they made mention of that to the teachers that they were behind with the syllabus and therefore won't be able to cope with the writing of the examinations.

Yes?

MR TIP: I want to go on with you to November 1984. Did you attend a public meeting in the community hall in that month? -- Yes.

And who was the organiser of that meeting? -- COSAS. (10

COURT: Could I just come back to the previous meeting? It seems to me that the COSAS executive according to you told the pupils to go back to school. I take it that all the parents wanted the children to go back to school? So why didn't they go back to school then? -- They did go back.

In December? -- They did go back to school. What I am saying is that during December the pupils sat for their end of the year examination.

Please, you are a qualified teacher. We should not have this difficulty. If you have this difficulty in explaining (20 things to me, how can you easily explain things to the children? You told me that the boycott lasted from August to December. Now you are telling me that they did go back to school in between. Now what is the situation? -- What I am saying in this. The boycott started in August 1984. In September a meeting was held, that is the meeting I referred to where the children were requested to go to school. After this meeting the children did go back to school.

For how long? -- They went back to school and remained school-
ed until the time that they started writing their end of the (30
year / ..

year examinations.

But then there was not a school boycott from August until December, but there was a boycott from August to September? -- Yes, they went back to school in September.

MR TIP: You were telling his lordship about the meeting organised by COSAS in November 1984. -- Yes.

Do you remember the chairman of that meeting? -- Yes.

Who was this? -- One Sibadla Mnyakama.

And do you know whether or not he had any position in COSAS? -- No. (10

Was Mr Andile Ntshudu present at that meeting? -- Yes.

Did he speak? -- Yes.

Very briefly what was the subject matter of his speech? -- This person explained to the parents, that is the audience there about the problems of the school on which no reply was received from those in authority. He also made mention of the problems that were being experienced by the community residing in that area.

I will not ask you to detail what had been said about those problems, but did he have anything to say about the community (20 councillors in that area? -- Yes.

What was that? -- He was trying to make clear to the audience that there were problems that were found to be existing within the community, namely that there is no feedback from those in authority to the residents with reference to the problems that were being experienced by the residents.

Those in authority being? -- The councillors.

Did he say anything further about that problem? -- Yes.

Yes, what was that? -- Yes, what he said was that if the councillors were experiencing any problems about how to go (30 about / ..

about solving the people's problems or they do not have a way of solving the problems. It is for the councillors to call a public meeting and report these to the community, so that the community can decide what to do in such cases after having heard what the problems are, because they were elected by the community therefore the community can therefore also take a decision as to what to do in a case of their failure, after having heard what the reasons for their failure are.

Did he or anyone else at that meeting say anything else about the councillors having to resign? -- No. (10

Was anything said by him or anyone else at that meeting about councillors getting hurt if they did not resign because they would then be standing in the way of the people? -- No.

Was anything said about any sort of action to be taken against councillors? -- No.

And in the course of that meeting was there anything said about people who remained friendly with the police at Somerset East being burned?

COURT: Burned?

MR TIP: Burned, m'lord, being likely to be burned. -- No. (20

Now at that meeting was there anything said about a follow-up meeting to be held on the following week? -- No.

And do you have any knowledge of any such meeting being held? -- No.

I want to go on to another topic and that is the organisation SEYCO. Were you present at a public meeting called by SEYCO? -- Yes.

And do you remember when that was? -- I won't remember the day of the week or the exact date, what the date was, but it was during January 1985. (30

And / ..

And who was in charge of that meeting? -- In charge? I am not clear. You mean the person who was in charge of the calling of the meeting or the chairman?

COURT: Who convened the meeting? -- It was a committee, the SEYCO committee who was temporarily holding office.

MR TIP: I should have asked you this before. Where was this meeting held? -- In the communal hall.

Did you see any posters or pamphlets advertising this meeting? -- No.

Who was the main speaker there? -- Mzukisi Banzana. (10

And could you give his lordship please a brief outline of what he had to say? What did he deal with there? -- He informed the audience about the existence of the new organisation of the youth.

COURT: Is that now SEYCO? -- Yes.

Is that all? -- Secondly he made mention of the programmes that were existing amongst the youth, that is their behaviour as such, namely their excessive drinking, that is consumption of liquor.

MR TIP: Were there other problems? -- Yes, he said because (20 of it being apparent that the majority of the youth is not employed, it was therefore important to have the youth united.

THE COURT ADJOURNS FOR TEA / THE COURT RESUMES

SICELO HAMILTON GQOBANE, still under oath (interpreter)

FURTHER EXAMINATION BY MR TIP: You had said before the tea adjournment that Mr Banzana had spoken about it that the youth organisation wanted to unite the youth. Can you recall whether he said anything further about what the organisation would try to do? --

K1343 What he said further was that it was important for the youth to join clubs and also important for the youth to partake in (30

music / ..

music.

COURT: Was this the launch of SEYCO? -- No.

Had it been launched? -- No.

Did it afterwards get launched? -- No, I did not hear of that.

MR TIP: Won't you carry on? What sort of things would be organised? -- For instance there was going to be something called welfare programmes.

Now you mentioned to his lordship that this was a temporary committee. Was a permanent committee elected at this meeting? (10 -- What was about this meeting towards the end is that there was going to be some elections at the end of the meeting, which elections were held.

Were you present when the elections were held? -- Yes.

And do you remember the persons who were elected? -- Yes, I remember that.

Yes, could you tell his lordship those that you can remember? -- Mzukisi Banzana was elected as the president. Panana Njenje as the vice-president; Ntombentsha Dilima was elected as the secretary; James Plaatjie as an organiser and Mr Thozamile Mjesh⁽²⁰sha was also elected as an organiser. Those are the people whom I remember that were elected during those elections.

COURT: No treasurer? -- I did not hear of him?

MR TIP: Was Mr Andile Ntshudu elected to any position? -- No.

I want to go on to another meeting. Were you present at a meeting held at the Apostolic Church in Somerset East during January/February 1985? -- I was.

Do you remember whether that was on a weekday or during the week-end? -- It was during the week.

Who was the speaker at that meeting? -- Dr Alan Boesak (30

was / ..

was the main speaker there.

COURT: Whose meeting was it? -- I do not know who the convenor of that meeting was because it was during school hours while we were at school, when the principal released us, saying that we are expected or supposed to go and attend this meeting.

Was it in the morning then? -- It was supposed to have started at 12 midday, but we could only go there at about 14h00 in the afternoon.

MR TIP: Did you notice whether Dr Boesak was accompanied by any people? -- Yes. (10

And who were they, do you remember? -- Yes, I remember.

Yes, who were they? -- Mr Mathew Goniwe was one of them, Mr Makhawula. I do not remember the other people who were also there with him.

COURT: Makhawula is just the surname? -- The surname, yes.

Thank you.

MR TIP: Were you yourself in the company of Dr Alan Boesak and the other people? -- No.

How many Gqubanes are there in Somerset East to your knowledge? -- There is only Gqubane in Somerset East and that is (20 the one now standing before this court.

What was Mr Goniwe's function at this meeting? -- He was interpreting what minister Boesak was saying.

Did Mr Goniwe himself make a speech there? -- No.

Was anything said or perhaps I should ask you first, without detailing it, what was the subject matter of Dr Boesak's speech? -- What he told us was that he was moving around different places where he is making requests for prayer meetings to be held, praying for the people who are in jails.

COURT: All people in jails? -- Yes. (30

MR / ..

MR TIP: And did he deal with any other subject? -- Yes, he dealt with something else.

What was that? -- The part which was to be played by the business owners in respect of their employees. In the first place he was referring to the business people in South Africa where he said it was the duty of businessmen in South Africa to see to it that the conditions of living of their employees in the country is being improved. He further said that it was the duty still of the businessmen in South Africa to see to it that they pay their employees a salary of a civilised country and (10 civilised people.

COURT: And were there any businessmen present? -- Yes, all the shopowners were present.

MR TIP: Alright, I am not going to ask you further details of what he had to say but I want to ask you this about that meeting. Was there at any stage anything said by Mr Goniwe or anyone else about street committees? -- No.

Was anything said about such committees or any other bodies taking over the functions of the community councils? -- No.

Was anything said about COSAS at that meeting? -- No. (20
Did you yourself speak at all at that meeting? -- No.

Now other than the funeral of Deborah Memese which we will come to now, to your knowledge did Mr Goniwe ever speak at any other meeting in Somerset East up to the end of April 1985? -- No.

Now I want to go on to that funeral on 16 March 1985.

COURT: Give me the name again, please?

MR TIP: It is Deborah Daniswa Memese. Were you present at that funeral? -- Yes.

At what stage did you join the proceedings? -- At the residence of the deceased. (30

Was / ..

Was that before or after the service? -- Before.

Can you estimate approximately how many people were gathered at the home of the deceased before the service? -- Between 200 and 300.

And what happened at the home of the deceased at that stage? -- After a short prayer which was meant to precede the deceased's arrival, we were instructed to form a line, a sort of a guard of honour or a line in a manner of a procession going to the church building.

Had there been any speeches made at the home at that stage? -- No. (10

Who led the procession from the home to the church? -- Right in front were the church people and then the coffin and then the vehicle with the family of the deceased. Immediately thereafter the vehicle was the church choir, then thereafter the people in general who were attending the funeral.

At the stage that the procession reached the church, had you seen any signs of the police being in attendance? -- No.

Did you at some stage see some people from Cradock in attendance? -- Yes. (20

At what stage did you see them arrive? -- While we were at the church.

And who were those people? -- Amongst those who arrived there was Mr Goniwe one, Mr Ford Calala, Mrs Sibanda.

Was she also known as Mama General? -- Yes. And Mbulelo Guniwe was also present.

At the start of the proceedings at the church, who was the master of ceremonies? -- Mzukisi Banzana.

Did he remain master of ceremonies? -- No.

Yes, what happened? -- What happened is this. Not long (30
after / ..

after the arrival of the people from Cradock, he Banzana who was the chairperson of this service, the MC, made an announcement to the people saying that they must open the way for some strangers who arrived at the back entrance of the church, for those people to come up front, namely being the strangers from Cradock. They went up towards the front where this person was speaking, that is MC Banzana. Not very long after their arrival there, one of these people called Mr Ford Calata then took over from Calata as the MC, being the master of ceremonies, of the service.

COURT: This Deborah Memese, was this a school girl or what was she? -- She was a school girl. (10)

At your school? -- Yes.

Yes, thank you.

MR TIP: Can you tell his lordship approximately how many people were present in the church at this service? -- I estimate the people to have been about a thousand because the church building itself was full and some people were standing outside.

Were the people who were to speak there called the Front?

-- Yes.

Would you tell his lordship who was called to the front, (20 who were to be the speakers?

COURT: Is it important that they were called to the front or would you just ask the witness who spoke there? If it is important that they were called to the front then you surely must lead it, but if it is not, why?

