

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

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PRETORIA

1988-03-01

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

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(Bladsye 20 392 - 20 474)

COURT RESUMES ON 1 MARCH 1988.

DAVID MKHONDO KHAMBULE, d.s.s. (Through interpreter)

MR BIZOS : Before I ask the witness any further questions, your lordship will recall that Mr Jerry Tlhopane, accused no. 14 has to attend from time to time as an out-patient at the St John's Hospital and I see from the card that he has, subject to your lordship's to attend there tomorrow. If he can have that leave. That would be on 2 March.

COURT : Yes, leave is granted.

FURTHER EXAMINATION BY MR BIZOS : Mr Khambule, you de- (10)
scribed to us what you saw on the morning of 3 September 1984. -- That is so.

The people that you saw on the street from time to time on that day, were they wearing UDF T-shirts? -- No, I did not see such people who were wearing that.

COURT : Could I just ask a question. You live on Seeiso Street? -- That is so.

Do you live near the Rooistene bus stop? -- That is so.

On which side of that bus stop do you live? The side of the administrative offices or the other side? -- When (20)
a person is entering Seeiso from Vereeniging direction I am staying on the left there.

When you enter from Vereeniging direction, do you pass the administration's offices? -- That is so.

When doing that you first go through Putsoastene? -- That is so.

Then you get to Rooistene. Do you get to your house first or do you get to the Rooistene bus stop first? -- You first reach my house before the bus stop.

How many houses are there from your house to the bus(30)
stop/...

stop? -- My house is at a corner. It is a corner stand. So, you pass two streets and then find a bus stop in the vicinity of the third street.

MR BIZOS : You told us that you did not see anybody with UDF T-shirts? -- That is so.

Did you see anyone with AZASO or AZAPO T-shirts? -- No.

Did you see any placards being carried by any of the people there? -- No.

Did you hear anyone chanting "We want Moselane"? -- No, I did not. (10)

Did you hear anyone chanting "Release Mandela"? -- No.

Did you hear anyone shouting or screaming "We will kill Dlamini"? -- No.

Or any exhortation to kill Dlamini?-- No,.

Did you hear anyone shouting "Away with high rents"? -- No, I did not.

Did you hear anyone shouting or chanting "Councillors must resign"? -- No.

Did you carry out your original plan to go to the meeting at the church? -- That is so. (20)

Did you go to the church? -- No, I could not go.

Why could you not go? -- Because of this that had started namely the shooting of the teargas and rubber bullets.

Did you see obstructions on the road on the 3rd? -- No, at no point did I see the road having been obstructed.

Did you stay at home? -- I stayed at home.

Were your children to go to school? Was it planned that your children should go to school on that morning? -- Yes, they were ready. In fact, they had washed and everything, ready to go to school. (30)

Did/...

Did they go to school? -- No, they could not.

KRUISONDERVRAGING DEUR MNR. FICK : U het vir die hof gesê u verlof het begin op daardie dag 3 September 1984? -- Dit is so.

K1190 Ek het u werkgewer laat skakel en volgens die rekords van u werkgewer het u verlof nie op daardie dag begin nie. U vertel nie die waarheid nie? -- Hy praat nie die waarheid nie.

U verlof het begin al op 23 Augustus 1984? -- Nee, my laaste werksdag was 31 Augustus op 'n Vrydag. (10)

26 Augustus 1984 waar was u op daardie Sondag? -- Ek was by die werk.

Werk u Sondag? -- Ja, ons werk, veral die twee maande Julie en Augustusmaand. Ons werk Saterdag en Sondag, want die skofte werk dwarsdeur 06h00 tot 06h00 en dan gedurende die week werk ons die skof van 07h00 tot 07h00. Die rede daarvoor is dat na die einde van Augustus, dit wil sê die eerste naweek na die einde van Augustus word daar nou voorraad geneem by die werksplek. Met die gevolg dat ons moet werk.

HOF : Maar is u nie 'n messelaar nie? -- Ek werk op hierdie (20) huidige oomblik nie meer vir Stewards en Lloyds nie. In Mei 1985 is ek toe na die skool toe waar ek opleiding ontvang het as 'n messelaar.

K1191 En toe? -- Op 17 Mei 1985 is ek ontslaan by die werk van Stewards en Lloyds waar ek in die fabriek gewerk het. As gevolg daarvan het ek toe opleiding ontvang as 'n messelaar. Dus my huidige diens werk ek nou as 'n messelaar.

MNR. FICK : In die tydperk tot Augustus 1984 het u enige plakkate of pamflette gesien van vergaderings wat gehou word in Sharpeville van politieke organisasies? -- Nee, ek het (30)

dit nie gesien nie.

En die tyd toe die raadsverkiesings in November 1983 plaasgevind het, het u op daardie stadium enige pamflette of plakkate gesien van politieke organisasies? -- Ek het dit nie gesien nie.

Was daar nie by die busstoppe opgeplak tydens die verkiesing nie, plakkate van die VCA en ander organisasies nie? -- Nee, ek het dit nie gesien nie.

As daar was, kan u verklaar hoekom u dit nie by die busstoppe dit gesien het nie? Is daar enige rede waarom u (10) dit nie sou sien nie? -- As ek van 'n busstop praat moet u verstaan dat ek praat van 'n paal waarop 'n stuk sink hang en daar op die sinkplaat staan geskryf waarheen daardie bus gaan wat by daardie paal gaan stop. Dit is die tipe busstop wat ek van praat.

U kry tog seker die bus daar by Rooistene se bushalte? -- Ja, die enigste verskil daar is dat die een wat u van praat is net met ysterpale met sinkplate bo. Dan het jy nogtans dieselfde tipe paal met 'n sinkplaat waarop geskryf is.

HOF : Laat ons net duidelikheid kry. Die Rooistene bushalte (20) waarvan ons netnou gepraat het toe ek u uitgevra het, is dit 'n bushalte waar daar 'n afdak is vir persone wat wag? -- Ja, ons gebruik die een duskant. Dit is die een waarvan ek praat wat ek beskryf het.

Ja, maar kyk, 'n mens kry gewoonlik plekke waar busse stilhou wat net aangedui is met 'n klein bordjie "Busstop" en jy kry 'n terminus of 'n bushalte waar 'n oordak is. Waarvan praat u? -- Ek praat nou op die oomblik van 'n bushalte met 'n afdak.

Dit is die een waarvan ons netnou gepraat het? -- Ja. (30)

Is/...

Is dit waar u self die bus haal? -- Nee, dit is nie waar ek die bus haal nie. Ek haal die bus verder af onder toe. Dit is nie dieselfde tipe nie.

MNR. FICK : Ek wil u net BEWYSSTUK AAR4 toon. Dit is myne. Ek het h kopseld ingedruk. Is dit u huis?

HOF : U moet darem die getuie h bietjie help, weet u? Sê vir hom waar is Seeisostraat. Sê vir hom waar is Rooistene bushalte.

MNR. FICK : Die straat met die rooi lyne wat loop van oos na wes is Seeisostraat en dan sal u sien op die pad met (10) die rooi lyn sal u sien daar is h nommer 18 wat so getrek is om so h lang wit streep. Dit is Rooistene se bushalte. Daar waar die speld ingedruk is, is die vierde straat van daar af na die oostekant toe? -- Ja, dit is sien dit. My busstop is tussen die twee punte daar.

Nee, maar daar waar die kopseld in is, is dit u huis? -- Ja, dit is my huis.

HOF : Ja, die punt aangedui is op die vierde dwarsstraat vanaf die Rooistene bushalte en op die suid/oostelike hoek van die straat wat Seeisostraat kruis. (20)

MNR. FICK : Kan u net na die kaart kyk en vir die hof sê waar is die bushalte waar u altyd opklim? -- Regoor die derde straat aan die ander kant is die plek waar ek die bus haal.

Ek is nie seker of u geantwoord het op die stelling nie, het u by Rooistene of by die bushalte waar u die bus kry nie daar teen die pale met die verkiesing van raadslede in 1983 plakkate gekry van die VCA nie? -- Ek het dit nie gesien niwe.

Die oggend van 3 September 1984 was u vrou by die huis of was sy werk toe? -- Sy was by die huis besig om haar (30)

self/...

self reg te maak om werk toe te gaan.

Het sy gaan werk die dag? -- Sy het nie werk toe gegaan nie.

Die nag van 2/3 September 1984 was u by die huis gewees die aand van 2 September? -- Ja, ek was tuis.

Het u enigiets opgemerk gedurende die nag wat buitengewoon was daar in die omgewing? -- Nee, nie daardie nag van die 2de nie. Ek het niks opgemerk nie.

U sien, hoekom ek vir u vra is, daar was getuienis (10) gewees deur twee getuies wat gesê het daardie nag was die pad, Seeisostraat, was toegepak gewees, daar was karre gebrand in die pad, karwrakke, bande is gebrand. Het u niks daarvan gesien of gehoor nie? -- Nee, daar is nie so iets nie.

Sê u daar het nie so iets gebeur nie of weet u nie? -- Ek sê dit het nie gebeur nie.

Hoekom ek u dit vra is, daardie getuienis was nie betwis nie? Nou kom sê u heeltemal iets anders? -- Ek kom nie met iets anders nie. Al wat ek kan sê wat ek weet is, niks het die nag van die 2de daar gebeur nie. (20)

HOF : Waar gebeur nie? -- Ek het niks gesien of gehoor wat gebeur het nie.

MNR. FICK : Wanneer is u die eerste keer genader om 'n verklaring in hierdie saak te maak? -- Dit was in April 1986.

Voor ons nou by die 3de se gebeure kom. Betaal u huur? -- Nee, ek betaal nie.

Sedert wanneer nie? -- Die laaste betaling wat ek gemaak het was op 31 Augustus 1984.

Hoekom betaal u nie meer nie? -- Dit is omdat ons 'n versoek gerig het dat die huur verminder moet word. (30)

Wie/...

Wie is die ons? -- Die gemeenskap.

Wanneer het u so 'n versoek gerig? -- Voor 3 September 1984 by die vergaderings wat in Augustusmaand gehou was.

Maar jy was nie by een van hulle nie? -- My medewerkers by Stewards en Lloyds het vir my daarvan gesê.

Toe hulle volgens u so 'n versoek gerig het, toe betaal u ook nie? -- Dit is omdat ons almal nie betaal by Vaal Triangle nie.

Wat was die versoek gewees volgens u nou? Moet julle glad nie huur betaal nie of moet julle nie die verhoging(10) betaal nie of moet julle minder betaal of wat is die posisie? -- Die versoek was dat ons betaal nie die huur nie. Die rede daarvoor was soos volg. Die huur is verhoog terwyl die huidige huur vir ons moeilik is om te kan bekostig om die volgende redes. Daar is pensioenarisse wat huur moet betaal. Hulle trek pensioen na twee maande. Dit wil sê die maand wat hulle pensioen trek is hulle alreeds agterstallig vir 'n maand. Dit word dus van hulle verwag om die agterstallige maand s'n asook hierdie huidige maand te betaal. Dit was self moeilik gewees vir my om daardie huidige huur te kan(20) bekostig.

Ek verstaan nou nie. Was die versoek julle betaal glad nie die huur nie? -- Ons het versoek dat die huur verminder moet word en ons was belowe dat dit bespreek sal word. Tot vandag toe het ons nog nie gehoor nie.

U het nie gaan uitvind by die administrasieraad wat het geword van die versoek nie?

HOF : Verminder na wat toe? -- R30,00 toe.

Wanneer is die versoek gerig? -- Hulle sê dit was by die vergaderings bespreek. (30)

Watter/...