MR TIP: Yes, it is really just part of the note, it is not essential.

COURT: So who spoke? -- Mzukisi Banzana, Mathew Goniwe, Mama General, the priest of the church, the deceased's class teacher and one of the school leaders, namely the leader of the SRC. (30

Those /..

Those are the people I remember who spoke.

Now I am going to ask you to tell his lordship only about what you remember about one of those speeches and that is the speech of Sibanda Mama General. -- In her address she said it was very much hurting that a person of Deborah Daniswa Memese has died because she was showing interest in what was happening within the community and the living conditions of the community. She went on to say that it was important to mention the importance of the women joining or coming closer into joining the struggle of the people because of the problems that were being experienced by the women, which problems are not associated to the problems of the people. She also went on to say that it was hurting to see that women are sitting back and looking at what was happening, while their own children were involved in doing the wrong things and these parents were not saying a thing about that, and ended up saying that it was also important for the women to be united. (10

Did she say anything about herself being a member of the ANC?
-- No.

Did she talk about herself being on Robben Island? -- No (20

Did she anything about beer halls and how the people of Cradock had done away with bad beer halls and how the people of Somerset East should follow that example? -- No.

Did she say anything about municipal offices? -- No.

Did she or any other speaker at that meeting in any way suggest that violent action should be undertaken? -- Not at all.

At the conclusion of the proceedings in the church, what happened next? -- A request was made that we go outside where we stand in a line in preparation for a procession to the graveyard.

COURT: When you say in a line it means in a procession? -- (30

Yes / ..

Yes, that is what I mean.

Who made that request? -- The master of ceremonies, Mr Ford Calata.

And was anything said about the conduct of the procession, the people in the procession? -- What was said was that they must move in order and what was said further was that there were going to be marshalls who would be in control of the procession.

Just to abbreviate things, did you go with the procession to the graveyard and did you thereafter move with the procession back to the home of the deceased? -- Yes, going to the grave-(10 yard and back to the deceased's home.

Were there any speeches at the graveyard itself? -- There was only a short prayer by the priest when the coffin was being lowered into the grave.

Now at the home of the deceased, what was happening there when you arrived? -- We washed our hands on arrival there. In the meantime the meals were being prepared on the other side.

And can you tell his lordship approximately how many people returned to the home of the deceased? -- There were quite many, approximately the thousand I mentioned. (20

At the home of the deceased were there any speeches made? -- No.

Did you see whether or not there was a platform with loud-speakers there? -- No.

His lordship has been told about a beer hall across the road and a building next to the beer hall. Are you familiar with those? -- Yes, I am.

COURT: What do you call the building next to it? -- It is a beer hall and then there is a shop attached to it, and then just behind the beer hall there is another shop which belongs to (30

Mr / ..

Mr Bobane.

And on the side of the beer hall away from the - the other side of the beer hall from that where the shop is, what is there? -- On the other side of the beer hall now when you are standing in the street of the deceased's home you find the street, 4th Avenue.

Is it possible to see the home of the Memeses, the home of the deceased from 4th Avenue? -- No, you cannot.

Now you have described to his lordship that people were washing hands and that food was being prepared. What happened next at that place? -- What happened is that whilst people were busy washing hands a huge police vehicle came and stopped next to the house of the deceased.

Yes? -- This is the one known as a Hippo.

Yes? -- Immediately when this vehicle stopped there the following announcement was made, that people were only given a period of five minutes to disperse.

And what did the people do after this announcement? -- This happened in the following way. People were still arriving at the home of the deceased when this announcement was made, which resulted in some people not having heard this; because immediately after this announcement this vehicle pulled off and left. Some of the people as a result of this announcement immediately after washing they left, but there were still many people present there because some were already having their meals and some were still arriving. Not along after that, that is after the other vehicle pulled off, a police van approached in the direction of the deceased's home. This van is the one they usually describe as a sneeze vehicle. That is the one which spreads some powder. Not from the residence of the deceased, in the immediate vicinity(30

of / ..

of the shop which I said is attached to the beer hall, there is a place which I can call a square, it is an opening. That is where this police vehicle stopped the van. After this van had stopped there, I noticed two people approaching that van namely Mzukisi Banzana and Mathew Goniwe. Whilst still standing there and watching the two approaching the van, waiting to hear from them on their return what they had said to those people on the van or those people said to them, I noticed that there was something, an object which is fixed on the van of the police. This thing turned into our direction. It looked as if it was a (10 basin of some kind from which some powder was blown towards us. Immediately when that basin started blowing out that powder which affected us, the van started moving around there and still blowing that powder and then left, as a result of which people then started running away. I also then at that time ran away.

Now at that time what was the condition with the beer hall across from the house? -- No, it was just alright as usual. There was nothing wrong with it.

Had there been any attacks against that beer hall by anybody whilst you were there? -- No. (20

And just to complete the picture, did you notice subsequent to this, whether there had been an attack on the beer hall and the offices in the vicinity? -- Do you mean the same day or some days after?

Well, you can tell his lordship. -- On the next day as a result of what I heard from people and looking in that direction I noticed some smoke.

Thank you.

KRUISONDERVRAGING DEUR MNR FICK: Kan u net eerstens vir die hof sê: is u nog steeds n onderwyser by die hoërskool? -- Ja. (30

En / ..

En watter vakke bied u aan? -- Biologie en Xhosa.

En u het op 'n stadium gesê u is aangehou ingevolge die noodregulasies. Wanneer was dit? -- Dit was in September 1985.

Is dit nie so dat u in 1985 - of laat ek vir u so vra, was daar boikotte van blanke besighede in 1985? In Somerset Oos? -- In 1985?

Ja. -- Nee.

In 1986? -- Wanneer sou dit gewees het want kyk ek was weer in hegtenis geneem. Voor ek in hegtenis geneem is, was daar nie.

Nou ken u 'n organisasie met die naam NEUSA - National Education Union of South Africa. -- Ja. (10

Is dit nie so dat u was in 1985 besig om te organiseer vir die stigting van so 'n organisasie in Somerset-Oos nie? -- Ja.

Is dit nie ook so dat in 1985 was u besig om te reël vir die boikot van blanke besighede in Somerset-Oos nie? -- Nee.

U het in verband met COSAS getuienis gegee. Het u gedurende 1984 of 1985 gereeld met COSAS te doene gekry by die skool waar u skoolgehou het? -- Soos wat?

Is dit nie so dat hulle by die skool waar u skoolgehou het gereeld vergaderings gehou het? -- Ja. (20

Dan is die vergaderings gehou waar, op die skoolgronde, die skoolsaal of waar? -- In die biblioteeksaal van die skool.

In skooltyd? -- Ja.

En sê vir die hof ken u 'n liggaam bekend as 'n Pupils Representative Council - pupil: skolier. -- Ja.

Was daar by jou skool waar jy skoolgehou het so 'n liggaam in 1984? -- Ja, daar was so-iets gewees, die PRC praat u van, nie waar nie?

Ja. -- Ja, maar die kinders het dit nie aanvaar nie.

En was daar by die skool ook 'n SRC - Students Representative / .. (30

tative Council? -- Dié het in 1985 begin.

Is dit 'n ding wat die skoliere self gestig het? -- Ja.

Nou in 1985 sê net vir die hof het die PRC en die SRC langsmekaar bestaan by dieselfde skool of het die een die ander een vervang? -- Toe die SRC begin het, het die PRC opgehou.

Nou kan u vir die hof 'n datum gee wanneer het die een die ander een vervang? -- Bedoel u die ophou van die PRC en dat die SRC oorneem? -- Ja.

Ek onthou nie meer so goed wanneer dit was nie, maar die PRC het opgehou; dit is die liggaam wat deur die onderwysers (10 voorgestel was en die kinders het dit nie aanvaar nie. Met dié het die kinders die SRC gestig as gevolg waarvan die PRC opgehou het.

En u kan nie sê of dit in 1984 of in 1985 was nie? -- Die SRC het in 1985 begin.

Nou die PRC waarvan u praat, is dit 'n ding wat net die onderwysers voorgestel het of is dit 'n ding wat van 'n ander liggaam af kom? -- Dit was die departement s'n wat aan die kinders oorgedra was deur die onderwysers.

Nou net om die prentjie te voltooi, is dit so dat daar (20 voor die PRC, is daar nog die gewone prefekstelsel by die skool gewees? -- Ja.

En die PRC het toe die prefektestelsel vervang? -- Ja.

Wanneer het dit gebeur? -- Dit was in 1984 gewees, ek kan net nie onthou wanneer in 1984 dit was nie want in 1983, die hele 1983 het ons nog 'n prefektestelsel gehad.

Na Augustus 1984? -- Bedoel u met die stigting van die PRC?

Ja. -- Ja.

Nou u het vir die hof name gegee van persone wat u geken het as COSAS lede of bestuurslede. Ek wil vir u ander name gee (30

en / ..

en hoor wat u kommentaar daarop is. Alex Mphela, ken u so 'n naam?

-- Ja.

Was hy 'n skolier by u skool gewees? -- Ja.

Was hy op die bestuur van COSAS? -- Hy was nie een van hierdie klomp wat hulself by ons kom voorstel het nie.

As lede van COSAS? -- Wat hulleself kom voorstel het aan ons as die bestuur van COSAS.

En is dit so dat hierdie Alex Mphela was ook toevallig op die PRC? -- Ek kan nie meer goed onthou nie.

Andile Ntshudu, hy was lid van COSAS gewees is dit reg? -- Ja.

En behalwe die feit dat hy 'n skolier by u skool was, was hy ook 'n lid van die PRC? -- By die PRC wat opgehou het praat u van? Ek kan nie onthou nie, ek kan my nie voorstel dat hy enige deel gehad het daar, of hy 'n lid was nie. Ek onthou wel presies dat hy 'n lid was van die bestuur van COSAS.

En dan Quintin August wat u ook van getuig het, hy was die voorsitter van COSAS, en 'n skolier by u skool? -- Ja.

Dan die volgende naam, Ntombekhaya Gxoyiya. -- Wat is die eerste naam, Ntombekhaya?

Ntombekhaya en die van is Gxoyiya. -- Wat is die van sê u?

Gxoyiya (spel naam) -- Skryf dit liever vir ons neer.

HOF: Gxoyiya. -- Ja, ek ken so 'n persoon.

MNR FICK: Was hy 'n skolier by u skool? -- Ja.

Was hy ook lid van die COSAS bestuur gewees? -- Ek kan nie so goed onthou nie.

Dan 'n persoon met die naam van Minti Khoba. -- Ja, hy was by my skool gewees.

En dié was ook op die bestuur van COSAS? -- Ja.

En ook op die PRC? -- Ek sit met 'n probleem. Ek kon nie(30

daar / ..

daar uitmaak wie van die PRC was en wie van COSAS was nie, want die meeste van die tyd COSAS mense is die bestuur van COSAS, het onderhandelings gehad met die hoof van die skool en onderwysers daar. So met die gevolg ek kan nou nie sê wie het daar opgetree vir die PRC en wie het vir COSAS opgetree nie. Wat ek wel geweet het is die bestuur van COSAS.