Watter vergaderings? -- By verskillende vergaderings wat gehou is net voor 3 September. Gedurende Augustusmaand. MRE. FICK : Sou die versoek nie op 3 September gerig gewees het by die administrasieraad nie? -- Die Woensdag, dit wil sê op 5 September was daar h voertuig gewees met h luidspreker wat die inwoners genooi het na h vergadering toe by die kantore van die administrasie. Met die gevolg het ons soontoe gegaan. Ons het nie tot by die administrasiekantore gekom nie. In die nabyheid van Kolisang se motorhawe is ons toe daar gestop en gesê dat ons mense as (10) afgevaardigdes moet kies wat namens ons by die kantore sal gaan praat.

Voordat ons dit uitpluis moet u my eers antwoord. Is dit nie so dat die versoek op 3 September 1984 by die administrasieraad afgelewer sou word nie? -- Nee, dit is nie so nie.

Is u nie genader om h petisie te teken met so h versoek nie? -- Wat gesê was is dat op die 3de om 09h00 gaan daar h vergadering gehou word waar hierdie petisies ook bespreek sal word of afgehandel sal word. (20)

Weet u hoe is op die bedrag van bepaal vir die huur wat julle bereid is om te betaal? -- Wat ek weet is dat op die 2de op pad terug vanaf Orlando waar ek by die sokker was het ek mense teëgekome wat by h vergadering was wat aan my my meegedeel het dat daar geen besluite geneem was nie, behalwe dat daar die volgende dag om 09h00 h vergadering gehou gaan word by welke vergadering dan besluite geneem sal word en petisies geteken word.

U moet die vraag antwoord. Weet u hoe is die bedrag van R30,00 bepaal? -- Die mense van wie ek gehoor het, (30)

het/...

het my meegedeel dat dit bespreek was deur die gemeenskap wat by die vergadering was dat hulle h voorstel gaan maak dat die huurgeld afgebring word na R30,00.

Die mense is nou die mense wat van die vergadering van 2 September af gekom het? -- Dit is die mense wat aan my gesê het dat daar h vergadering gehou gaan word op die 3de om 09h00 in die oggend.

Is dit die mense wat aan jou gerapporteer het dat hulle was op die vergadering van 2 September? -- Wat nou sê dat die huur verminder moet word na R30,00 toe? (10)

Ja? -- Dit is hulle.

HOF : Was dit h Sharpeville vergadering? -- Ja, dit was h Sharpeville vergadering.

Waar was dit gehou? -- By die Anglikaanse Kerk.

MNR. FICK : Is dit al wat die mense jou gesê het wat besluit is oor die R30,00 huur? -- Ja, en dat die volgende dag kerk toe gegaan moet word om te gaan teken.

Het hulle vir u gesê wat geteken moet word? -- Ja, die petisie.

En het hulle vir u gesê wat is besluit op die vergadering van 2 September wat moet met hierdie petisie gemaak word as hy geteken word op 3 September? -- Dit was veronderstel om by die kerk gelaat te word of na die predikant se huis toe geneem te word.

Maar wat het hulle vir u gesê wat gaan met die petisie gebeur op die ou end? -- Dit is al wat hulle vir my gesê het. Miskien sou ek beter gehoor het by die vergadering.

Het hulle nie ook vir u gesê dat daar is besluit dat die verhoogde huur gaan nie betaal word nie? -- Nee, hulle het my nie dit gesê nie. (30)

Het/...

Het hulle gepraat van h besluit wat op die vergadering van 2 September in Sharpeville geneem is by die vergadering dat raadslede moet bedank? -- Nee, hulle het my nie gesê nie. Dit is moontlik omdat ek haastig was. Hulle was ook haastig gewees. Dit het hulle nie vir my gesê nie.

Oor die kwessie van 5 September. Wie het daar rondgery en die mense uitgenooi na samesprekings? -- Ek weet nie wie hy is nie, maar dit was h blanke.

Van die administrasieraad? -- Nee, dit was nie van die administrasieraad nie. Dit was van die polisie. Hulle het(20) met groot hippo's gery.

U sê die klomp mense loop toe nou daar na die kantore toe van die administrasieraad. Is dit reg? -- Ja, ons is soontoe, maar op pad soontoe net in die nabyheid van die garage is ons toe voorgekeer. Ons het nie tot by die kantoor gekom nie.

Die garage van Kolisang, is dit in Seeisostraat? -- Ja, in Seeiso.

En die motorhawe, was dit beskadig gewees op daardie stadium? -- Ek het nie opgelet of die garage beskadig was(20) nie, maar wat ek wel opgelet het is dat die mense nie gewerk het nie, want ek het nie die werkers daar gesien nie.

Julle is toe gesê julle moet afgevaardigdes aanwys. Het julle afgevaardigdes aangewys? -- Ja, hulle was aangewys.

U was nie een van hulle nie? -- Nee, ek was nie. Ek was ver van hulle af.

Het julle vir die afgevaardigdes daar gesê wat moet hulle gaan praat by die administrasieraad? -- Iets was gesê aan hierdie mense om te gaan oordra, maar ons was so ver gewees dat ek nie kon hoor wat eintlik gesê was aan die (30) mense/...

mense nie, want ons het eintlik tot h versoek gerig dat wie ook al iets sê moet hardop praat dat almal kan hoor, maar ongelukkig kon ek nie hoor wat daar gesê word nie.

Het hierdie afgevaardigdes kom terugrapporteer aan julle op enige stadium? -- Ja, hulle het op twee geleenthede gegaan. Hulle is soontoe en terug en weer soontoe en terug.

Het u op h stadium later na September 1984 kennisgewings gekry afgelewer by hulle huise en sê julle moet nou weer huur betaal? -- Nee, ons het dit nie gekry nie.

Ek stel dit aan u u vertel nie die waarheid nie. Die (10) administrasieraad het kennisgewings by elke huis laat aflewer waarin gesê is die mense moet die huur betaal? -- Ek weet nie van so iets nie. Dit het nie gebeur nie.

Op die hoek van Seeiso- en Holwanestrate, weet u waar is Holwanestraat? -- Is dit Holwane wat u van praat?

Ja? -- Ja, ek weet.

Daar is h aantal skole?

HOF : Ek wil net weet waar lê Holwanestraat? -- Van my huis af terug is daar h vier rigting stop. Daardie straat wat met Seeisostraat kruis daar by die vier rigting stop is (20) Holwanestraat, by die skole.

Neem my kaart en druk h speld daarin. Ken u Semestraat? -- Seme?

Seme of Seame? -- Nee, ek ken nie daardie straat nie.

Is dit die straat wat Seeisostraat reghoekig kruis? -- Dit is so.

En is hy Holwanestraat aan albei kante van Seeisostraat? -- Ja.

MNR. FICK : En die bus loop ook in Holwanestraat? -- Nee, dit is nie. (30)

Voor ons by die skole kom wat daarby aansluit, die mense wat so met u gepraat het 2 September, het hulle ook vir u gesê dat op 3 September is nie h dag wat daar gewerk gaan word nie? -- Nee, hulle het dit nie vir my gesê nie.

Maar was dit nie algemeen bekend gewees dat op 3 September gaan daar nie gewerk word nie? -- Nee, ek weet nie daarvan nie. Wat my betref, mense sou werk toe gegaan het.

Hierdie manne wat aan u gerapporteer het oor die vergadering van 2 September 1984, het hulle nie ook aan u gerapporteer dat daar op die vergadering is daar h besluit geneem(20) dat die mense wat wil wegbly van die werk die volgende dag kan maar wegbly en dan moet hulle kerk toe kom nie? Dié wat wil gaan werk moet gaan werk nie? -- Dit is wat hulle gesê het, ja.

Maar dan het u mos geweet daar gaan 3 September mense wegbly van die werk af, dié wat wil? -- Wat ek geweet het is dat mense werk toe gaan.

Het hulle nie verder vir julle ook gesê dat daar gaan op 3 September ook nie h normale skooldag wees nie, die kinders gaan nie skool toe nie? -- Nee, hulle het nie dit (20) vir my gesê nie. Ek het kinders gesien in uniform gekleed. Selfs my kinders was besig om reg te maak dat hulle skool toe moet gaan.

Die dag van 3 September 1984, hoe laat het u opgestaan en gaan werk in die tuin? -- Voor 06h00.

Het u voor 06h00 in die tuin gaan werk? -- Dit is so.

Hoe laat? -- Om en by 06h00 of net voor 06h00 het ek begin. Ek kan nie meer presies sê hoe laat dit was nie.

Is dit nie h bietjie vroeg vir h man wat die eerste dag van sy vakansie het om in die tuin te gaan werk 06h00 in (30)

die/...

die môre nie? -- Nee, ek was van plan om daardie tuinwerk te doen omdat ek eintlik die werk wou gedoen het terwyl dit nog koel was. My vrou het ook vir my gesê dat die lekker koel was buite.

HOF : Is dit 'n groentetuin? -- Nee, ek was besig om skoon te maak op die sypaadjie net buite die draad. Daar was gras gewees daar wat die plek 'n bietjie laat lelik lyk het.

MNR. FICK : So, u het op die sypaadjie gewerk? -- Ja, op die sypaadjie voor my huis.

Om die waarheid te sê, u huis het nie eintlik 'n tuin(10) nie? -- Daar is in die jaart.

Toe u daar begin werk het in die tuin, het u enigiets verwag die dag dat iets snaaks gaan gebeur? -- Nee, glad nie.

U het die betrokke dag glad nie in die tuin gewerk nie, u het op die sypaadjie gewerk. Is dit reg? -- Net voor die omheiningdraad van my.

U het nie spesifiek opgelet wat gaan aan buitekant nie want u het niks verwag nie, volgens u? -- Dit is so.

Wat is die eerste ding wat u gesien het die betrokke (20) oggend van 3 September wat buitengewoon was, wat nie normaal was nie? -- Ek het opgelet dat hierdie patrolliewa verskeie kere daar verby is en op 'n latere stadium het hulle daar gekom met die "four-roomed" wat die gekamoefleerde polisie daar afgelaai het. Ek het toe eers bewus geword dat daar iets snaaks gaan gebeur of aan die gang was.

Het daar heelwat voertuie in die straat gery toe u daar op die sypaadjie gewerk het of was dit stil? -- Die huurmotors en privaat voertuie het daar verbygery met mense wat op pad was werk toe.

(30)

Was daar normale verkeer in die straat? -- Dit is so.

Wat het gemaak dat u hierdie polisievoertuig nou opmerk spesifiek terwyl u nou daar in die tuin werk? -- Dit het eers verbygery. Op 'n stadium het hulle kom stilgehou net voor my huis.

Nee, die vraag is, wat is nou so besonders omtrent hierdie polisievoertuig dat u hom opgemerk het tussen al die ander voertuie toe hy daar verby ry? -- As die voertuie nou daar verby ry, af en toe het ek opgekyk om te sien wat se voertuig dit was. Toevallig as ek opkyk dan sien ek (10) dit is die polisievoertuig en dan gaan ek net met my werk aan.

U sê op 'n later stadium toe sien u weer polisievoertuie? -- Ja, toe ek opkyk toe sien ek hierdie geel bakkie met twee blankepolisiebeamptes.

Die polisie stop toe nou daar en daar klim polisiemanne uit in Seeisostraat naby u huis? --. Dit is so.

Was die polisie gewapen? -- Toe hulle daar afgeklim het het ek nie opgemerk dat hulle wapens het nie. Hulle het net daar afgeklim en gestaan. (20)

Op die eiland? -- Ja, dit is so.