Dan 'n persoon met die naam van Noni Mrambi. -- Ja, ek ken hom.

'n Skolier by die skool? -- Ja.

Lid van COSAS? -- Ja. (10)

En weet u of die persoon van PRC lid was? -- Ek ken hom by die bestuur van COSAS.

'n Persoon met die naam van Ludu Japhta? -- Ja, ek ken hom.

'n Skolier by die skool? -- Ja.

Op die bestuur van COSAS gewees? -- Nee, hy was nie op die bestuur van COSAS nie, maar hy was 'n lid van 'n raad, studenteraad.

HOF: Nou watter studenteraad? PRC of die SRC? -- Die SRC.

MNR FICK: En dan 'n persoon met die naam van Ludu Nxayi. -- Ja, ek ken hom.

'n Skolier by die skool gewees? -- Ja. (20)

Op die bestuur van COSAS gewees? -- Hy was in die SRC.

Is dit nie so nie - ek wil met u gaan na die ander organisasie wat genoem is dan, SEYCO - is dit nie so dat u kan nie vir die hof sê wanneer SEYCO ontstaan het in Somerset-Oos nie? -- Nee, dit is nie so nie.

HOF: Nou kan u dan wel sê wanneer hy ontstaan het? -- Ek sê in Januariemaand by die vergadering waar ons toe gesê was van die interim komitee van SEYCO is waar ek vir die eerste keer gehoor het van die bestaan van so 'n liggaam, so ek weet dat dit bestaan het. (30)

MNR FICK: Maar u weet nie wanneer dit begin bestaan het nie, dit is die vraag. -- Nee, ek weet nie.

En dieselfde is die posisie met die ander organisasie, SERA. U weet ook nie wanneer dit ontstaan het nie? -- Ek weet.

Weet u wanneer dit ontstaan het? -- April 1985.

Maar wag, is dit toe u vir die eerste keer daarvan gehoor het? -- Ja.

Nou is die vraag, weet u of dit vantevore al bestaan het voor u daarvan gehoor het? -- Nee, Sera het nie voor dit, vroeër bestaan nie. (10

Hoe weet u dit? -- Omdat ek geweet het watter organisasies daar bestaan het.

HOF: Was u by die stigtingsvergadering? -- Stigtingsvergadering van?

Stigtingsvergadering van SERA. -- Nee, ek was nie.

MNR FICK: Kom laat ek vir u so vra, vir die SEYCO bestuur sal ek vir u name gee en hoor wat sê u daarvan sê. U het reeds vir die hof gesê van Banzana en van Ntombentsha Dilima wat ook op die bestuur sou gewees het.

HOF: Gee net weer die name? (20

MNR FICK: Ntombentsha Dilima. Is dit reg? -- Ja.

Nou waar daar ook 'n persoon met die naam van Mandlakhe Dilima gekies op die bestuur? -- Ek onthou nie so 'n persoon nie.

En 'n persoon met die naam van Vuyani Ngciphe. -- Ek het eers van hom begin hoor tydens die aanhoudings.

Weet u of hy op die bestuur was van SEYCO? -- Ja.

Was hy verkies op die vergadering wat u by was? -- Nee.

Die vergadering waarvan u praat dat u by was, van SEYCO, was dit die enigste vergadering wat u ooit van SEYCO bygewoon het? -- Ja. (30

Weet / ..

Weet u of SEYCO ander vergaderings gehou het? -- Ek weet nie.

Nou ek wil aan u stel dat die persoon Andile Ntshudu was wel ook op die SEYCO bestuur gewees. -- Van SEYCO?

Ja. -- Ek sal nie daarvan weet nie, maar ek weet van die persoon dat hy gedien het by die SRC.

Nou op die vergadering waar u was, is dit so dat SEYCO het 'n konstitusie gehad. Is daar enige konstitusie voorgelê? -- Nie by die vergadering wat ek bygewoon het nie.

Is daar gesê wie kan lede word van SEYCO - enige mens, enige ouderdom of net sekere groepe mense? -- Bedoel u van die jeug(10 diges?

Is daar gesê op hierdie vergadering waar u was van SEYCO wie mag almal lede word? Mense van enige ouderdomsgroep? -- Niks was verduidelik nie, behalwe dat daar melding gemaak was van jeugdiges.

Weet u of SEYCO ooit bestaan het by enige van die skole in Somerset-Oos? -- Nee.

Ek wil dan vir u so vra, SERA se bestuur - weet u wie was op die bestuur van SERA? -- Ek onthou net van 'n paar persone.

Kom ek gee vir u 'n paar en hoor wat sê u? Welile Ngwa- (20 langwala. -- Ja.

HOF: Wat van hom? -- As ek reg is was hy die voorsitter van SERA.

MNR FICK: Ja, en die tweede naam is Zamile Ntoyanto. -- Hy was 'n lid gewees maar watse pos by bekleed het weet ek nie.

Die volgende naam is Thami Mbotya. -- Ja, ek ken hom.

Was hy ook op die bestuur? -- Ja.

Die volgende naam, Mthetho Ntoto. -- Hy was ook daar gewees.

Dan die volgende naam is Nxolisi Ngwalangwala. -- Dié was ook betrokke.

(30

Was / ..

Was hy op die bestuur? -- Ja.

Ken jy 'n persoon met die naam van Wilfred Ndodo? -- Nee, ek ken hom nie.

Het u gedurende 1984 of 1985 enige pamflette gesien wat versprei is in die woongebied, die swart woongebiede van Somerset-Oos? -- Daar was pamflette gewees. Ek kan net nie onthou of dit in 1984 of 1985 was nie.

Was dit van organisasies? -- Dit was nie geskryf wie die skrywer daarvan was nie. Al wat dit gesê het is mense moet na die polisie of die soldate toe gaan om hulp te gaan kry. (10

Is dit die enigste pamflette wat u ooit gekry het in - gesien het in 1984 of 1985? -- Daar was ander gewees het wat geadverteer het dat die UDF mense R10 tot R50 per dag sou gee, maar dit het nie gesê van wie af dit gekom het nie. Daar was geen adres gewees nie.

Waarvoor was die geld aangebied? -- Dit het nie verduidelik nie behalwe dat dit gesê is as mense nie werk toe gegaan het nie, dan moet hulle na die UDF toe gaan.

Wanneer is die pamflette versprei, 1984 of 1985? -- Ver- skoning? (20

1984 of 1985. -- Ek onthou dit daar om en by 1985.

Was daar in 1985 enige boikot aan die gang van die werkers? 'n Werkersboikot? -- Nie daar by ons nie, nee.

Net een aspek, u het nog nie vir die hof gesê waar bly u nie. Kyk, daar is drie woongebiede waarvan ek weet, naamlik Mnandi, New Brighton en Ou Lokasie. In watter een bly u? -- Ou Lokasie, dit is waar ek woon.

En die skool waar u skoolgehou het, in watter woongebied is hy? -- Mnandi.

Was daar in 1983 verkiesings van raadslede in julle (30
woongebied / ..

woongebied? -- Ek het dit nie gesien nie.

Weet u wanneer is die raadslede van u gebied verkies? --
Nee.

Het u ooit enige vergaderings wat hulle sou gehou het byge-
woon? -- Nee, ek het nie.

Weet u of hulle enige vergaderings gereël het, massaverga-
derings? -- Nee.

U weet nie? -- Nee, ek weet nie.

Ek wil dan met u gaan na die kwessie van SEYCO net in die
algemeen. Weet u of daar enige pogings aangewend was voor (10
1985 om SEYCO te stig? -- Voor 1985?

Ja. -- Nee, ek weet nie.

Is dit so dat daar voor Julie/Augustus 1984 was alles nor-
maal in die woongebied, daar was nie probleme gewees nie? --
Julie 1985?

1984, ekskuus.

ASSESSOR: Ekskuustog, laat ek onderbreek, bedoel u probleme of
bedoel u onluste? Probleme in die sin van..

MNR FICK: Ek verstaan u probleem, edele, ek sal dit duidelik maak.
Was daar enige probleme in die sin dat daar padversperrings (20
aangebring was, dat mense slote oor die paaie gegrawe het, dat
hulle waterkrane daaglik afgebreek het, ligte stukkend gegooi
het, voor Julie 1984? -- In 1984, Junie?

HOF: Julie/Augustus is gesê.

MNR FICK: Voor die tyd. -- Ek is daarvan bewus dat daar wel
straatligte was wat nie gewerk het nie, omdat hulle gebreek was.

Was daar padversperrings aangebring en slote gegrawe oor
die paaie voor Julie/Augustus 1984? Net ja of nee? -- Padver-
sperrings deur oppak van klippe en so iets? Ja, ek het sulke
dinge gesien. (30

Voor / ..

Voor Augustus 1984? -- Ek kan net nie die tyd plaas nie, of dit voor of na Augustusmaand was nie, maar ek het sulke dinge gesien.

Dan wil ek met u gaan na hierdie vergadering wat u sê u bygewoon het in September 1984 - ekskuus, Augustus 1984. Ek is jammer dit is September, my fout. Hoe het dit gekom dat u hierdie vergadering gaan bywoon het? -- Ons was gesê by die skool dit was 'n uitnodiging gewees.

Van COSAS? -- Dit was 'n boodskap gewees wat ons ontvang het dat die vise-prinsipaal gesê het dat COSAS die prinsipaal (10 genader het, met die gevolg word ons nou gesê om die vergadering by te woon op uitnodiging van COSAS deur die vise-prinsipaal.

Wag net so 'n bietjie. Het die prinsipaal of vise-prinsipaal vir u gesê u moet gaan of u kan gaan? -- Wat hy gesê het is dat die onderwysers word gevra om die vergadering by te woon van die skoliere en die ouers.

En toe het u besluit om te gaan? -- Ja.

Het al die onderwysers van die skool gegaan of net u? -- Almal van ons ingesluit die prinsipaal.

K1344 Nou u sê vir die hof dat die lede van die COSAS bestuur (20 het gepraat en hulle het gesê hulle verduidelik aan die ouers wat gebeur by die skool en die redes vir die boikot. Nou wie het die redes vir die boikot by die skool verduidelik? -- Almal dié wat namens die COSAS bestuur gepraat het daar het redes genoem.

Kan u net vir die hof sê wat die redes wat aangevoer is.. -- Ekskuus, die getuie sê nog iets. Dit was eers verduidelik deur Quintin wat die voorsitter was en die ander het toe later ook melding daarvan gemaak.

Nou wat hierdie bestuurslede van COSAS gesê waaroor is daar 'n boikot van die skool aan die gang? -- Wat ek nog onthou wat(30

hulle / ..

hulle gesê het is een van die redes die tekort van boeke; die tekort van die benodigdhede van die laboratorium.