HOF : Wat maak hulle op die eiland? -- Hulle het net daar gestaan. Ek weet nie hoekom nie.

Tot wanneer? -- Wat gebeur het is dat die "four-roomed" wat die polisiebeamptes afgelaai het, het hulle in pare van twee op elke punt afgelaai op met daardie straat op die sy-paadjie - op die eiland tot en met die hoek van die vier rigting stop.

Is dit nou elke straatblok of nader aan mekaar? -- Nie elke blok nie. Hulle het hulle net op distansies afgelaai (30)

maar/...

maar nie lang distansies tussen die twee punte wat hulle afgelaai is nie.

Is hulle afgelaai vanaf die vier rigting stop van Holwanestraat met Seeisostraat in die rigting van jou huis of na die ander kant toe? -- Op met Seeiso in die rigting van die polisiestasie.

U weet, ek weet nie wat is op en wat is af nie. Is dit van die vier rigting stop die hele Seeiso tot by die polisiestasie of hoe is dit? -- Die hele pad na die polisiestasie toe se rigting. (10)

Hoe ver sou u sê is hulle uitrekaar, n honderd meter of tweehonderd meter of wat? -- Ek sal nie kan sê nie, want ek weet nie hoe lank n meter is nie.

Weet u hoe lank is n sokkerveld? -- Ja, as ek dit nou moet skat, die helfte van die lengte van die sokkerveld was die distansie tussen die twee punte waar hulle afgelaai is.

Ons bepaal dit op 50 meter. Hoe laat was dit? -- Toe hulle die mense daar afgelaai het was dit 06h10.

So, om 06h10 het u geweet hier is iets abnormaals aan(20) die gang in hierdie plek? -- Ja, ek het bewus geword daarvan en toe gesien dat daar iets was wat ek nie verstaan wat hier gebeur nie.

Kon u sien waarom hierdie manne hier afgelaai word? Wat gaan aan? Waarom word hulle hier afgelaai? -- Ek weet nie. Ek was self verbaas.

Kon u sien of hulle ook anderkant die vier rigting stopstraat by Holwane afgelaai is op daardie manier? -- Nee, ek het nie gesien nie.

Kon u so ver sien? -- Ek kan net sien tot omtrent by(30) die/...

die skole vanaf my huis.

MNR. FICK : Daar word nou soveel polisiemanne afgelaai en u het nie gesien of een van hulle gewapen is nie? -- Hulle het niks in die hande gehad nie wat ek kon sien.

Wat u betref was daar hoegenaamd geen rede waarom hierdie polisiemanne nou in die middel van Seeisostraat afgelaai word nie? -- Ek het geen rede gesien daarvoor nie.

Het u in u verklaring aan die advokaat gesê van hierdie klomp polisiemanne wat nou so afgelaai is in Seeisostraat? -- Ek het aan hulle gesê dat ek wel gesien het dat polisie(10) afgelaai word op die manier wat ek nou net hier beskryf het.

HOF : Kan ek u net 'n ding vra. Die polisiestasie lê nie aan Seeisostraat nie? -- Nee, dit is nie in Seeisostraat nie.

Het die manne dan - is die manne dan afgelaai in Seeisostraat langs en dan in 'n ander straat langs tot by die polisiestasie? -- As hulle afgelaai was, dit wil sê in 'n straat wat na die polisiestasie toe gaan, kan ek nie dit sien nie. Ek kon nie sien nie. Ek kon net dié sien wat in Seeisostraat was. (20)

Is die polisiestasie naby Mafuba's Liquor Store? -- Ja, maar daar is 'n poskantoor tussen die twee. Dit wil sê dit is die "liquor store", die poskantoor en dan die polisiestasie. Die polisiestasie is geleë in Zwanestraat.

Kan u net vir hom 'n speld gee, asseblief. U weet nog waar alles is, nê? U sal sien by die nommer 14 is Mafuba's Liquor Store. -- Is dit daar by die einde van die pyl waar die "liquor store" is?

Ja, waar die punt van die pyl is, daar is Mafuba's Liquor Store. -- Dit is die polisiestasie waar ek nou die (30)

kospeld/...

kospeld het.

Dankie. Is dit daardie hele klomp geboue wat in een blok staan daar? -- Ja, daardie hele lang ding daar, die struktuur wat lank is, is die polisiestatie.

Die polisiestatie word met nommer 28 aangedui op die lugfoto van Sharpeville AAR4 en dit word aangedui op die indeks as "police station" by 28.

MNR. FICK : Hoe lank het hierdie polisiemanne daar bly staan in hierdie eiland in Seeisostraat? Vir hoe lank? -- Ek weet regtig nie, want om 06h30 toe die laaste bus daar(10) verby is terwyl ek daar was, was dit begelei deur twee polisiepatrolliewaens, een voor en een agter. Toe hulle daar verbygaan is ek toe weg om te gaan was.

Maar was die polisiemanne in die middel van die eiland in Seeisostraat nog steeds daar? -- Ja, hulle het nog daar gestaan.

Hierdie klomp voertuie van die polisie wat in Seeisostraat afgekom het toe die polisiemanne afgelaai is in die eiland, wat het van hulle geword? Het hulle weggery of het hulle daar stilgehou of wat het van hulle geword? -- Is dit (20) nou die polisievoertuie waarvan u praat?

Dit is reg? -- Ja, die voertuie, terwyl hulle aflaa, het dit weggery.

U het vir die hof gesê u het in April 1986 u verklaring gemaak. Was dit die begin April, die middel van April of wanneer in April het u u verklaring gemaak? -- Ek kan nie die presiese datum onthou nie, maar dit was in Aprilmaand om en by die middel van April.

Nou vra ek u, het u hierdie bewering wat u nou in die hof gemaak het dat daar polisiemanne is wat afgelaai is (30)

van/...

van Holwanestraat af net tot daar in die omgewing van die polisiestatie, het u dit in u verklaring gemeld? -- Ja, ek het aan hulle gesê dat ek die polisiebeamptes gesien het wat gekleed was in die gekamoefleerde klere. Hulle was afgelaai op die eiland in pare van twee op 'n punt.

Hoekom ek vir u vra is, hierdie weergawe wat u gee is nooit aan enige staatsgetuie gestel nie en uself het dit nie in u hoofgetuienis gemeld nie? -- Daar is so iets. Ek het melding daarvan gemaak.

Hoekom het u dit dan nie in u hoofgetuienis gesê nie?(10)
-- Dat polisiebeamptes op distansies van mekaar in pare van twee afgelaai was?

Korrek? -- Ek het daarvan gepraat . Dit is in my verklaring vervat.

Nee, ek vra nie in u verklaring nou nie. Ek vra hoekom het u nie so in u hoofgetuienis getuig nie? -- As ek reg onthou het ek melding daarvan gemaak gister.

Ek stel dit aan u, hierdie is 'n weergawe wat u nou uit u duim suig, wat u nou aanpas soos die saak aangaan?

MR BIZOS : That is not correct. Although the witness did(20) not say in evidence-in-chief that they were all along Seeiso Street he did mention that two came and stood outside his place.

COURT : I remember that.

MNR. FICK : Ek stel aan u dat hierdie weergawe wat u nou gee dat die klomp polisiemanne afgelaai is en so op die eiland gestaan het, is 'n aanpassing soos u u getuienis aanpas?
-- Ek sê dit is wat ek gesê het.

HOF VERDAAG.

HOF HERVAT.

DAVID MKHONDO KHAMBULE, nog onder eed

VERDERE KRUISONDERVRAGING DEUR MNR. FICK : Hierdie polisie-
manne staan nou daar op die eiland, u is 06h30 in die huis
in. U het toe weer uit die huis uitgekom op 'n later stadium.
Is dit reg? -- Ja, dit is so.

Is die polisiemanne toe nog daar op die eiland? -- Nee,
toe ek uitgekom het uit die kombuis deur uit en omstap na
vorentoe, voor ek by die voorste kant van die huis gekom
het, het ek die rook gesien en die kinders gesien wat besig
was om weg te hardloop wat gevolg was deur die polisie. (10)

Deur watter polisie nou? -- Van die polisie wat op
die eiland gestaan het, het ek gesien agter die kinders in
die straat hardloop.

Voor ons daarmee aangaan. Laat ons net die vorige
ding klaar maak. U sê die polisie het die busse begelei
toe die busse om 06h30 daar wegtrek? -- Ja, dit is so.

Voor die 06h30 bus was daar 06h15 ook 'n bus. Is dit
reg? -- Ja, dit is so.

Is hy ook begelei? -- Nee, dit het sommer so weggery.
sonder begeleiders. (20)

Waar het die polisievoertuie vandaan gekom wat nou hierdie
bus begelei het om 06h30? -- Dit het vanaf die rigting van
die saal gekom in die rigting van die administrasiekantore.
Dit is as 'n persoon in die dorp se rigting ry.

Het hulle saam met die bus aangekom? -- Ja, dit het
saam met die bus gekom toe ek dit die eerste keer gesien het.
Die geel een was voor en die beige een was agter die bus
gewees.

Maar was daar enige rede vir hulle om die bus te begelei?
-- Ek weet nie of daar rede was nie, maar die bus het nie (30)

eers/...

eers by die busstop van Rooistene gestop nie. Daar was mense daar by daardie busstop gewees wat geskreeu het dat die bus moet stop. Dit was glo die bus wat hulle daagliks ry as hulle werk toe gaan.

Die bus het toe nie vir hulle opgelaai nie, maar net aangery? -- Ja, dit het verder gery, maar wat ek kan sê is dat toe die bus vanaf Vuka se rigting af kom, het dit alreeds passasiers ingehad.

Kon u hoor dat die mense wat daar by die Rooistene busstop was dat hulle skreeu vir die bus om te stop? -- (10) Ja, hulle is mos nie ver van my af nie. Hulle is naby my.

Was daar enige rede vir die bus om nie te wil stop nie? -- Nee, dit weet ek nie.

Is dit die rede hoekom die bus nie gestop het nie, omdat die mense geskreeu het en klippe op die bus gegooi het nie? -- Nee, daar was geen klippe daar gegooi nie.

Die huurmotors wat u van praat wat daar in Seeisostraat was, is daar h huurmotorstaanplek naby u huis? -- Nee, dit is nie naby my huis nie, maar net in die nabyheid van die bus afryplek is daar h huurmotorstaanplek. (20)

Praat u nou van Rooistene? -- Ja, dit is Rooistene

Was daar mense by die huurmotorstaanplek die oggend? -- Ek het huurmotors gesien wat by my verby is met passasiers.

Weet u of die huurmotors van die mense opgelaai het by Rooistene of weet u nie? -- Die passasiers in hierdie huurmotors is mense wat die huurmotors daar by die huurmotorstaanplek gehaal het.

U sê vir die hof u is toe om 06h30 in die huis in? -- Dit is na die verbygaan van die bus wat om 06h30 vertrek.

Nadat u in die huis in is, wat is die volgende (30)

buitengewone/...

buitengewone ding wat u gehoor of gesien gebeur het? -- Na ek klaar gewas het, het ek die geklap van 'n vuurwapen gehoor.

Gaan aan? En toe? -- Ek is toe uit, by die kombuisdeur uit en omgestap om by die voorkant van die huis te kom. Net voor ek daar by die voorhuis gekom het, dit was aan die voorkant van die huis, het ek opgemerk dat daar kinders verby hardloop wat deur die polisie in die gekamoefleerde klere gevolg word en dan die rook wat ek gesien het.