Laboratorium? -- Ja. En die onderwysers wat nie genoeg was by die skool nie. Dit is dié wat ek nog kan onthou.

Verstaan ek u getuienis sover reg dat op hierdie stadium in 1984 was daar nog 'n PRC? -- In 1984? Ja, COSAS ook het bestaan.

Was daar enige aksies aan die gang in September 1984 om 'n SRC by julle skool te kry of was daar nie sodanige aksies nie? -- Wat is dit wat u wil weet? Dat daar planne was wat gedoen word vir die stigting van 'n SRC of wat wil u weet? (10

Kom ek vra u andersom. Was daar op hierdie vergadering gepraat van daar is 'n grief dat daar nie 'n SRC is nie? -- By die vergadering wat ek bygewoon het? Nee, dit het ek nie gehoor nie.

Was daar enige eis oor die onderwysers wat te swak gekwalifiseer sou gewees het? -- Ja, daar was.

Het hulle gesê of hulle enige ander griewe gehad het oor tugmaatreëls by die skool? -- Ja.

Wat was hulle klagte? -- Dit het hulle met ons bespreek saam met die prinsipaal van die skool, dat dit te veel is want dit was soveel toegepas dat partykeer die kind se hand moet swel as (20 gevolg daarvan.

Is daar enige ander klagtes wat hulle by hierdie vergadering van September 1984 oor gekla het? -- Ek kan nie alles onthou van wat hulle oor gekla het nie.

Nou die vergadering net 'n oomblik daargelaat, u sê hierdie boikot het begin in Augustus 1984? -- Ja, by ons, ja.

Wie het die boikot uitgeroep? -- Niemand het ons gesê wie dit uitgeroep het nie.

Was daar nie vergaderings voor die tyd om te sê daar is 'n boikot nie? -- Vergaderings deur wie? (30

Van / ..

Van die skoliere. -- Hulle het alleen vergaderings daar gehou.

En het enige van hulle verteenwoordigers gekom na julle onderwysers toe en gesê ons gaan boikot van hierdie dag af? -- Nee, ons was nie gesê nie. Ons het net gesien hulle gaan nie meer skool toe nie.

As u sê daar was 'n boikot, was dit 'n geval dat hulle glad nie by die skool opgedaag het nie, of het hulle by die skool opgedaag en hulle het geweier om klasse by te woon? -- Hulle het skool toe gekom tot op die perseel van die skool, maar hulle het nie in die klaskamers ingegaan nie. Hulle het teruggekeer (10 lokasie toe.

Wat het hulle kom maak - ekskuus, laat ek so vra, het dit nou elke dag gebeur vandat die boikot aan die gang is? -- Ja, dit het so gebeur. Daar was party dae wat hulle nie eens opgedaag het nie.

Maar as hulle nou so opdaag by die skool, die skoliere en hulle gaan nie in die klas nie, wat kom maak hulle daar? -- Ek weet nie, maar wat hulle gewoonlik gedoen het is dat hulle daar in die saal van die biblioteek ingegaan het en dan het hulle daar miskien vir 'n tydjie vertoef en later sien ons hulle is nie (20 meer daar nie en dan is hulle weg.

Maar het julle onderwysers enige poging aangewend om met hierdie skoliere wat so by die skool aangekom het, uit te vind wie is die belhamels, die voorbokke, sodat julle met hulle kan praat oor wat gaan hier aan? -- Ja, ons het iets probeer doen maar u weet ons moet dit deur die hoof van die skool gedoen het. Ons het die prinsipaal genader en hom gevra wat gedoen kan word in hierdie geval, na aanleiding waarvan hy, die prinsipaal, gesê het: kyk mense, die leiers van hierdie skoliere het my genader en vir my gesê dit is die eise wat hulle het en alvorens daardie (30

eise / ..

eise van hulle opgelos is, sal hulle nie bereid wees om enige klasse by te woon nie. Nou ja, daar is niks wat ons kon doen het bo dit nie.

DIE HOF VERDAAG VIR MIDDAGETE / DIE HOF HERVAT NA MIDDAGETE

K1345 SICELO HAMILTON NQUBANE, nog onder eed - (deur tolk)

VERDERE KRUISONDERVRAGING DEUR MNR FICK: Vandat die skoolboikot begin het, het jy nooit uitgevind wie is agter die skoleboikot by die skool nie? -- Nee.

Geen idee nie? -- Nee.

U weet ook nie wie is die mense wat die eise kom stel (10 het by die skoolhoof om te sê dat as daar nie aan die eise toegegee word nie, dan sal daar nie skooltoe gegaan word nie? -- Nee.

Hoe is u verhouding gewees met die skoliere? Het u 'n goeie verhouding gehad met die skoliere? -- Ek het met hulle goed klaargekom as 'n onderwyser.

En nadat die skole hervat is soos u gesê het in u getuienis in September 1984, het u nooit vir hulle gevra maar wie is nou agter hierdie ding of wat is die storie agter hierdie boikot van julle? -- Ek het nie.

Ek wil aan u stel u getuienis is vals. U weet baie goed (20 wie hierdie boikot gereël het. -- Ek weet nie.

Is dit nie so dat COSAS agter hierdie ding sit nie? COSAS sit agter die boikot? -- Nee, dit was nie vir ons so gesê nie, toe vir ons gesê is dat die skoliere nie skool toe gaan nie.

Nou die skoliere wat so in die oggende by die skool opgedaag het vir 'n ruk en dan loop hulle weer weg, het hulle nie daar vryheidsliedere gesing by die skool en rondgemarsjeer daar nie? -- Nee, ek het dit nie gehoor nie.

HOF: Weet jy wat is vryheidsliedere? -- Ja.

MNR FICK: Nou het julle as onderwysers en die skoolhoof maar (30 toegelaat / ..

toegelaat dat die skoliere bedags daar na die biblioteek toe gaan en daar hulle ding doen? -- Ek het geen magte gehad oor die gebruik van daardie plek nie.

En die skoolhoof, het hy dit maar net toegelaat? -- Ek weet nie.

ASSESSOR: Op watter voet was u met die prinsipaal? -- Ons het goed ooreengekom omdat ek gewerk het onder sy toesig.

MNR FICK: Ek wil nou met u teruggaan na die vergadering wat julle gehou het, die COSAS vergadering, wat u sê in September 1984. Op hierdie vergadering het niemand daar gevra, maar (10 sê vir ons, julle skoliere, wie sit agter hierdie boikot? -- Niemand nie.

En is dit reg dat op hierdie vergadering, verstaan ek u reg, almal wat daar gepraat het was dit eens dat die skole moet hervat word? -- Ja.

Was daar 'n besluit geneem op hierdie vergadering? -- Ja.

Watse besluit was daar? -- Dat daar teruggegaan moet word.

En is daar enige besluit geneem oor die eise van die skoliere? -- Daar was net vrae gewees.

Het julle geen besluite geneem oor wat word nou van die (20 skoliere se eise nie? -- Die prinsipaal was die persoon wat dit moes geopper het, want hy was die persoon wat die hoof is wat te doene het met die skoliere.

Verstaan ek u nou reg? Daar was nie 'n resoluëie oor die griewe van die skoliere nie? -- Die vrae was gevra soos ek alreëds gesê het. Die eerste vrae was bepaal of die eise, of die onderwysers nou die eise verder uitgevoer het, waarop die antwoord ja was dat dit uitgevoer is deur dit by die hoof van die skool te kry, of die hoof van die skool dit deurgekry het na die kringinspekteur se kantore toe. En daar word nou 'n antwoord (30

afgewag / ..

afgewag van die kringinspekteur se kantore.

Was daar besluit op hierdie vergadering wanneer die skoliere terug skool toe gaan, die volgende dag of wanneer? -- Dit sou in die volgende week plaasgevind het.

Was hierdie vergadering, laat ek net duidelikheid kry, was dit op 'n weersdag of oor 'n naweek? -- Oor 'n naweek.

En die eerskomende Maandag sou die skoliere teruggaan skool toe? -- Ja.

Was daar baie skoliere by hierdie vergadering? -- Hulle was baie. (10

Het hulle dit aanvaar ook? -- Hulle het dit aanvaar.

En die eerskomende Maandag toe was die skoliere weer by die skool? -- Ja.

En hulle het klasse bygewoon normaal? -- Ja.

Tot aan die einde van die jaar met die eksamens? -- Ja.

Nou dan wil ek by u weet hoekom het u in u hoofgetuienis gesê hierdie boikot het aangegaan tot Desember? -- Ek het gedink ek het dit gekorrigeer deur te sê na dit begin het in Augustusmaand, dié was onmiddellik beëindig met die vergadering wat in September gehou was want die kinders het teruggekeer skool (20 toe, maar die skoliere by die skool het toe mos voortgegaan met die onderwys tot in Desembermaand wanneer eksamen geskryf is.

Maar nou vra ek vir u hoekom het u aanvanklik gesê die boikot het aangegaan tot in Desember? -- Wat ek bedoel is na die vergadering in Septembermaand, dit wil sê na die terugkeer van die skoliere by die skool, het ons gaan probleme ondervind nie. Die skool het vlot aangegaan tot met eksamentyd.

Ek wil dit weer aan u stel u getuienis is vals as u dit sê. Hierdie klasseboikot het aangegaan tot by die einde van die jaar. -- Nee. (30

Ek / ..

Ek sien in twee afsonderlike dokument, W21 - dit is in volume 4, dit is 'n SASPU FOCUS van November 1984. W21, bladsy 10, die eerste kolom, die laaste paragraaf onder die opskrif: "Soldiers in as DEP tries to divide and confuse". Die bladsynommers is heelbo, die laaste paragraaf, die laaste sin daarvan begin: "Students at more than fifty schools in Port Elizabeth, Uitenhage, Grahamstown, Queenstown, Fort Beaufort, Graaff Reinet and Somerset East, Cradock, Oudtshoorn, Port Alfred, King William's Town, stayed out. -- Ja, ek sien dit.

En as u nou kyk na (tussenbeide) (10

HOF: Nou laat ons net die ding in verband lees: stayed out when?

MNR FICK: Hierdie rapport is gemaak in November 1984. -- Wat sê hierdie berig in watter jaar was dit?

In 1984, November 1984 as ek dit reg het. -- Ja, wat is die vraag nou?

HOF: Die stelling wat die advokaat aan u maak is dat hier in November 1984 skryf hierdie blad, die SASPU National dat minstens deurlopend tot toe, want hy praat in die volgende paragraaf van Oktober, daar nog 'n boikot was in Somerset-Oos. -- Nee, daar is nie so-iets nie. Daar by ons die einde van die jaar was daar (20 eksamens gehou.

MNR FICK: Ek wil u dan ook verwys na 'n ander dokument, weer eens volume 6, W32. Dit is ook 'n SASPU National, hierdie keer van Desember 1984. -- Bewysstuk?