Hoeveel kinders was daar ongeveer wat so gehardloop het? -- Ek kon nie tel nie. Dit was klein skoolkinders wat op (10) pad skool toe was.

As u nou sê kinders, watter ouderdomsgroep sal u sê was hulle? -- Hulle is kinders van verskillende standerd op skool. Graad 2, standerd 1, 2, 5 ensovoorts. Hulle verskil.

En groot kinders van die hoërskool? -- Ek het die kinders van die kollege te Sebokeng gesien wat ook daar was, want hulle was gekleed in die uniform van daardie kollege.

Hierdie kollege wat u nou van praat, is dit 'n hoërskool of 'n laerskool kollege? -- Dit is die onderwysers se kollege.

HOF : Is hy in Sharpeville geleë? -- Nee, dit is in Sebokeng.

MNR. FICK : Was hulle nou tussen hierdie ander klomp kinders wat u gesien hardloop het? -- Ja, dit is so. (20)

En toe hulle nou so hardloop, wat maak die kinders? -- Nee, ek weet nie, want toe ek daar uitgekóm het sien ek die kinders hardloop gevolg deur die polisie en die volgende ding is hierdie rook en ek het toe teruggekeer in die huis in.

Die skole daar op die hoek van Holwane en Seeisostrate wat ons netnou van gepraat het, het die kinders uit daardie rigting gekom of was hulle besig om soontoe te hardloop of waarheen het hulle gehardloop? -- Ek het hulle gesien (30)

aangehardloop/...

aangehardloop sien kom in Big Street (dit is Seeisostraat).

HOF : Vanaf watter rigting? -- Hulle het afgehardloop in Seeisostraat.

Ek weet nie wat is af en wat is op nie. Vanaf watter rigting hardloop hulle? -- My huis is geleë op die hoek van twee strate. Dit is Seeiso en nog 'n straat. As ek praat van my straat praat ek in hierdie geval van die ander straat wat aansluit by Seeisostraat. Die kinders het in daardie straat afgehardloop, gevolg deur die polisie wat vanaf Seeisostraat gekom het in daardie straat in. (10)

Hulle hardloop in die dwarsstraat af. Waarvandaan kom die kinders toe hulle in die dwarsstraat afhardloop? -- Hulle woon in die rigting van Dlamini se huis as jy afgaan met daardie dwarsstraat en omtrent die derde huis vanaf my huis, is waar die kinders teruggedraai het om weg te hardloop en toe deur die polisie agterna gesit was.

U weet, u maak dit vir my baie moeilik en ek dink nie dit is nodig dat u vir my dit so moeilik maak nie. Ek het u nou al twee keer gesê ek weet nie wat is af en op nie. -- Kan ek dan daardie kaart kry dat ek vir u kan wys waarvanaf (20) die kinders gekom het? -- Waar ek nou hier

Ja, doen dit, asseblief. -- Waar ek nou hierdie koppeld het is waar die kinders teruggedraai het in daardie dwarsstraat. Voor hulle nog by die kruising van Seeiso en die dwarsstraat gekom het, want die kinders het vanaf die dwarsstraat opgekom na Seeiso toe, toe het ek opgemerk dat die kinders vanaf Seeiso in daardie dwarsstraat inhardloop en die kinders het toe daar begin terugdraai en weghardloop.

So, as 'n mens met u dwarsstraat aanloop dan kom 'n (30)

mens/...

mens by Dlamini se huis uit? -- Ja.

So, hulle het vanaf daardie rigting van Dlamini se huis af gekom en toe ongeveer vier huise van die hoek af van Seeisostraat is hulle gekeer deur die polisie en het hulle omgedraai? -- Op pad na die voorkant toe van my huis sien ek die polisie hardloop in my straat, dit is die dwarsstraat. Toe ek dit verder opvolg om te sien hoekom die polisie in daardie rigting hardloop, sien ek dat die kinders terugdraai daar en hardloop in die rigting van Dlamini se (10) huis.

MNF. FICK : Ek wil net een ding duidelik kry. Die rigting of in die omgewing van Dlamini se huis waar die kinders vandaan gekom het aanvanklik, daar is geen skole nie. Is dit reg?

HOF : Is dit gesê dat hulle van Dlamini se huis af gekom het?

MNF. FICK : Die rigting. Laat ek vir u so vra. Aan die suidekant van Seeisostraat in die omgewing van Dlamini se huis, is daar enige skole? (20)

HOF : Ja, daar is 'n hele klomp skole. U kan dit daar sien. U hoef die getuie dit nie te vra nie. Dit is teenoor punt 25.

MNF. FICK : Die polisie uit Seeisostraat is nou agter die kinders aan. Wat gebeur toe? -- Ek sê dan ek het die traanrook se rook gesien wat ek raakgeloop het en toe teruggekeer in die huis.

Waar kom die traanrook vandaan? Weet u? -- Nee, ek het nie geweet nie.

Dit was op daardie stadium, stem u saam, 'n groot lawaai toe die kinders in die straat opgekom het, die straat (30)

wat/...

wat langs u huis verbygaan in die rigting van Seeisostraat?

-- Nee, daar was nie lawaai nie.

Het die kinders stil opgekom? -- Ja, want die kinders het nie saam gestap in 'n bondel nie. Hulle was uitmekaar uit, maar hulle het boeke en drasakke by hulle gehad. Hulle het uniforms aangehad.

En toe hulle nou omgedraai het en weg is, is hulle weer in stilte weg? -- Hulle het weggehardloop.

'n Groot lawaai gemaak? -- Nee, hulle het weggehardloop en skuiling gaan neem in die persele daar naby. (10)

Wat maak die polisie toe die klomp kinders nou so in die perseel inhardloop? -- Die laaste wat ek gesien het van die polisie is toe die polisie in daardie rigting agter die kinders gehardloop het. Ek het teruggekeer in die huis in.

U het in u hoofgetuienis gesê dat u het uit die huis gekom op 'n later stadium toe dit 'n bietjie stiller geword het? -- Ja, dit is so.

Nou vra ek vir u, wat se groot lawaai was daar gewees voor die tyd? -- Daar was nie 'n lawaai gewees wat ek gehoor het nie. (20)

Wat het u bedoel daarby toe u in u hoofgetuienis gesê toe u agterkom dit raak 'n bietjie stiller, toe gaan u uit?

K1192 -- Daarby het ek bedoel dat ek nou wil gaan sien of die polisie wat ek laas gesien het hardloop daar nog daar was.

U is toe uit. Het u die polisie toe gesien? -- Nee, ek het hulle nie gesien nie.

Wat maak u toe? -- Terwyl ek daar staan het my bure toe daar by my gekom. Hulle sê vir my hulle begin werk om 08h30, maar hulle kan nie wegkom nie.

Hoekom kon hulle nie wegkom nie? Wat was die probleem?)30)

HOF : Omdat die laaste bus om 06h30 met polisiebegeleiding die straat opgeruy het. Het u nie geluister nie, mnr. Fick? Dit is nou seker omtrent 08h00.

MNR. FICK : Ek wil net vasstel ... (Hof kom tussenbei)

HOF : Nou ja, moenie sommer net vrae vra vir die lekker nie. Kom na h punt toe.

MNR. FICK : Terwyl u daar staan en u bure praat met u, wat gebeur? -- Terwyl ons nog daar buite staan was daar ander mense gewees in die ander blok anderkant Seeiso wat geskreeu het "Kyk julle wat gebeur in Putsoastene." Ons is uit die(10) perseel uit om te gaan kyk wat gebeur, sodat ons kan sien waar Putsoastene is. Ons sien toe die polisievoertuie wat op Seeisostraat was en hulle ry in die rigting van die polisie-stasie.

Was daar mense ook in Seeisostraat? -- Ja, mense wat in die persele was en daar was wel ander wat sommer in die straat gestaan het.

Wat maak hulle? -- Die mense het niks gedoen nie. Die polisie het gekom tot om en by die nabyheid van die vier rigting straat by die skole waar hulle toe begin skiet het,(20) as gevolg waarvan die mense toe weggehardloop het in die huise in.

ASSESSOR (MNR. KRUGEL) : Is dit daar by Holwanestraat? -- Dit is voor hulle by die kruising van Holwane en Seeiso gekom het, net in daardie omgewing, maar voor hulle daar gekom het.

MNR. FICK : Was daar enige rede wat u kon sien hoekom die polisie op die mense skiet? -- Nee.

Op daardie stadium by die skole op die hoek van Seeisc-en Holwanestrategie, was die skole aan die gang? Was daar (30) enige/...

enige kinders by die skool?

HOF : Watter antwoord verwag u? Ver wag u h ja of h nee? Ver wag u dat daar skool was daardie oggend? Ek verwag nie dat daar skool was nie. Hoekom vra u?

MNR. FICK : Ek wil uitvind of daar ander mense by die skole was en dan wat ... (Hof kom tussenbei)

HOF : Dan moet u nie vra of die skole aan die gang was nie.

MNR. FICK : Was daar enige mense by die skool op daardie stadium? -- Mense wat ek gesien het, was mense wat op die persele was en op die skoolpersele het ek nie mense gesien(10) nie.

Wat skiet die polisie op daardie stadium na die mense? -- "Teargas" en "rubber bullets".

U hardloop toe in die huis in. Is dit reg? -- Ja.

Wanneer het u weer uit u huis uitgekom? -- Ek het by die venster van my huis gaan staan en kyk. Dit is die een aan Seeisostraat se kant. Ek het die voertuie gesien daar verbygaan, dit is die polisievoertuie. Tot hierdie "coaster" wat ek al gesê het wat deure gehad het aan die sye. Dit was ook daar gewees. Aan die sy, die kant aan my kant, was (20) dit geskryf "bad boys".

Wanneer is u weer uit die huis uit? Antwoord net? -- Na ek gesien het dat die voertuie nou nie meer daar was wat verbygaan nie, is ek die kombuisdeur uit. Ek het omgekome aan die oostekant van die huis om te sien wat van die voertuie geword het. Ek het gesien dat die voertuie daar verdwyn het.

Het u enige vergaderings van die UDF, AZAPO of AZASO ooit bygewoon? -- Nee, ek was nog nooit by die vergaderings van hierdie mense nie.

dit nog nooit gesien nie. Al wat ek van weet is dinge wat te doene het met òf die kerk òf die sokker.

Kan u vir die hof sê hoe lyk h UDF T-hempie? -- Ek weet nie eers hoe lyk dit nie. Ek het dit nog nie gesien nie.

Weet u hoe lyk AZAPO T-hempies? -- Ek het dit nog nie eers gesien nie.

U weet ook nie waarvoor om te kyk as u wil sien hoe lyk so h hempie nie? -- Ek weet niks omtrent die politieke bedrywighede nie.

Ek wil aan u stel wat daar gebeur het die betrokke (10) dag - die vorige aand en die dag van 3 September 1984.

Weet u waar bly raadslid Sekobane? -- Ja, ek weet.

Dit is naby u huis. Is dit reg? -- Dit is nie naby nie.

Ek sal terugkom daarnatoe as ons by die regte tyd kom. Die vorige aand, die nag van 2 en die oggend van 3 September 1984, stel ek dit aan u was daar padversperrings in Seeisostraat, brandende voertuie?

HOF : Wil u nie die getuie die guns doen om vir hom te stel waar dit was nie, dan kan hy miskien meer gepas kommentaar daarop? Dit mag wees dat dit by die administrasiekantore (20) was, dan het hy dit nie gesien nie. As dit by sy huis was, dan moes hy dit gesien het.

M.R. FICK : Seeisostraat van net na die administrasiekantore het die padversperrings begin in Seeisostraat? -- Ek kan nie so ver sien van my huis af nie. My uitsig is belemmer.

Ek stel aan u die busse is onttrek die oggend van 3 September na 06h00 as gevolg van klipgooiery en beskadiging op busse in Seeisostraat onder andere? -- Ek het gesê die laaste bus wat ek gesien het was om 06h30 en dit is die bus wat ek van praat wat deur die polisie begelei was. (30)

Want/...

Want ek stel aan u hierdie weergawe wat u vir die hof gegee het van die mense, die polisie wat daar op die eiland gestaan het in Seeisostraat waar daar niks gebeur het nie tot 06h30 se kant is vals? -- Dit is die waarheid. Ek woon in Sharpeville. Ek het hulle met my eie oë gesien.

En ek stel aan u verder dat die polisie wat daar in Seeisostraat gery het, het nie soos u vir die hof probeer sê het vir geen rede hoegenaamd begin skiet daar op die mense traangas nie, maar hulle is aangeval deur die mense in Seeisostraat? Daar was klipgooiery op die polisie? -- (10) Dit is h leuen.

En ek wil ook aan u stel dat daar na 07h20 op die oggend van 3 September was daar 'n skare in Holwanestraat nie ver van u woning af nie, ongeveer driehonderd-en-vyftig wat klippe gegooi het na die polisie en die polisie aangeval het? -- Ek het nie die polisie in enige ander straat gesien beweeg byvoorbeeld Holwane nie. Ek het hulle gesien in Big Street. Dit is Seeisostraat.

Het u op enige stadium op 3 September 1984 gesien dat enige raadseiendom of raadslid se huis of enige ander plek(20) aan die brand is in Sharpeville? -- Nee, ek weet niks daarvan nie. Ek het eers om 16h00 daarvan gehoor.

Vergeet nou die hoor. Het u op 3 September op enige stadium ooit gesien daar is rookkolomme wat in die lug in opgaan van enige wonings en geboue en voertuie wat brand? -- Nee, ek het nie opgelet nie.

Ek stel aan u, u getuienis dat u niks gesien het nie is vals ... (Hof kom tussenbei)

HOF : Hoe kan u daardie stelling maak? Watter getuienis het u dat daar iets in sy omgewing gebrand het? Waar is (30)

die/...

die naaste ding wat gebrand het aan hom?

MNR. FICK : Die raadslid Sekobane se huis.

HOF : Waar is dit? Punt hoeveel?

MNR. FICK : Sekobane se huis is punt 4.

HOF : Punt 4 is minstens agt blokke en dan moet h mens nog dwars gaan ook. So, as h mens dit reguit meet is dit seker tien blokke van hom af. Waar is die getuienis dat hy dit moes gesien het?

MNR. FICK : Ek wil aan hom stel hy moes ten minste die rookkolomme gesien het van Sekobane se kar wat uitgebrand(10) word in die straat buite en die huis wat gebrand is asook raadslid Mofokeng. Hy moes ten minste gesien het die rook trek oor Sharpeville. -- Ons kon nie die rookkolomme gesien het nie. Die rede daarvoor is dat die polisie het elke keer as hulle daar verbygegaan het geskiet na mense wat buite was. Dus het ons nie daar buite gaan staan nie. Wat ek wel vir die hof kan sê is dat op h latere stadium het ek opgemerk na aanleiding van die feit dat die polisie elke keer geskiet het daar, dat mense asblikke uitgevat het en die as in die straat gegooi het en die blikke daar laat lê het in(20) die straat.

HOF : En hoe laat was dit? -- Dit was in die loop van die dag na 11h00 skat ek dit.

11h00 in die oggend? -- Ja, in die oggend.

En was dit voor u huis ook? -- Dit is die voorval van die as wat in die straat gegooi was en die asblikke wat daar gelaat is. Dit was om en by 11h00 daar voor my huis. Dit was na aanleiding daarvan dat ek besluit het om maar liewers pal in die huis te bly want op die ou end sal ek ook geraak word deur die skietery en toe later om 16h00 het ek eers (30)

gehoor/...

gehoor van plekke wat aan die brand was terwyl ek in die huis was.

MNR. FICK : Nou wil ek verder aan u stel dat adjudant-offisier Vosser se voertuig is in Seeisostraat daar naby Rooistene se bushalte aangeval en sy voertuig se ruite en alles is uitgegooi deur die skare in die straat? -- Hoë laat was dit gewees?

Dit was net na 06h00 in die oggend? -- Binne-in my sig vanwaar ek was by my huis in Seeisostraat het ek nie so iets gesien nie, dat h voertuig met klippe aangeval was. (10)

Dan wil ek net een aspek met u nog opklaar. Het u nie gesien dat die oggend toe die mense daar by die bushalte is soos u sê wat daar gestaan het, dat daar jeugdiges kom en met die mense praat en hulle afraai om van die busse gebruik te maak nie? -- Ek het alreeds vir die hof gesê dat ek mense gesien het wat h bus gery het daar om 06h15 wat hulle werk toe geneem het na die fabriek waar hulle werk.

Het u nie groepe jongmense gesien wat na die mense toe gaan by die bushalte of by die huurmotorstaanplek en vir die mense sê - argumenteer met die mense en sê hulle moet (20) nie gaan werk nie? -- Ek het net mense gesien wat op die persele gestaan het en niemand gesien of jeugdiges gesien wat die mense genader het by die bushalte of huurmotorstaanplek nie.

HERONDERVRAGING DEUR MNR. BIZOS : Kan jy lees, mnr. Khambule? -- Ja, ek kan.

In die Rooistene deel van Seeisostraat, hoeveel bushaltes sal u sê is daar? -- Daar is een groot bushalte waarvan die busse ry. Dan het jy die kleintjies wat busstoppe is vir mense om busse daar te haal om na die (30) fabriek/...

fabrieke toe te gaan.

Hoeveel van daardie kleiner busstoppe is daar in die Rooistene gedeelte van Seeisostraat? -- Dit is sewe soos ek hulle op die name genoem het.

HOF : Gee net gou die name, want die name wat u gee is soos Bessemer en Stewards en Lloyds en Samancor en ek vind dit snaaks dat die name die name is van firmas? -- Die busstoppe self is die name van fabrieke op geskryf. Byvoorbeeld h bus wat na Bessemer toe gaan, moet jy by h busstop gaan staan waar daar op die bord geskryf staan Bessemer. (10)

So, dit is die eindbestemmings wat op die bord staan? -- Ja, dit is so.

MNR. BIZOS : U het sewe bushaltes genoem in die Rooistene gedeelte van Seeisostraat. Ken u vir ons h skatting gee hoeveel busstoppe of bushaltes daar is in Seeisostraat in die geheel? -- Sewe, die agtste een is die hoof een.

ASSESSOR (MNR. KRUGEL) : Beteken dit dan dat daar geen busstoppe in byvoorbeeld Putsoastene is nie in Seeisostraat? -- Nee, ek het geantwoord op Rooistene. Daar is busstoppe in Putsoastene. (20)

Mnr. Bizos se vraag was hoeveel busstoppe in die hele Seeisostraat. Putsoastene en Rooistene, die hele deel is Seeisostraat? -- Dit is veertien plus nog twee groottes. Altesaam is dit sestien.

Die vergadering by die kerk van die 3de, waar het u gehoor daarvan? -- Net voor my huis waar ek van die huurmotor afgeklim het toe ek teruggekeer het vanaf die sokker te Orlando, het ek daarvan gehoor.

HOF : Oor die busstoppe. As ek vir u sê ek kry u by die busstop van Rooistene, watter een sal u sê bedoel ek? (30)

-- As u dit nou noem in verband met h mens wat werk, dan moet u vir my sê by watter firma is u werksaam.

As ek nie praat in verband met h mens wat werk nie, ek sê net die busstop by Rooistene? -- Dit beteken die heel groot een by die busse se afryplek.

GEEN VERDERE VRAE.

K1194

ELLEN KAY KHUZWAYO, d.s.s

EXAMINATION BY MR BIZOS : Last year in 1987 in April was a honorary degree conferred on you for public service by (10) the University of the Witwatersrand, Dr Khuzwayo? -- It was.

Was a teacher's diploma conferred on you in 1935? -- It was.

Was a diploma in social work conferred on you in 1955? -- It was.

And was a higher diploma in advanced social work conferred on you by the University of the Witwatersrand in 1981? -- It was.

Perhaps, my lord, I should have indicated to your lordship the topics on which the witness is going to give (23) evidence. It will be a number of topics. Dr Khuzwayo will give evidence on the position of women in the community and women's organisations. She was a member of the committee of ten and a member of the Soweto Civic Association. She has involved herself in education and more particularly black education. She has involved herself on housing and more particularly housing for black people. Has some personal knowledge of removals and the application of the group areas act. She has attended a number of commemoration services and/...

and is involved in a national organisation concerning itself with the cost of living. We will also give your lordship some evidence in relation to songs, slogans and the use of political language in her community.

Have you been a member and an office bearer of a number of community organisations in your life? -- I have been.

Were you the national finance chairman or chair person of the world affiliated young women's christian association? -- I still am.

From when have you held that position? -- From 1982.(10)

Do you hold any position in the Zamane Soweto Sister's Council? -- I am their consultant.

For how long now? -- Since 1979.

Are you the chair women of the Maggie Magaba Trust? -- I am since its inception in 1979.

What is its function? -- It works with women's problems particularly in the self-help movement, women who came together shortly after 1976. They assembled to learn different skills and we tried to get some money to help them to take off the project that they were putting in the community for women(20) and girls.

Did you help to found and were you the first treasurer of the black women's endeavour to understand investment? -- I did.

What period was that? -- It was roundabout 1982 to 1983 and for three years I was its treasurer.

Were you a founder member of the Transvaal Board of the Urban Foundation from its inception in 1976 and are you still on that board to date? -- I am still on that board.

Are you a member of the national board of the urban (30) foundation/...

foundation since 1982? -- I am.

Were you elected the first president of the Black Consumer Union which was launched in March 1984? -- I was and I am still the president.

Were you a member of the committee of ten in Soweto when it was formed in 1977 and did you thereafter become an executive member of the civic association? -- I did.

Did you continue on the executive of the Soweto Civic Association? -- I did. I am no more the executive member, but I am still just a member now. (10)

When did you cease being on the executive? -- I stopped roundabout 1982.

Was there any special reason why you no longer held executive office in the Soweto Civic Association after 1982? -- Yes. Up to that time I did not have any particular engagement, but from 1981 I got engaged in writing and it took a great deal of my time and I realised that I did not give sufficient time to the organisation and I decided then to stop and concentrate on my writing.

Are you a member of the Anglican Church? -- I am. (20)

And do you serve the Anglican women's fellowship group in the church? -- I do.

Are you a member of various professional organisations? -- I am.

As a result of this active life that you have led, do you believe that you can speak with any authority on the housing policy of the government during the seventies and eighties? -- I think I can.

In relation to women, have you been involved in their affairs for a number of years? -- For a long time I think (30)

as/...

as far back as the early sixties I worked with women in urban and rural communities.

In relation to education, have you been involved in that? -- As a teacher I was very much - I was actively involved in education up to 1952.

And thereafter did you keep up your interest? -- I kept my interest although I went into the profession of social work. I kept my interest in the education field.

Have you been interested in the cost of living and more particularly insofar as it affects the black community(10) of which you are a member? -- I have always been interested in that, but I became a little more actively interested when we launched the black consumer union and became its president.