W32. -- Bladsy?

U moet blaai na bladsy 9 en dan nog twee bladsye verder, die bladsy is nie genommer nie; bladsy 9 is die laaste genommerde bladsy en dan is daar 'n berig wat begin by "Countrywide protest, 1984". U sal sien daar is 'n klomp paragrawe wat genommer is van 1 af met plekke se name en dan kom u by nr.8/9/89: Somerset-East.

(30

Dit / ..

Dit is die laaste kolom heelbo. Hier word gerapporteer: "All schools on boycott since August". Dit is die SASPU National van Desember 1984.

ASSESSOR: Watter bladsynommer?

MNR FICK: Die bladsynommers eindig op bladsy 9 en dan nog twee bladsye aan. Paragraaf 8/9: "Somerset East" is die opskrif.

HOF: Wat sê u hierop dat die bladsy sê dat in Desember van 1984 al julle skole nog uit is op boikot. -- Ek stem nie saam nie.

MNR FICK: Ek stel aan u dat die antwoord wat u aanvanklik gegee het dat die boikot aangegaan het tot Desember 1984 was toevallig reg. -- Nee, dit is nie die waarheid nie.

Ek wil met u nog steeds die skoleboikotte behandel, maar ek is klaar met die vergadering. Die skoolhoof by die skool is 'n mnr Maneli, is dit reg? -- Ja.

Nou is dit nie so dat op 1 Oktober 1984 het persone wat gesê het hulle is van die PRC daar na die skoolhoof toe gegaan en gesê hy moet nou net aanvaar die leerlinge aanvaar nie die PRCs nie, hulle wil 'n SRC by hierdie skool hê. -- Wanneer, Oktobermaand? Nee, ek onthou dit nie.

HOF: Het dit op enige stadium gebeur? -- Soos ek alreeds gesê het, die skole wou nie die PRC gehad het nie, hulle wou die SRC gehad het.

Maar die stelling is dat 'n groep mense wat op die PRC was, het na die skoolhoof gegaan en gesê die meeste van hulle aanvaar nie hierdie PRC nie; hulle wil 'n SRC hê? -- Ja, ek weet daarvan.

Goed, het dit gebeur hier in Oktober? -- Ek het daarvan gehoor voor Oktobermaand. Die prinsipaal het daarvan gepraat voor Oktobermaand.

Kan u net vir my sê terwyl ons met die onderhoud besig is, wat is die verskil tussen die PRC en die SRC? -- Die verskil (30

is / ..

is PRC is Pupils' Representative Council en dan SRC is Students' Representative Council.

Dankie, maar vertel nou vir my wat is die werklike verskil behalwe die verskil in naam? -- Die verskil wat ek van weet is volgens die departement se "journal" staan dit daar geskryf dat die PRC is 'n liggaam van studente, van skoliere, wat op skool is, nie hoër as die hoërskool nie want dan staan die PRC vir die "pupils", dit is die kinders wat op daardie vlak is. En dan vir die kinders op die kolleges wat op hoër vlak is as matriek, is dit studente, dan kan dit gesê word dit is 'n SRC want dit het (10 betrekking op studente. Dan die verdere verduideliking is daar is 'n sekere liggaam van die PRC, lede daarvan wat deur die onderwysers gekies sal moet word, nie deur die studente nie. Dit wil sê die onderwysers sal besluit. Die posisie is so, met die verkiesing van die PRC, die onderwysers moet teenwoordig wees maar met die verkiesing van die SRC daar moet nie onderwysers teenwoordig wees nie.

Die onderwyser moet teenwoordig wees om te kyk dat dit goed verloop? -- Ja.

Ja, en wat nog? Watter ander verskille is daar? -- Dit (20 is al verskil wat ek van weet.

Maar sou u sê dit is nou 'n wesenlike verskil? -- Nee, nie so wesenlik nie.

Nou waarom dan nog die bohaai oor 'n SRC as jy 'n PRC het? -- Ek weet nie.

Dankie.

MNR FICK: Is die ander bewering wat gemaak word, nie dat gesê word die PRC is onaanvaarbaar nie want dit is 'n ding wat ingestel is deur die departement; dit kom nie van die studente af nie en daarom wil hulle hom nie hê nie? -- Ja. (30

Die / ..

Die PRC, het hy 'n konstitusie wat opgestel is deur die departement? -- Ja, daar is.

Is dit so dat deel van die konstitusie van die PRC sê dat die lede van die PRC en die PRC self, is onderworpe aan die skoolse reëls? -- Ja, dit is so.

Was dit 'n ander klagte van die skoliere gewees, hulle wil nie 'n liggaam hê wat onderworpe is aan die skoolreëls nie? -- Dit het ek nie van gehoor nie.

En is dit nie ook so dat die skoliere het gesê kyk, hulle wil nie beskou word as skoliere nie, hulle wil beskou word as (10 studente want hulle sien hulleself as studente? -- Ja.

Ek wil aan u stel, dit het hulle onder andere ook aan die skoolhoof gaan oordra op 1 Oktober 1984. -- Ek het geen kennis daarvan in Oktobermaand nie. Ek weet daarvan dat dit wel voor Oktobermaand gesê was.

En ek wil verder aan u stel dat die skoolhoof het gesê hy kan nie daaraan voldoen nie, en op daardie selfde dag het die mense weer geen klasse bygewoon nie maar op die skoolterrein rondgemarsjeer die skoliere en vryheidsliedere gesing. -- Wanneer sê u was dit, in Oktobermaand? (20

1 Oktober. -- Nee, dit het nie daar plaasgevind nie, die klasse was aan die gang gewees.

Laat ek u so vra, hierdie hoërskool waar u skoolgehou het, was dit 'n senior sekondêre skool gewees? -- Ja.

Was daar ook in Cradock, ekskuus, in Somerset-Oos 'n ander skool, 'n hoër primêre skool met die naam van Nojoli? -- Ja.

Tot watter standerd gaan sy skoliere? -- Nojoli?

Ja. -- St.5.

En die Nojoliskool, hoe ver is hy van die skool waar u skoolgehou het? -- Dit is nie ver nie. (30

Was / ..

Was hulle in dieselfde blok geleë, of waar is dit? -- Hulle is nie by - die twee skole is nie bymekaar nie, maar ook nie ver van mekaar nie. Dit is net so 'n endjie ver uit.

Meer as 100 meter? -- Ek is nie goed met skattings nie.

HOF: Maar as 'n onderwyser weet u darem seker hoe lank is 'n meter? -- Ja, ek weet wat is die lengte van 'n meter.

En u weet hoe lyk 'n voetbalveld? -- Ja, ek weet.

Hoeveel van daardie lengtes van 'n voetbalveld is die skole uitmekaar uit? -- Dit is die lengte van die veld: from the corner flag to the corner flag. Die lengte van die voetbalveld is 100. Nou sê ek die afstand tussen die twee skole is die helfte daarvan.

Dan is dit 60? -- Ja.

Praat ons van meter? -- Ja, ons praat van meter.

U het u antwoord.

MNR FICK: Dankie, edele. Nou is dit nie so dat die oggend van 2 Oktober 1984 daar by die skool, daar skoliere van die Nojoliskool aangekom het nie?

HOF: Wat is die datum?

MNR FICK: 2 Oktober 1984. (20)

HOF: By die getuie se skool aangekom?

MNR FICK: By die getuie se skool. -- In Oktobermaand?

Ja. -- Daar bestaan nie so-iets nie.

Nou ek stel dit aan u hulle het daar opgedaag en daar is toe besluit dat die Nojoliskool sal saam met julle skool klasse boikot. Nou weet u of daar 'n boikot in Oktober 1984 by die Nojoliskool aan die gang was? -- Ek weet net nie presies in watter maand dit was nie, maar ek is bewus van die moeilikhede wat by Nojoliskool bestaan het.

HOF: Wat 'n boikot was? -- Ja. (30)

MNR FICK: Terwyl ons nou by 'n ander skool is, hoeveel skole is daar in die woongebiede by Somerset-Oos? -- Vier.

Weet u dat daar in 1984 boikotte by al hierdie skole was?
-- Praat u van al die skole van Somerset?

Al die skole. -- Ek het nie kennis daarvan nie.

Weet u van boikotte in 1984 by ander skole behalwe u skool en Nojoli? -- 'n Ander skool behalwe dié twee? Nee, ek weet nie daarvan nie.

Nou ek wil aan u stel dat op hierdie dag, 2 Oktober 1984, was daar weer rondgemarsjeer by hierdie skool en by die Nojo-(10 liskool en vryheidsliedere gesing en daar was nie klasse gewees nie. -- Ek het nie kennis daarvan nie.

HOF: Die tyd toe daar 'n klasboikot by julle aan skool was, moes julle die skool bywoon of kon julle by die huis bly? -- Ons het by die skool aangemeld en daar gebly.

MNR FICK: Nou ek wil in verband met 5 Oktober 1984.. -- Die datum?

5 Oktober 1984, die oggend, het die leerlinge van die skool weer daar opgedaag en ek stel aan u hulle het weer vryheidsliedere gesing en daar rondgeloop op die skoolterrein. -- Ek (20 het nie kennis daarvan nie.

En ek wil aan u stel dat hierdie Andile Ntshudu en ander lede van die PRC is daar na mnr Maneli se kantoor toe en hulle het geëis hulle wil die aand 'n vergadering hou in die gemeenskapsaal oor hulle griewe. -- Ek het nie kennis daarvan nie.

En ek wil verder.. -- U sê self dit is aan Maneli gestel. Ek weet nie daarvan nie.

Ek wil verder aan u stel dat skoliere van die Nojoliskool het toe gedurende die tyd ook na u skool gekom en daar op die skoolterrein rondgeloop en hulle het ook vryheidsliedere gesing. (30

Ek / ..

-- Ek weet nie daarvan nie.

Ek wil ook aanstel dat die hoofof het mnr Memese, die burgemeester, gebel en gevra of die skoliere die saal kan kry; dit is geweier en daar op die skoolterrein die dag is die storie versprei dat die saal is geweier en toe het die skoliere aggressief begin raak, sodanig so dat mnr Maneli homself moes toesluit in sy kantoor omdat die skoliere hom wou aanrand. -- Mnr Maneli bel vir mnr Memese?

Ja, om te hoor of die skoliere die saal kan kry.

HOF: Nee, nee, wag bietjie. Die skoolhoof bel vir Memese, (10 die burgemeester. -- Ja, mnr Fick sê dit is mnr Maneli wat mnr Memese, die burgemeester, bel.

MNR FICK: Ja, mnr Maneli is die skoolhoof. -- Ontevrede en kwaad vir wie, met Memese of Maneli?

Ek weet nie, hulle was net kwaad gewees omdat hulle nie die saal kon kry nie. -- Nee, ek weet nie daarvan nie.