And in relation to the removal of the so-called black spots, Were you personally affected by that in any way? -- I was personally affected, but roundabout 1974 when the government decided to declare the farm that my grandparents had held for close to hundred years and they declared a black spot and we tried very hard to protect the farm, (20) but finally the government had its way and they took it away from us.

COURT : Where was it? -- In ThabaNchu in the Orange Free State in the district outside the district of ThabaNchu, between ThabaNchu and Tweespruit.

MR EIZOS : Having given his lordship this preamble, I want to ask you a number of questions in view of the allegation in the indictment in this case that the organisation politicisation, conscientisation and other endeavours, organisation of women in 1983 and 1984, was the work of the UDF under (30)

the/...

the leadership of the African National Congress and the South African Communist Party (it is paragraph 59 on page 244 of the indictment) and the foundation apparently of this allegation, appears to rest upon a resolution passed at the national launch of the UDF on 20 August 1983 and to be found on A1 page 25. Were you asked to read this resolution before you came into the witness-box? -- I was asked to do so.

What is your reaction to the facts and sentiments contained in this resolution? -- After reading the state-(10) ment I found that I personally, I agreed with the statement and I realised that it had great bearing on the history of the black women in this country.

You said that you went over to writing. Have you written a book on the position of women? -- In fact my motivation for writing the book that I wrote was a result of the position of black women in South Africa. How they have been treated in industry, in their general life and I felt that I had a duty to find out the truth about this and to present it in a book form. (20)

What was your book called? -- It is called "Call me woman."

Has it been published in English and has it been translated in a number of foreign languages? -- It has been written in English and it has been translated into six European languages.

Could we look at this resolution. "That the extent to which women is organised is a barometer of the level of struggle as a whole." What do you understand by that? -- I think in a nutshell I would say there is a standing (30)

saying/...

saying in English and I think it is internationally accepted you educate a man, you educate an individual, you educate a woman, you educate the nation and I think based on that the women are the - in any community - people who determine the extent to which their community, their nation, their people can go and it is an issue that cannot allow the community or the nation to go forward without the women being part of that development.

It says "The barometer of the level of struggle as a whole." Have you considered yourself as having taken (10) part in any struggle? -- I have always been in the struggle as a woman or as group of women, but also as part of the community as a whole.

Struggle for what? -- Struggle for the liberation of my people, that means I have always experienced that we as black people were deprived over generations of the opportunities that other communities enjoy and enjoyed and I have felt that the opportunities of education, job opportunities, opportunities of building a home where you thought it would be the best place for you and even opportunities of enjoying (20) the heritage that your parents have left you. As a result of that I have always felt that as black people we have been disadvantaged in the country.

I want to go the second paragraph of this resolution. It notes that "Many of our finest and bravest women have been forced into exile by the apartheid system." As a statement, what do you say about that from your knowledge? -- In fact this came as a great revelation to me when I started travelling to Europe to have my book published, to meet the number of black women, some of whom I have grown with and (30) worked/...

worked with in this country and I have found them in different parts of Europe, some of them in the United Kingdom, some of them in Germany, some of them in the Netherlands, some of them in the USA and the striking thing about all these women is that they have achieved perhaps some of the academic achievements that perhaps in their country they could never have received.

When you say in their country, do you mean South Africa?
-- I mean in South Africa.

If you are asked, will you be able to give a list (10) of the women that you have so met and that have left South Africa? -- If I am requested to do so, I will be willing to do so.

Then we can go to the third paragraph "The system thrives in divisions, one of which division between men and women created by unequal wages and conditions of employment, inequality before the law and vicious applications of removals and pass laws against women." What do you say about that paragraph? -- That paragraph has a great deal in it particularly when you look back on the history of the (20) country in urban areas particularly. There was a time in the history of South Africa that black women were disadvantaged even about the homes that they owed which they lived in with their husbands and when a woman was divorced, this woman had, whether she got the custody of the children, she was told to get out of the house and I know a number of instances of mothers who had to go carrying their children and putting them into different homes while the husband was left in the house and when it came to the question of death, I know of women who were told that they were in the urban areas at the mercy of their husbands and because their (30) husbands/...

husbands were dead, they were expected to go back to the homelands and some of them said where in the homelands, my hisroty is here, my children are born here, my home is here, but these women were told to go back where they came from. I know of instances of women who have been abandoned too by their husbands and may be with families, and at the end of the day it was the man who remained with the house. It goes into the open labour market too where women here for some reason or other, I suppose we will say because they were not adequately trained and skilled and an opportunity that was (10) denied them from the word go in the field of education and I know here of women whose wages were miserable too in industry and they just had to keep there because they had to keep the wolf from the door, sometimes in helping their husbands, sometimes in running their own families as individual parent.

It speaks of inequality before the law. What does that refer to? -- Perhaps I can give my own personal experience, because some time in 1973, I think I was due to go overseas and I did not have a passport and no amount of going to the offices to apply for this passport could I get my passport (20) and finally I was asked whether there was any man in my family who could help me get my passport and I think them that I was a married woman, my husband was dead and that my father lived away from me. I was asked whether there was nobody living with me, except my children, either male or female. I said a male and I was told that my son, my eldest son who was in his teens, that he must give me permission and without his permission I could not get anywhere. I felt terribly insulted, but I had to go overseas and I went back to my son. I shared this with him and the anger in his (30) face/...

face. I said "Mummy, how can I give you permission to go overseas when I am in this house at your mercy? I cannot." I said "For my own good, please sign this paper." Very much against his will he did. I might say it is an instance that faced me but it has faced many other women in different areas of life. I know in a case of some women when they lost their husbands they were demanded by the local authority to remarry and one felt that when your husband is dead, you will remarry because you want to remarry. You do not remarry because you want to keep your home and some of these (10) women were threatened that if they did not get husbands they had no choice of keeping those homes and we have always felt as black women that we have always been treated as the bottom of the pile.

It refers to the "vicious applications of removals and pass laws against women." Do you want to add anything else in relation to that? -- Well, I think the pass laws have a very long history for black women in South Africa and it was when I was writing the book that I was telling you about that in my research I was very happy - in a sense I was (20) sad but at the same time very happy to realise that the black women roundabout in the Free State roundabout Winburg and Kroonstad, when the pass laws were introduced in 1930 and women were expected to carry the pass at that time, that it was the black women who were hardly educated who because they had their children and their husbands and their homes at heart, fought not to carry passes and they staved off the carrying of passes by black women right up to more than forty or forty-two years and this has been a struggle that has been the struggle of black women in this country.(30)

Of course the pass laws were also an issue that made me feel that I could not remain as a teacher because when the abolition of passes and co-ordination of documents act came into being in 1952 I was still then a teacher. There were many children in the school, because children started carrying passes at the age of 16 years and nobody understood what this pass system was all about and in my community when you are a teacher or a social worker, people expect you to know everything and the kids were coming to ask, to find protection, to find assistance and when we tried to understand what was a very difficult document to understand too, as a teacher I was told I was a civic servant and I was meddling in politics in trying to understand the implications of that document.

COURT ADJOURNS.

COURT RESUMES.

K1195

ELLEN HAY KHUZWAYO, still under oath

FURTHER EXAMINATION BY MR BIZOS : Dr Khuzwayo, we were dealing with the resolution taken at the UDF launch, page 25 of exhibit A1. You gave his lordship your personal experience in being treated as a minor. More generally, (20) were women capable of acquiring what were called section 10 rights up to a certain stage in urban areas? -- There was a time when women were part and parcel of their husbands. Particularly if they came from outside, there was no chance of women getting their section 10 qualification to be in the urban areas and I think it was until after the cases of Komane and Lekota, I think, that the women had some foot to stand on in the urban areas where in fact it has gone on now that women are even able to get houses on their own.

If your lordship is interested, the Komane case (30)

KOMANE/...

KOMANE v BANTU AFFAIRS ADMINISTRATION BOARD in the Eastern Cape will give your lordship some idea of the position in 1980 4 SA 448 (A), a judgment of the chief justice.

The resolution goes on on page 25 saying that "We believe that the goal of full recognition of all women of freedom, happiness and security for our children cannot be achieved in the present political and economic situation." Do you go along with that? -- I go along with that.

Let us take the rest of the resolution and I will then ask you some questions about it. "That the oppression (10) in South Africa cannot be wholly removed without removing the oppression of women." Do you go along with that? -- I go along with that.

"We therefore call on all women to bring their organisations to the United Democratic Front so that they can make real out commitments to fight shoulder to shoulder with our menfolk in the common struggle against, race, class and sexual discrimination." You were not at the launch of the UDF, were you? -- Unfortunately I was overseas when the UDF was launched. (20)

Would you have voted for such a resolution if you were present? -- I think I would have voted for a resolution of this nature except I would feel that individual women's organisations would have the choice to decide whether to join the UDF or not.

Do you see anything in this resolution which suggests that any of the demands of the women were to be achieved by the use of violence or any way which included violence? -- To the best of my knowledge I know there are words that can be very misleading, but having been in a number of (30)

women's organisations in my community, I would say we have survived by using words that gave us inspiration, strength, support to forge ahead against the discriminatory legislation and other oppressive laws that have always been our lot and I would therefore say at no time have the women been involved in any physical violence of any form.

Without wishing to ask you to tell us the whole of the women struggle in South Africa, words such as "fighting shoulder to shoulder", were they used in other organisations that you were involved in, women's organisation? -- Yes, (10) they were used and the words "shoulder to shoulder" I do not think we have ever taken it to mean a physical shoulder to shoulder where perhaps people would see us holding guns, but it is side by side with our menfolk, may be even side by side with out children which to me has got quite a different meaning from physical rubbing shoulders.

The state alleges in this case that this is a call to organise, mobilise and politicise women in order to further the aims of the ANC and the South African Communist Party and that the lofty ideals called for here could not (20) be achieved without violence. Would you like to comment on that allegation? -- My understanding of this is against the background which black women have always found themselves confronted with, disadvantaged at all levels as I indicated earlier and as women we have felt that we are as good as any human being, any other woman in other communities, men in all communities, that in fact we believed that we are created in the image and likeness of God like any human being under the sun and we have praised ourselves to justify that belief that we cannot allow other people to misuse (30)

us/...

us because we are women, black women. We feel we have the right like any other human being under the sun to enjoy the opportunities, privileges, rights that other people enjoy and as a result of that, we believed that we have got to conscientise ourselves within our own areas. If there are no jobs, there is no reason why we women in that community should not stand together and say "Women, let us come together and explore what we can do to have an income even if it is just enough to feed your children." And it was in this spirit that some of the women walked out of (10) the factories in Johannesburg, because for too long they have been exploited as far as their wages were concerned and they said we put tools down here, we are going back to Soweto, we are going to get into small little garages where we are going to get other women to come and with with us and learn one's skill or another and I am happy to say that the last ten years that commitment has paid dividends in that community and if the women had not stood together to recognise their discrimination in the political field, in the social field, in the economic field, I have no (20) doubt that the women would not have been wherethey are today. In fact I think the jobs that they are doing is even making less bedding for the government of this country. They are able to give jobs to one another and to make sure that at least their children have a meal and a roof to live under and at least some of them can even still go to school.

The call for women to organise themselves into organisations, how far does that go back that women actually organised themselves as far as you personally are concerned? -- As far back, if I remember well, where I was also (30) involved/...

involved, but I was then a very little girl, in 1937. It was the first black women's organisation which was Grassroots, the national council of African women. It was launched in Bloemfontein 16 and 17 December under the leadership of a woman called Minah Soga and it had its president, first president in the person of Charlot Maxeka.

Did it hold its fiftieth anniversary in 1987? -- Yes, last year we held our fiftieth anniversary and it was held at the University of the Free State in Bloemfontein.

Who was its guest of honour? -- I was one of the (10) people who were in the key positions of giving key note address in that conference.

Last year? -- Last year in 1987.

So, are we to understand that the national council of African woman has been in existence for fifty years? -- It has been.

And has it been active in mobilising, conscientising, politicising and organising women for these fifty years?

-- It has done this. It has carried some of the most noble duties within the community. It has built creches for (20) mothers so that the mothers could go and find jobs and no that their children are at least looked after in some atmosphere.

COURT : In what way did it politicise women? -- Politicise as I understand it is to make women aware of the denial that they have in their community. In this particular instance I would like to cite the fact that if women did not have creches they would be sitting in their homes and when you say to them get together and together we shall find premises and together we shall find some funding whereby we can (30)

buy/...

buy food for our children, whereby we can find someone who can look after these children, and to me this is conscientising, it is politicising, it is to make people aware of the denials that they endure.

Is there a difference between conscientising and politicising? -- The two are so interwoven, but the difference would be very marginal.

MR BIZOS : The national council of African women, does it ever speak of the liberation of African women? -- It is a term that has lived with us for as long as I remember. (10)

Just as a matter of interest, this fiftieth anniversary conference, where was it held in 1987? -- It was held at the University of the Free State in Bloemfontein.

Was there a procession? -- Yes, we left the university and we all were in cars and buses and we went to the township in Bloemfontein and the younger generation, some of us could not take the walking, so we had to sit in cars, those who could not, but the majority of the membership got out of their cars and buses and they all moved down the streets of Bloemfontein to say to other women what are you sitting (20) down for, why are you not making a contribution to improve your lot where you are, why do you moan about the shortcomings and denials that you have and you do nothing about it and indeed I think it was one of the most rewarding and inspiring event to me, I am sure to other women too.

Did you have any banners or flags marching through Bloemfontein black area? -- Yes, the women had the banner of the national council of African women and they all had their different uniforms, because they came from all over South Africa and each one of them had cut their garments (30)

according/...

according to the design of their neighbourhood or community.

What are the colours of this organisation? -- It is green, yellow, mauve - a deep mauve. Their motto is "Do unto others as you would they do unto you."

Without giving us as much detail, what other women's organisations do you know of as having been in existence prior to 1983 when this resolution was passed? -- Others of course are sort of defunct. I am thinking of the ANC Women's League. I think that one died a long time ago after the banning of the ANC, but we have the Black Housewives (10) League, we have the Young Women's Christian Association, we have Zamani Soweto Sisters, we have Ikageng Women's Club. There are a number of different organisations in the black community which although we would say they are doing different functions, you would find somewhere along the line that they dovetail and sort of more or less give similar services to the community.

Do you know about the Federation of South African Women? -- Yes, the Federation of South African Women is another (20) organisation that at present is in existence.

Are a number of women's organisations affiliated to it? -- Some of the women's organisations are affiliated to it. Some of them are not affiliated to it, although when there are functions and they invite them, they come and when these women's organisations have functions and they invite the federation, the federation attends the events too when they have the time.

Do you know of any particular issues that were taken up by the Federation of South African Women and women generally (30)

from/...

from the fifties on? -- There are a number of them and some of them looked very common place. I know some time in the history of black women it used to be a real problem to get to the Johannesburg city and find a place where you could relieve yourself, just ordinary lavatories. There was a time in that city when we depended on the good nature of the men who worked in certain buildings and would say "Baba, can you give me a place, where do you go to" and sometimes people were molested in that situation, up to a time where I remember the Orlando Mothers' Welfare took it up with (10) the City Council of Johannesburg to say our women cannot go on molested like this, we need places, we need place where our women can help themselves in the centre of the city. That looks like an ordinary service that could have been provided but particularly during the "ure" when there was "Blankes alleen". You could not, there were many lavatories in the city for women, but because we were black we were not allowed to use them.

I want to ask you, having given such an example, the allegation by the state here is that the taking up of day (20) to day issues was not during 1983 to 1985 taken up for the purpose of ameliorating the conditions of black people, but for the purposes of overthrowing the state or inducing violence. How common is the taking up of these day to day issues in women's organisations? How common was it to these organisations before and during this period? -- I think I have tried to indicate the history of the black women's organisation in this instance and for as long as I can remember these women's organisations were involved in the day to day issues. The question of finding accommodation for our (30)

when/...

when you go to work. It is a day to day issue. The question after 1976 when everything roundabout the community, the children who were not going to the school and women who were standing together to say as mothers what do we do, the issue of the rubbish that had piled around that community and people did not know what to do. My own house, I remember at one time it did not look like my house. I had to open my own doors in my neighbourhood to allow the women in that community, the men of that community, the children of that community, we stood together because the surroundings (10) after 1976 were threatened, to say the least. So, what we did do, we decided then that we had to stand together and we said there is no sense in people coming in the morning to come and do some work in the community and they do back and they have their own meals. Some people never come back. So, we said, we are going to collect a little fund whereby we are going to buy a common meal for everybody and we had to say Mrs so and so and Mrs so and so, you are going to be the cooks and because I did not want to be seen remaining in my house and may be doing my own household jobs I had(20) to go to the street and take the rubbish and pile it into whoever was coming to help us and doing so, the urban foundation, which was a very new organisation then, recognised what we were doing and helped us with expertise and also with the funding even going as far as building the street where I live which was horrible. My friends could not even visit me.

Were you in Soweto during the 1976 unrest? -- I was.

Did you - I do not want you at this stage to deal with the education part, did you become - we will deal with that(30)

later/...

later - a member of the committee of ten? -- I was one of its founder members.

And did you later become a member of the executive of the Soweto Civic Association? -- Yes, by virtue of having been in the committee of ten because we launched it. I was a member of the executive of the Soweto Civic Association.

The state allegation in this case is that the - that during the period of the indictment, that is during 1983, 84 and mid 85 the Soweto Civic Association was what the state calls an alternative structure and the meaning that has (10) apparently been given to it is that it was really to take over the government of Soweto and replace the black local authority, the town council or city council that was established there. What do you say to that allegation? -- May be my own personal reservations at the time were the fact that the Soweto local authority at that time was called a council. It did not quite settle nicely, particularly right around the country we knew that there were municipalities and may be that name council had another meaning, but having said that, the civic association, as far as I know it and as (20) far as I was its member, it was creating an awareness to the residents of Soweto at small little places to say - I remember there was something that was almost like a slogan when this rubbish was piling up and you would say to the members of the community "Let us go and get rid of this rubbish." They would say to you "The West Rand Board would do it." And the response was "But the West Rand Board members live in the city and you live with the filth that is around you. See it as your responsibility to remove what is around you that is unacceptable and this was the intention(30) to/...

to create awareness in the community to make people for too long we have been told that things are going to be done for us and that there was a certain institution there that was fond to do work for us and nothing happened and at some time we came to the realisation that somebody had to do it. We could not sit there and people started talking about bonny(?) plague and in the 1980's nobody wanted to see that disease catch up with them and we decided to say get away from thinking that somebody will come from outside to come and remove this. If it was a question of creating awareness (10) and may be the word awareness is lighter, but it is exactly the same as conscientising people about their surroundings, wake up from the sleep and stop being dependent, because there has been a syndrome of dependency in the black communities which has been created over the years.

You told us that you had reservations about the name of council of the urban bantu council. What was the standing of the urban bantu council in the seventies in your community? -- The urban bantu councils at the beginning, although the word sort of disturbed people and people thought it is (20) advisory board, but somewhere people accepted this. They thought may be something is going to come out of it, but along the way it soon became very clear to the residents that in fact the decision making was not machinery, was not handed in the name of the people who we saw as black people who were operating within the urban bantu council and sooner than later we realised that other than that there were officials from the West Rand Board who really were still running the urban bantu councils and in course of time some people got(30) frustrated/...

frustrated of this. That is when they even started repudiating the urban bantu councils and calling them useless boys' clubs because they just felt that here was an organ that ought to be doing some work, but which is not even doing anything to help itself to become much more executive than just advisory and that was being said they were not learning anything and the decision still came from the board under which the urban bantu councils were formed and this caused a great deal of frustration in the community.

By June 1976 was the urban bantu council operating (10) properly in Soweto? -- More or less within limits. It was relatively prior to the unrest. May be it enjoyed recognition and acceptance by a section of the community and may be here I should qualify the section and say may be by people who accept what they see without - cautioning without understanding the depth but there were certain things that the Soweto people were expecting. We were a council, we thought we were a local authority and we were beginning to look at our roads. We were beginning to feel that may be within this we should be getting some funds out of the (20) motorists of Soweto. We thought there was going to be a real local authority which would receive moneys from the licences of those who owned cars within Soweto. We had hoped that perhaps somewhere there was going to be a talk about saying this land is given up for development for Soweto to raise income like we we have the CBD's of the other cities. We thought something like that is going to come into being, that was going to begin to give us hope that we are going to somewhere too as a community, but this did not seem to happen and this was tremendous frustration to (30)

the/...

the members of that community.

After the unrest, did the urban bantu council continue functioning at all? -- They did not because somehow the young people after the unrest felt terribly frustrated may be amongst many other frustrations. I remember very well I was an active member of my community, how those young people before the unrest ran from place to place to their parents, to their teachers, I cannot vouch here, but I would not be surprised if they did not approach the UBC to say we are in a dilemma, because the kids used to say we go to school, we are taught(10) in Afrikaans, we cannot pick up one thing, we come back from school blank and it may be failure of the urban bantu council to intervene even in that situation or to be seem to be doing something even if their intervening was not going to be effective. It could have given them some credibility in the eyes of the young people.

You say that it was not really operating after the 1976 unrest. Do you know who took over its functions? -- I think prior to the what we called not the urban bantu councils, the community councils, I think during the interim the West Rand(20) Board took over to look after the affairs and may be it became a bit frustrating because during that time the community became aware of this lack of local authority and a meeting was called. I think it was still the bantu world if I am not mistaken. We were called to the bantu world offices and they just said members of the community, we feel very uncomfortable, there is no local authority in Soweto and that is where we went and assembled and people were really agonising about lack of this major facility, a local authority in the community. And in the process there were about (30)

three/...

three hundred people there - three to five, I could not say exactly and it was that group of people that was charged with the responsibility of saying look, it is very important that we begin to know something about the functions, the duties, the objectives of the local authority and they said we are going to select, we are going to elect from this group some people who must go and study and come back within three to six months with a report on what a local authority is and this is where ten people were elected who formed the committee of ten and there were nine men and I was the tenth person (10) a woman in that committee. The intention here was for people to go and learn something about the local authority and I remember how people - how we went over to people like in the city council of Johannesburg, how we ran to the University of the Witwatersrand, how we worked with people who were knowledgeable on the field of local authority and how we were referred to libraries to go and read more about this because we were working against time and at the end of about four to five months we had done our job and we went back to the people who elected us to say we present what you (20) asked us to do and they were very happy with that.

Did it have a name, the .. -- The group that came together was called the committee of ten.

The result of your work, did you give the document any name? -- Oh, I see, the blue print. We came up with this blue print but we were going to present it to the community and say this is the homework that we have done. I must say we went as far as presenting it to the people that elected us to do the job and then they instructed us, they said we should present this to the community of Soweto to understand (30)

it/...

it and it was at that time that we received three banning orders and the third one was for a meeting that was never called. when we were trying to present this blue print to the community of Soweto about a local authority, its functions, its duties, its objectives and we came to a halt and of course the death then, but it did not die, it was the same committee which on 19 October 1977 all members of that committee were detained.