En ek stel vir u verder dat mnr Maneli het die polisie probeer bel uit sy kantoor uit en die skoliere het die telefoondraad afgepluk. -- Dit is nog steeds in Oktobermaand?

Ja. -- Nee.

(20

ASSESSOR: Is dit nog steeds op 5 Oktober?

MNR FICK: Dit is nog steeds. Edele, beskuldigde 21 vra verlof om net vir 'n oomblik vir persoonlike redes die hof te verlaat.

HOF: Ja.

MNR FICK: Ek wil aan u stel dat die skoliere toe die skoolhoof se kantoor gebreek, die vensters gebreek het, hulle het hom natgespuit met 'n tuinslang en ander skoliere het gegaan en klippe en bakstene bymekaar gemaak en hulle het gewag met dié goed vir die polisie. -- Nee, ek weet nie daarvan nie.

HOF: Weet u daarvan dat daar ooit 'n aanval was op die hoof (30

se / ..

se kantoor? -- Nee.

MNR FICK: En ek wil aan u stel dat dieselfde dag het die skoliere gegaan en ou lessenaars en stukke ysters gevat en padversperrings gepak by die skole, vir die polisie. -- Nee, ek weet nie daarvan nie.

En ek stel aan u verder dat op dieselfde dag het van die studente hulleself bewapen, die skoliere hulself bewapen met kieres. -- Ek weet nie daarvan nie.

En het hulle daar gewag op die skoolterrein vir die polisie en terwyl hulle gewag het, het hulle vryheidsliedere gesing. (10 -- Nee, ek weet nie.

Na 'n ruk het die skoliere weggeloop van die skool af toe daar niks gebeur nie. -- Ek het nie kennis daarvan nie.

Nou sê vir die hof, mnr Maneli, tot wanneer het hy by die skool gebly? Wat ek daarby bedoel is het hy op 'n stadium die skool verlaat en weggegaan? -- Hy is nog daar.

Is hy nog steeds die skoolhoof? -- Van ek daar gekom het tot nou waar ek hier staan is hy die prinsipaal.

Is dit nie so dat mnr Maneli het in Oktober 1984 op 'n stadium die skool verlaat en verdwyn omdat hy bang was nie? -- Nee, (20 ek het nie daarvan gehoor nie.

Ek wil aan u stel u getuienis oor wat daar by die skool sou gebeur het, dat die skool so rustig gewees het na hierdie vergadering van COSAS in September 1984 is totaal vals. Ek wil aan u stel dit het nog steeds voortgegaan die probleme by die skool. -- Dit is die waarheid, daar was eksamens ook geskryf.

U het dan verder getuig oor November 1984. -- Ja.

U het vir die hof gesê u het in November 1984 'n verdere vergadering bygewoon van COSAS. -- Ja.

Nou hierdie Andile Ntshudu wat u van praat, hoe oud was (30

hy / ..

hy op daardie stadium in 1984? -- Nee, ek weet nie.

Was hy ouer as 16? -- Ek skat dit ongeveer so.

16? -- Ja.

En u sê op hierdie vergadering het hy gepraat? -- Ja.

En vir watter doel is hierdie vergadering belê sê u? -- Die vergadering was bedoel vir die probleem wat daar was dat daar geen antwoord gekry was aangaande die klagtes by die skool en tweedens, dit is die inwoners se probleme wat ondervind was, wat daar bespreek moet word.

Hoe het dit gekom dat u hierdie vergadering bygewoon het? (10 -- Ons was by die skool gesê dat daar so 'n vergadering gehou sou word deur COSAS, want ons word eintlik by die skool ingelig terwyl ons nog by die skool was.

En was daar baie skoliere by hierdie vergadering? -- Hulle was baie ja, maar nie meer as die inwonertal nie.

HOF: Beskuldigde nr.21 is terug.

MNR FICK: Soos die hof behaag. Hierdie voorsitter, Sibatla Myakama, was hy ook 'n skolier? -- Ja.

Was hy ook so ongeveer 16 jaar oud? -- Nee, ek weet nie, maar hy was ouer as Andile. (20

Nou het iemand op hierdie vergadering probeer verduidelik wat het die skoliere uit te maak of uit te waai met die gemeenskap se probleme? -- Die probleme van die inwoners is 'n ding wat sommer so daar opgeduik het, andersins die vergadering het gegaan oor die eise of die klagtes van die skoliere wat nog nie beantwoord was nie.

Nou moenie uitwei nie, maar wil u net vir die hof sê wat was die probleme van die gemeenskap waaroor gepraat was? Dit net noem? -- Die lelike toestand van die paaie en die tekort aan waterkrane in die straat. (30

Nog / ..

Nog iets? -- Ek kan nie die ander goed nou so goed onthou nie.

Nou is Andile Ntshudu voorgestel aan die verhoor? -- Hy was nie voorgestel nie. Hy is 'n bekende, hy is 'n kind van daardie plek.

Nou het iemand gesê in watter hoedanigheid praat hy, as 'n kind van die omgewing of wat? -- As 'n skolier het hy gepraat.

Is dit al wat gesê is? -- Dit was nie gesê dat hy daar praat as 'n skolier nie. Hy is net bekend aan die mense as 'n skolier.

Ek wil aan u stel hy is voorgestel as 'n lid van SEYCO. -- Nie by die vergadering wat ek bygewoon het nie. (10

Ek wil ook aan u stel hierdie vergadering wat u bygewoon het was nie net 'n COSAS vergadering nie, maar dit was ook 'n SEYCO en 'n SERA vergadering. -- Nee, daar bestaan nie so-iets nie.

Het hierdie persoon Banzana, het hy gepraat? -- Het hy?

Mzukisi Banzana, het hy gepraat op die vergadering? -- Hy was nie eens teenwoordig nie.

Behalwe Ntshudu, het iemand anders gepraat? -- Ja, een van die mense daar tussen die gehoor het gepraat.

Ek wil aan u stel die tema van hierdie vergadering wat u sê 'n COSAS vergadering was, het eintlik gegaan oor die raadslede. (30 -- Nie by die vergadering waar ek teenwoordig was nie, edele. Daar was nie so-iets nie.

Was daar nie gesê dat die raadslede doen eintlik niks vir die gemeenskap nie. -- Niks?

Die raadslede doen eintlik niks vir die gemeenskap nie. -- Dit was gesê, ja.

Was daar ook gesê dat die mense kan nie die huurgelde bekostig nie, want die huurgelde was te hoog vir die mense in die woongebiede? -- Niks was gesê oor die huur wat baie hoog gegaan het sodat mense dit nie kan betaal nie. (30

Is / ..

Is daar nie ook gesê dat die raadslede behoort te bedank nie? -- Nee.

Is daar nooit gepraat enigsins oor die woord "bedank" van raadslede nie? -- Nee.

Nou was daar nie 'n resoluëie geweës op hierdie vergadering in verband met die toespraak dat die raadslede doen eintlik niks vir die gemeenskap nie - is daar niks besluit daaroor nie? -- Nee, daar was niks nie, wat gedoen sal met die raadslede nie. Daar is nie 'n besluit geneem daaroor nie.

Nou ek stel aan u op hierdie vergadering is geëis die (10 raadslede moet bedank. -- Nie by die vergadering waar ek teenwoordig was nie.

En daar is gesê die raadslede gaan genooi word na 'n volgende vergadering, op 'n volgende Sondag, om voor die gemeenskap te bedank. -- Daar was nie so-iets daar nie.

Ek wil aan u stel daar is gesê as die raadslede nie bedank nie, kan hulle beseer of gedood word. -- Nee, daar was nie so-iets by daardie vergadering nie.

Ek wil ook aan u stel dat daar is gesê die mense moet ophou om vriendelik te wees met die polisie. -- Nee, daar was nie so(20 iets nie.

Daar moet ontslae geraak word van die polisie en as die mense nie wil ophou om vriendelik te wees met die polisie nie, kan hulle gebrand raak. -- Nee, daar is nie so-iets nie.

Nou weet u iets daarvan dat die raadslede bedank het in Somerset-Oos? -- Ek het daarvan gelees in 'n koerantberig in The Herald.

En het u nie daarvan gehoor daar is 'n vergadering die volgende Sondag na hierdie een wat u bygewoon het, waar die raadslede op die vergadering bedank het nie? -- Nee. (30

Het / ..

Het u nie ook gehoor in die gemeenskap dat die raadslede het nie die waarheid gepraat toe hulle op hierdie vergadering gesê het hulle bedank nie, hulle het maar net in die openbaar so gesê want hulle het skelm agterna aangegaan om raadslede te wees. -- Ek het nie daarvan gehoor nie. Al wat ek van weet is dié wat ek in die koerant gelees het.

Jy het ook nie gehoor in die gemeenskap dat die gemeenskap is kwaad vir die raadslede omdat hulle hulle bedrieg het deur te sê dat hulle bedank het, terwyl hulle nie bedank het nie? -- Nee. (10

Ek wil dan met u gaan oor die getuienis van Januarie 1985. U sê u het daar 'n vergadering bygewoon van SEYCO? -- Ja.

U sê die hoofspreker was Mzukisi Banzana? -- Ja.

Nou het u hom geken voor die tyd? -- Vir wie?

Mzukisi Banzana. -- Ja.

Vanwaar het u hom geken? -- In 1985 by die vergadering van Januariemaand het ek hom al geken daar in die lokasie.

Was hy 'n inwoner van die woongebied? -- Ja.

Was hy 'n skolier? -- Nie in Somerset nie.

Maar was hy nog 'n skolier, was hy aan 'n universiteit? -- (20 Ja.

Maar wat nou? Was hy by 'n universiteit of by 'n skool? -- Toe hy by die primêre skool daar by ons weg is, is hy iewers heen waar hy sy matriek gedoen het. Hy is tans aan die universiteit.

Nou toe hy begin praat het op hierdie vergadering wat u bygewoon het in Januarie 1985, is hy voorgestel vanwaar, van wie, van watter organisasie? -- Hy was nie voorgestel nie.

Ek wil aan u stel oor hierdie vergadering net een verdere aspek. U getuienis dat hierdie SEYCO, daar gesê sou gewees het dat SEYCO net hom met musiek, die drankprobleme van die jeug, (30

die / ..

die werkloosheid van die jeug en klubs vir die jeug besig sou gehou het, is nie die waarheid nie. -- Dit is wat aan ons gesê was by hierdie vergadering wat ek bygewoon het.

Dan moet ons gaan na die vergadering wat u bygewoon het in die Apostoliese Kerk in 1985, Januarie/Februarie. Wat was die doel van hierdie vergadering? -- Dit was 'n biduur gewees.

Was dit nou 'n biduur waar die mense gebid het of was dit 'n biduur waar die mense toesprake gehou het? -- Wat gesê was is dit is 'n vergadering wat gehou word waar mense gevra word om te bid vir die mense wat in die tronke is. (10

Wag nou bietjie. Is daar gesê watter mense in watter tronke? -- Wat gesê is, is dat ons bid vir al die mense in die tronke van Suid-Afrika.

Nou weet u wie hierdie vergadering belê het? -- Ek weet nie.

Ek wil aan u stel dit was belê deur SEYCO, COSAS en SERA. -- Ek stem nie saam nie.

Maar as u nie weet hom belê het, hoe kan u dit betwis? -- Ons was mos gesê daaromtrent. En tweedens, SERA het by daardie tyd nog nie bestaan nie.

Ek dink ons het dit heel aan die begin van die kruisver- (20 hoor uitsorteer dat u weet nie wanneer het SERA ontstaan nie? -- Wat ek vir u probeer sê hier is dat ek het nooit geweet wie die vergadering belê het, dit is die vergadering te doene met die biduur. Al wat gebeur het is dat ons by die skool gesê is deur die hoof van die skool dat almal daar teenwoordig by die skool moet na hierdie vergadering toe gaan.

Ek vra u dan so. Is dit reg, verstaan ek u dan reg, u het laat by die vergadering of die biduur opgedaag? -- Nie net ek nie, my skool se mense wat saam met my daar opgedaag het, het gevind dat daar reeds ander mense was. (30

Is / ..

Is dit reg, u weet nie wat daar gebeur het en wie almal gepraat het voor u opgedaag het by die vergadering nie? -- Ek weet niemand het gepraat voor daardie tyd wat ek daar opgedaag het nie.

Die vergadering sou 12h00 begin as ek u reg verstaan, maar u het 14h00 opgedaag?

MR BIZOS: No, the evidence was that it was intended to start at 12h00 but it started at 14h00.

COURT: No, the time for starting was 12h00 but they arrived at 14h00, that was the evidence. (10)

MR BIZOS: The time for starting?

COURT: Yes, the time of the meeting was 12h00. They arrived at 14h00. You did not lead any evidence that the meeting only started at 14h00.

MR BIZOS: Well, I thought it was clear.

COURT: It was not clear to me. I did not understand it that way, I thought they were late.

MNR FICK: Nou sê u dan vir die hof dat toe u by die vergadering opgedaag het, by die byeenkoms opgedaag het, was daar nog niks aan die gang nie? -- Daar was nog niks wat aan die gang was (20) nie, mense het net daar gesit.

En u het ook getuig van Matthew Goniwe en mnr Makhawula wat sou opgedaag het. -- En wie?

Mnr Makhawula. -- Ja.

Wie is mnr Makhawula? Is hy plaaslik van Somerset-Oos of was hy van 'n ander plek? -- Hy was van 'n ander plek af.

Was hy van die UDF? -- Nee, ek ken hom nie as 'n lid van die UDF nie.

Was hy nooit voorgestel aan die vergadering as 'n lid van die UDF nie? -- Hy was nie eens voorgestel nie. (30)

Was / ..

Was dr Boesak voorgestel? -- Ja, hy was.

As van UDF? -- Nee.

Van waar? -- As 'n lid van 'n kerk en wat te doene het met die World Council of Churches.

Behalwe eerwaarde Boesak was daar ander sprekers op die byeenkoms? -- Nee.

nou dr Boesak het 'n toespraak gemaak, hy het nie gebid nie? -- Almal het opgestaan, daar was 'n kort gebed gewees en toe het ons weer gaan sit.

Dit was die opening van die byeenkoms? -- Ja. (10

En aan die einde was daar weer 'n kort gebed, wat die afsluiting van die byeenkoms was? -- Ja.

Elke keer deur dieselfde persoon gebid? -- Ja, dr Boesak.

Wie was die voorsitter van die vergadering? -- Eerwaarde Ntoyanto. U moet verstaan, ek sê nie dat hy 'n voorsitter was nie maar hy het opgestaan omdat hy ook 'n predikant was, om eerwaarde Boesak voor te stel aan die gehoor; net vir daardie oomblik.

En ek stel dit aan u, dan kyk ons of ons hiermee kan klaar maak, daar is geen manier wat u kan sê dat hierdie vergadering, die byeenkoms, was 'n biduur nie. Dit was 'n vergadering? -- Dit was nie 'n vergadering gewees nie.

HOF: Wat is die onderskeid tussen 'n vergadering en 'n biduur? -- Daar is eintlik geen verskil tussen die twee wat die byeenkoms betref van die mense nie. Dit hang net af wat daar bespreek word. Byvoorbeeld by 'n vergadering dan het 'n mens 'n onderwerp wat hy bespreek in die vorm van 'n vergadering. By 'n biduur dan het julle daar iets waaroor julle bid en waarvoor julle bid. Dan vra julle die Here vir sekere dinge in gebedvorm. Dit is die verskil wat ek van weet.

Dan is die onderskeid by die een bid jy en by die ander (30
een / ..

een hou julle besprekings? -- Ja, dit is eintlik - dit hang af van die doel van daardie byeenkoms, wat dit is. Dan kry jy die regte onderwerp waaroor gaan dit.

MNR FICK: Ek stel dit dat u probeer die hof mislei deur vir die hof te vertel hierdie was 'n biduur en ek stel dit aan u dit was 'n volbloed politieke vergadering. -- Ek praat van wat ek weet, wat ek bygewoon het en ek weet niks van 'n politieke vergadering nie.

ASSESSOR: Hoe lank het die vergadering of die biduur dan geduur? Van 14h00 af tot wanneer? -- Omtrent 'n halfuur, want .(10 hulle het vir ons gesê dat hulle haastig was om verby te gaan nog en verder gesê dat hulle self laat daar opgedaag het.

MNR FICK: Nou is daar op hierdie vergadering toe gepraat oor prisoniers, gevangenes? -- Nee, al wat gesê is daar is dat mense by verskillende kerke waar hulle behoort, word ook gevra om vir daardie mense wat in die tronke sit, te bid.

HOF: Alle diewe, moordenaars en rowers? -- Wat gesê was is ons bid vir almal wat in die tronk sit. Daar was nie 'n onderskeid gemaak nie.

En dit was die doel van dr Boesak se reis van punt tot (20 punt om dit te organiseer? -- Dit is hoe hy dit aan ons oorgedra het.

MNR FICK: En al ander ding wat Dr Boesak op hierdie vergadering te sê gehad het, is hy het gepraat oor die besigheidsmense wat moet toesien dat hul werknemers se lewenstandaarde verbeter word en dat hulle ook behoorlike salarisse betaal word? -- Ja.

Is daar op hierdie vergadering vir enige gevangenes gebid by name? -- Nee, nee, dit het nie gebeur nie.

En geen gevangenes se name genoem ook in 'n toespraak nie?
-- Nee.

(30

En / ..

En u sê al wat Goniwe daar te doen gehad het, is hy het vertaal of vertolk wat dr Boesak te sê gehad het? -- Ja.

Nou ek stel aan u dat wat daar in werklikheid gebeur het is dat hierdie was 'n politieke vergadering waar Goniwe gepraat het oor die straatkomitees, hoeveel georganiseer moet word, en dat die straatkomitees uiteindelik die raadslede se werk kan oorneem in die werkgebied. -- Nee, daar is nie so-iets nie.

Hy sou verder ook gesê het dat die straatkomitees sal die klagtes aanhoor in die toekoms, en nie die polisie nie, in die woongebiede. -- Nee, daar is nie so-iets nie. (10

Ek wil dan met u weggaan van die vergadering af, maar nog na dieselfde tydperk, Januarie/Februarie 1985. Weet u of daar enige griewe was oor die biersaal in die woongebiede? -- Nee.

Was daar enige griewe in die woongebied in daardie tydperk oor die polisie-optrede? -- Nee.

Was daar enige griewe dat die gemeenskap soek 'n alternatiewe stelsel vir die raadstelsel in die woongebiede? -- In die plek van?

Raadslede. -- Nee.

Was daar enige griewe teen die skoolhoof of dat die onder(20 wysers swak gekwalifiseerd is? -- Nee, dit het net gegaan oor die onderwysers, nie die prinsipaal nie.

K1346 En ook daar is te min onderwysers? -- Ek het al so gesê.

Nou wil ek met u gaan na 11 Februarie 1985. Weet u van enige voorvalle in die woongebied waar by die raad se kantore die burgemeester aangeval sou gewees het? -- Nee.

HOF: Kan ek net duidelikheid kry? Die raad se kantore waar die burgemeester sit, in watter gebied is dit? Watter van die drie gebiede? -- New Brighton. Op die huidige oomblik is dit nie meer daar nie, dit is nou in die dorp. (30

ASSESSOR / ..

ASSESSOR: Hoekom? -- Hulle werk nou in die dorp.

HOF: Nou hoekom? -- Ek weet nie hoekom nie.

MNR FICK: Nou weet u daarvan dat op hierdie dag, 11 Februarie 1985, daar aanvalle was teen die raadslede - mnr Memese byvoorbeeld? -- Nee, ek weet nie daarvan nie.

Het u nooit gehoor dat die burgemeester se huis is aangeval nie? -- Nee, ek onthou nie meer nie.

HOF: Laat ek net duidelikheid kry. Van watter tydperk tot watter tydperk was u in aanhouding? -- September 1985 tot Februarie 1986; Julie 1986 tot September 1987. (10

Ja, dan praat ons van 'n tyd toe u in die woongebied was. U was deurgaans in die woongebied voordat u aangehou is? -- Daar is party kere wat ek nie daar was nie, wat ek byvoorbeeld 'n kursus bywoon hier in Pretoria, Soshanguve; of party kere. Of party kere dan gaan ek na 'n kursus toe in Port Elizabeth.

Het u in 1985 kursusse bygewoon? -- Ja, die kursusse wat ek van praat was in 1985.

MNR FICK: Het u gehoor dat in Februarie 1985 'n mnr Petrus Antonie wat by die raad gewerk het, ook aangeval is? -- Ek ken hom nie eers nie. (20

Ken u 'n konstabel Rogo? -- Ek kan vir Madikane, nie Goqo nie.

Weet u van enige voorvalle in Februarie of Januarie 1985 waar hierdie konstabel Rogo 'n skolier sou geskiet het, 'n dogter? -- Ja.

Het u dit gesien? -- Ek het net gesien dat die kind geskiet was. Ek het nie die skietvoorval gesien nie.

Het u na die tyd die kind gesien? -- Ja, toe die kind na die personeelkamer toe gebring is van die onderwysers.

U het geen idee, uit u eie persoonlike kennis, wat daar gebeur het nie, is dit reg? -- Nee. (30

Ken / ..

Ken u vir Richard Jose? -- Nee, ek ken hom nie.

Ken u vir Alfred Dickson Ngenye? -- Nee, ek ken nie 'n persoon met die naam van Ngenye nie.

Dra u kennis daarvan dat daar aanvalle was in Februarie 1985 op Jose en Ngenye se huise? -- Ek ken nie die twee persone nie.

Is dit so dat gedurende Maart 1985 was daar van tyd tot tyd aanvalle deur swart jeugdiges dat hulle voertuie met klippe gegooi het in die woongebiede? -- Ek het nie kennis daarvan nie.

Het jy nooit daarvan gehoor gedurende Maart nie? -- Glad nie gehoor nie. (10

HOF: Sê vir my, hoe lank het u kursus geduur? -- 'n Week of twee weke.

Kom nou, kom nou, 'n week of twee weke - sê vir my. -- Dit is verskillende kursusse, die een 'n week en die ander een twee weke.

Goed, die kursus hier in Pretoria by Soshanguve, hoe lank was hy? -- 'n Week.

En wanneer was dit? -- Dit het begin in Augustusmaand en tot in Septembermaand deurgeloop.

In 1985? -- Ja. (20

En die kursus in Port Elizabeth? -- Dié was gehou iewers daar tussen Maart en Juniemaand. Ek is net nie seker presies wanneer dit was nie. Ek onthou nog een wat in Uitenhage gehou was in Februarie.

ASSESSOR: Watter jaar? -- 1985. Almal in 1985.

HOF: Nou ja. Die een in Port Elizabeth, was hy twee weke? -- Ja, twee weke.

En die een in Uitenhage? -- 'n Week.

En was dit al? -- Ja.

Ja, dankie. (30

MNR FICK: Maar u het nooit as u so teruggekom het van kursusse af gehoor van die probleme - u het selfs dit nie eens gehoor nie? -- Enige ding?

Wel, van 'n klipgooiery na die polisie en na privaat voertuie? -- Nee, ek het nie.

Ook nie van die aanvalle by die raadslede se huise met klippe petrolbomme en paraffien nie? -- Ek het gehoor van voertuie, nie huise nie.

Ek wil dan met u gaan na 16 Maart 1985, die begrafnis van Deborah Memese. Is ek reg as ek sê dat Mzikisi Bonzana was (10 in beheer van hierdie begrafnis van die begin totdat - by die huis van die oorledene totdat Ford Calata beheer oorgeneem het op 'n later stadium? -- U is reg. Hy was in beheer vanaf die huis van die oorledene.

En is dit reg dat hierdie Deborah Memese was 'n COSAS lid? -- Ek weet nie van haar lidmaatskap of die kantoor wat sy gehou het daar nie. Ek ken haar net as 'n skolier.

Is dit so sy is dood in 'n motorongeluk? -- Ja.

En wie sê u het hierdie begrafnis gereël? Wie was in beheer, watter organisasie, indien enige? -- Wat my betref die familie(20 lede van haar.

HOF: Hoekom het hierdie belangrike persone gekom - Matthew Goniwe en Mama General - na hierdie begrafnis toe? -- Geen redes was genoem. Ek weet nie.

MNR FICK: Die onbetwiste getuienis tot op hierdie stadium is dat daar baniere was op hierdie begrafnis. Stem u saam? -- Nee, daar was nie so-iets nie.

Was daar niks, nie een nie? -- Niks.

Die getuienis sover in hierdie hof was dat daar was baniere van SEYCO, SERA, COSAS, UDF en CRADORA. -- Ek het nie kennis (30 daarvan / ..

daarvan nie.

Is dit moontlik dat dit daar was en u het hulle nie gesien nie? -- Ek was binnekant in die kerk gewees waar die kerk gehou was en ek het daar gesit tussen die gehoor. Die mense wat op die verhoog was, was voor my, so as dit daar was dan sou ek dit agter die mense wat gepraat het gesien het.

Nee, het u nie toe u in die stoet geloop het begraafplaas toe daar baniere gesien nie? -- Ek het dit nie gesien nie.

Nou by die huis voor die begrafnis, was u in die huis of waar was u gewees - die huis van die oorledene? -- Ek was daar(10 buite gewees.

U het 'n skatting gegee van ongeveer 'n duisend. Is dit moontlik dat dit ongeveer vier duisend mense kon gewees het wat die begrafnis bygewoon het?

MR BIZOS: My learned friend is dealing with the position at the home. That estimate was not given in relation to the people there of a thousand. That was in relation to the church.

COURT: 200 to 300.

MR BIZOS: I think that was the evidence, yes.

MNR FICK: Ek sal dit toegee, dit is die getuienis by die (20 huis self, 200 tot 300, maar miskien moet ek dit duideliker maak.

HOF: Nee, nee, u sê vir die getuie omtrent 'n duisend. Nou was dit nie die getuienis van dié getuie dat hy gesê het 'n duisend by die huis, voor die diens nie? Dit is die beswaar.

MNR FICK: Nee, nee, ek verstaan die beswaar. Die getuienis soos ek dit het en soos ek dit nou sien, is dat by die huis van die oorledene, na daardie teraardebestelling, was 'n duisend mense. Ek het die twee verwar.

HOF: Goed, stel dan net weer die vraag.

MNR FICK: Ja. In die stoet na die begraafplaas toe en die (30 klomp / ..

klomp mense wat van die begraafplaas af teruggekom het na die huis van die oorledene toe, is dit moontlik dat hulle ongeveer vier duisend kon wees? -- Nee, nie so 'n groot getal mense nie.

U het vir die hof gesê by die huis voor die begrafnis was daar 200 tot 300 mense? -- Ja.

Was daar nie ook mense wat nie direk by die huis van die oorledene was nie, maar wat in die omgewing was wat nie begrafnisgangers was nie? Daar by die biersaal was daar nie ook 'n groep mense nie? -- Nee, die begrafnisgangers was op die perseel van die oorledene se huis. (10

Nou waar het die mense vandaan gekom wat die duisend opge- maak het toe hulle uiteindelik teruggekom het by die oorledene se huis - waar kom hulle vandaan? -- Dit is mense wat later opgedaag het terwyl die kerkdienste gehou was, by die kerk voor die stoet daarvandaan vertrek het na die begraafplaas toe.

U weet nie waar was hierdie sewe honderd mense intussen gewees nie? -- Praat u van die mense wat toe later daar opgedaag het?

Ja. -- Dit is inwoners van Somerset.

Ek wil aan u stel, meneer, afgesien van die mense wat u van praat wat by die huis direk was van die oorledene was daar in die omgewing van die biersaal, naby die huis van die oorledene, was daar ook 'n klomp mense.

HOF: Is dit voor die begrafnis?

MNR FICK: Voor die begrafnis. -- Daar by die biersaal gestaan?

Ja. -- Ek het hulle nie gesien nie.

Hoe ver is die biersaal van die oorledene se huis af? -- Die is nie baie ver nie. Dit is net aan die anderkant van die straat.

As daar mense voor die biersaal sou gestaan het, 'n paar duisend, dan sou hulle ook outomaties voor die huis van die (30

oorledene / ..

oorledene gestaan het.

HOF: Bedoel u as jy 'n ding vashou tussen jou duim en jou wysvinger dan hou jy hom ook tussen jou wysvinger en jou duim vas? Het die getuie 'n antwoord op hierdie intelligente vraag? -- Ek verstaan nie die vraag so mooi nie.

MNR FICK: Ons laat dit dan. Nou wanneer hierdie dag van die begrafnis het u die eerste keer die polisie gesien? -- Eers by die begraafplaas het ek die polisie die eerste keer gesien. Die tweede keer wat ek die polisie gesien het was toe ons teruggekom het van die begraafplaas by die oorledene se huis. (10

En daar by die begraafplaas waar u die polisie gesien het, was hulle in voertuie? -- Ek het twee van die polisie se "vans" daar gesien.

Vangwaens? -- Ja.

En daar het die polisie net gekyk wat aangaan, hulle het niks gemaak nie? -- Ja, hulle het 'n endjie ver gestaan.

En toe u die tweede keer die polisie gesien het was dit weer hierdie vangwaens of was dit ander polisie? -- Volgens die voorkoms van die voertuie wat daar gebruik was, was dit ander polisie gewees. (20

Was dit die keer toe u die Hippo gesien het? -- Ja, en daardie voertuig met die poeier.

Was daar net een Hippo? -- Ja, net een wat daar gekom het.

Die Hippo, het hy reguit daar na julle toe gery waar julle by die huis was van die oorledene of het hy patrollie gery in die woonbuurt? -- Dié het daarnatoe gekom en stilgehou.

HOF: Was daar 'n beperking geplaas op hierdie begrafnis? -- Nee.

Daar was nie 'n bevel van die landdros dat hy 'n sekere tyd moet duur nie? -- Nee.

MNR FICK: Nou hierdie Mama General wat by die begrafnis was (30

op / ..

op 16 Maart 1985, was dit die eerste keer wat u haar gesien het?

-- Dit was die eerste keer wat ek haar gesien het.

Was sy van 'n organisasie? Was sy so voorgestel? -- Sy was net voorgestel as 'n vroumens van Cradock af.

HOF: Het hulle haar genoem Mama General? -- Ja.

En is sy familie? -- Ek weet nie.

MNR FICK: Nou Matthew Goniwe en Ford Calata en Mbulelo Goniwe, wat is hulle verband met Somerset-Oos? Het hulle familie daar wat u van weet of was dit die eerste keer wat u hulle hier gesien het, met hierdie vergaderings? (10

HOF: Wie is die ander Goniwe?

MNR FICK: Mbulelo. -- Ek weet nie wat die verwantskap is tussen hulle nie, maar hulle is net aan my bekend as onderwysers, dit is nou Matthews Goniwe en Ford Calata.

HOF: Van Cradock? -- Ja.

MNR FICK: En Mbulelo Goniwe is ook van Cradock. Is hy ook 'n onderwyser of nie? -- Nee, ek het die eerste keer van hom gehoor daar. (20

Mama General, is sy 'n onderwyseres of weet u watse beroep sy het? -- Nee, ek ken haar nie.

HOF: Koshuismoeder.

MNR FICK: Die dié naam kan dit dalk wees. Ek wil aan u stel dat in dié kerk het Mama General gepraat. -- Ja, ons stem mos saam. Sy het gepraat.

Ek stel aan u sy het gepraat oor die biersaal en die munisipale kantore wat nog staan en sy het gesê in Cradock het hulle klaar daarmee weggedoen. -- Nee, sy het nie so-iets gesê nie.

En ek stel dit verder aan u dat sy het gesê sy kom van Robbeneiland af, sy is 'n lid van die ANC. -- Nee, dit het nie gebeur nie. (30

Ek / ..

Ek stel aan u verder dat Calata, Goniwe en Mama General het nie opgedaag toe die mense in die saal was nie, maar dat hulle voor die tyd al opgedaag het by hierdie begrafnis. -- Hulle het by die kerk opgedaag.

Ek stel aan u dat Matthew Goniwe het die begrafnisstoet van die huis van die oorledene af al gelei. -- Nee, daar is nie so-iets nie.

DIE HOF VERDAAG TOT 5 MEI 1985