Including yourself? -- Including myself.

How long did you spend in detention? -- I was five (10) months in detention.

Did some of your fellow committee members spend a little longer in detention? -- Some of them spent a little longer. Some eight to nine months.

When you were all released, did you take this matter up again?-- When we were all released we went back. We felt that it was important that it was very necessary for people to be aware of their responsibility within their community. We felt that Soweto people had taken far too much for granted for long because certain things were said to have been (20) done for them.

Was there any talk at a high level from the prime minister's level at the time about doing something about Soweto? -- What I remember then is when instead of - when we came out of detention in 1978 if my memory serves well, we realised then that the council had in fact put us aside in jail and we found that there was a development now of creating what was then called the community councils that are present today and we realised that there had been a process of election and that election was not very effective because it received(30)

the/...

the six percent pole in the community.

Does the name Dr Louis Reeve mean anything to you? --
Yes, I remember Dr Louis Reeve gave us some hope, I remember the chairman of the committee of ten then was Dr Motlana and a few of us and Louis Reeve came with the intention of telling us - I think he appreciated the effort that we had made and we also hoped that may be he was somebody who was going to enable the committee of ten to want to be recognised by the powers that be and may be even to help facilitate us into a true local authority, but that was very short (10) lift those hopes because somehow before we knew where we were if I remember well we heard that he had gone to the Cape or the Transkei but he was working there and we lost those services.

I do not intend referring the witness to it but your lordship will recall that it is DA51, 52 and 53 that have already been proved as a blue print. When the Soweto Civic Association was formed, after your release from detention, was the civic association formed? -- I did not quite get the question? (20)

Was the civic association formed and was the committee of ten elected as the executive of the Soweto Civic Association? -- That is right. When we came out of detention we re-grouped as the committee of ten and the civic association was formed and for some time the committee of ten was looked upon as the executive body of the civic association in Soweto.

Did this idea of civic associations catch on in other areas in the seventies and very early eighties? -- I remember very well when I was still very active that it got off even in the East Rand. I remember being invited to Vosloorus.(30)

Vosloorus/...

Vosloorus I think is somewhere in Boksburg where we attended the meeting of the civic association there. It was a very rewarding experience to find that - I think their problem then, it had something to do with transport. I cannot remember the detail, but it was very rewarding to see the responsibility that the residents were taking about the issues that were affecting them in the community and were dealing with them in a very responsible manner.

Did your civic association - was it only invited to Vosloorus where you - you went personally. Do you remember (10) if you went elsewhere? -- I know personally that I was in the group that went to Vosloorus, but I would not be surprised if other areas did not invite the civic association to come and help them to pick up their civic associations. Persons began to realise the importance of caring about the area in which you live.

I would like to go over to the question of education particularly for black people. I would like you to please have a look at A1 page 28. Was this resolution drawn to your attention? -- It was. (20)

COURT : When? -- I have been reading it prior to coming here.

MR BIZOS : And you now have it before you? -- I do.

It says "noting (1) that the separate and inferior system of education for the majority of the people of South Africa entrenches inferior and undemocratic ideas." You have been a school teacher. You have had children of your own who have been educated, you have been a social worker, have you studied the question of black education and compared it to the education offered to other people in South Africa? -- (30)

May be even more than that. It is more than studying it.
I have lived it.

What do you say about the inferior system of education for the majority of the people? Is that a correct statement of fact? -- It is a correct statement of fact.

Why do you say that? -- I would like may be to start with - even start at the level of high school. I would like to start by saying all children from where they are starting their education somehow they all look forward to reaching matriculation which is looked upon as the key into higher(10) education and having said that I would like to say it is very uncertain to notice that the black children under the bantu education or under the department of education of training wrote a different matriculation examination from the examination that is written by white children.

CCURE : Are you saying it is a different paper or are you saying it is a different standard? -- I am saying it is a different standard.

Is it a lower or a higher standard? -- To me it is a lower standard. (20)

MR BIZOS : Why do you say that? -- I feel it is lower because you look first at the teachers in those schools. There are instances where teachers are matriculants, they have got their matric certificate, but they are lecturing to students who are working to become matric themselves. I am not saying we did not have graduates in the black schools. We did and may be we still have a few, but because of the low salaries that are paid to black teachers, the tendency for teachers is to opt out for other better job opportunities like in the industry, with the result that the better type of teacher(30) and/...

and the teacher with potential, is easily taken away from the teaching profession to make ends meet elsewhere and one cannot blame them, because they are also looking into the interest of their children and families and this has been a tremendous set back in the black education, but in addition to this, the numbers in the high school education are double the number of the ideal number for that type of education and I think the ideal has always been established as of thirty to thirty-five children in a class, but in the black schools they have doubled that number in very congested(10) classrooms and no teacher, no matter how brilliant he may be, can handle a class of over fifty pupils and do a good job of it. It is therefore not surprising that you will find 90% of passes of the matriculants in white schools and we are grateful if we have 30 or 25% of the children going through that examination, but I think the deciding factor in education is the per capita base. Looking over the figures from 1982 to 1987 I would concede that the per capita base in the black schools has moved from 15 to 20% from something about hundred-and-ninety-five round to some-(20) thing like four hundred and something. It has doubled. But the moment you look at those figures against the figures of the per capita base in the white schools, then that becomes very ridiculous. I think the 1985 figures give us something like three hundred-and-sixty-five for a black child as against about two thousand three hundred-and-seventy, I think seventy-four for a white child and to me that says it all.

As a mother and as a social worker what would you say to his lordship about the importance attached by members (30)

of/...

of your community to the education of their children? --

This is a very long history, a history where black people have paid for their education from day one of the schooling of their children, but where also in some cases, particularly after 1948 I was still a teacher then and during that time our children had school feeding and it was very sad that after the destabilising of the education that had been put across by the missionaries that even at that point children whose parents got up very early in the morning to go to work, parents whose wages were very, very low and they (10) used to give their children - if they gave a child 10c it was a lot, but we knew at least that four 5c our children could get a cup of milk, they could get a slice of bread with peanut butter and even if you are a mother and you are at work, you knew that at least after school, even if you are not at home, the children would have something. Even that little was taken away from us. We felt that it was a gross injustice to the community, particularly that we have never enjoyed the privileges of white parents who at some stage despite their income were able to receive some (20) subsidies from the government and not to pay. Black parents have made sacrifices for their children. I know of parents who were working in domestic work who have literally sold themselves to their employers to say if you only you can pay for my children at university, I will work for you forever. Today we have some doctors in the community. I am not going to mention names, but whose parents staved their lives for the education because our hope in the black community because of the denial of political rights and other things has always been that at least let my children be educated, but it looks (30) like/...

like the present system of education is not carrying them very far. It has gone even inferior. I came out of the mission schools and those of my age groups and these other schools produced great men like John Mafukuzela, a man who built a school in Natal Ohlange, O.T.B. Jabavu, Dr J.S. Moroka, Mr A.J. Luthuli, Z.K. Matthews, Mary Klakana, the list is long. Those were the people who came from these mission schools, who made a grade and who have been the inspiration to the black community to say I hope and wish I can reach there myself one day, but the present system (10) of education is a different story, but of course there were other insinuations that hurt us much more as a community. When statements came from some of the leading people in the government that blacks need to be given the type of education that will keep master/servant relationship between white and black people in this country. In fact, I do not want to get emotional, but this is one of the most hurting things to any parent any where. Every parent in life lives for its children. You would like to see your children better than you are at the end of the day and this has been a struggle(20) that has been on for generations. I know my own grandfather travelled from the Free State on an oxwagon. His parents put him on that oxwagon to cross the rivers of this country to go to Lovedale and to remain there for the duration of three years to finish this education. I am trying to say the story of education in the black community is a long standing story. It is a pity that in the process instead of it going up it has been made to deteriorate and to create frustration, a frustration that has gone down even to the recipients of education. I mean the students themselves. (30)

COURT : I was just wondering while you were speaking whether there are not any inspired teachers any more? Can one generalise in this way? -- I said some of our best teachers have moved into industry and you will realise, may be there are inspired teachers, but the normal thing is, people look for better pastures, particularly in a climate of recession like we live in today. You can to a certain extent say I know why I love teaching myself. My soul was sold to teaching but the climate that came in particularly on the eve of 1953 when there was preparation for the bantu education (10) act you could feel then as a teacher that something wrong was happening and it is at the end of that year, much as our soul was sold to the profession, I realised that I had no future in the teaching profession. If I was going to be an effective teacher, not only to teach ABC, but an effective teacher who was going to give hope to the children that I taught and I realised then I had no scope and I would not be surprised that many others who were sold to the teaching profession could have felt the way I felt and also opted out. I am not for a moment trying to say they have all gone, (20) but I am saying there are many that have gone that should not have gone. That should have been of tremendous help to the students today, which probably would have even stopped the chaos that we have in education for the school going child since 1976 to the present moment.

MR BIZOS : As you have a university background do you know how universities regard a matriculation certificate obtained by a black child under that system of education as compared with the matriculation certificate of a white child? -- In recent years there is a phrase that talks about no-man's (30)

land for the children that go to school. It is these children who hope at the end of the day that I have matriculated and I think I have got the key to higher education or may be the key to better employment in industry and it is these youngsters who at the end of the day have realised that the paper that they are holding with the hope that it is going to open doors for them to get into the universities they get there and they are told it is not the one that qualifies you for the university and I would not say they are not taken seriously. May be the educationist would (10) love to take them serious, but they are not holding a standard that can make them go through the university. You have no idea of a number of children who and then at the end of the day they try to go to the industry and find a job, and they come with this certificate, that does not hold anything for a job. What can you do in this office and the young man says or the young girl says I can do anything or everything and the man says I have no anything or everything here, please go and look for it somewhere and these are the kids that are roaming the streets today, the children (20) whose parents have connected the little bit that they have had, put them through the school with the hope that one day we bank on our children in our community, because we have no incomes, we have big income, we do not have savings and our children are our savings and to hope that when he has done his matric he will go and perhaps become a graduate or he will get into industry and get a job that can bring money to the family and you realise at the end of the day that that child is still depending upon you. There are thousands of them. I am not exaggerating. Who are walking the (30)

streets/...

streets, some of them with what they call school leaving certificate which means absolutely nothing and when they try to go back to school, the doors are closed because there are too many children and you are told you are too old for this, you cannot and those kids up in no-man's land.

We turn back to the second matter that is noted in the resolution on page 28 that "this education system entrenches apartheid" it says. What do you understand by that? -- I think after discussing this at length I feel very strongly that indeed the statement that was said that blacks must (10) be trained in such a way that there is going to remain a situation of master and servant between the white and black communities, is taking effect here. That the education that these youngsters receive lead them to a dead end street.

Then the third matter raised here "The courageous struggle has been waged by students across the length and breadth of our country", what does that refer to? -- I think the struggle here means at the beginning when I saw it I thought it meant coming to terms with the authority. I remember particularly the 1976 period, how those youngsters(20) I was in Soweto then that morning, how they marched in a very dignified manner and when you got chance to talk to one of them to find where they were going to and they said we have tried our parents, we have tried our teachers and we feel we are meeting a dead end and we would like to get to the department's office to go and talk to them there and I think at that time the kids looked forward to some negotiation with those in authority. They had hoped then that they would reach their destination and hopefully talk to the authorities, but the story is told of how along the way (30)

those/...

those kids some of them they would say three of you go to the front when they met there the security and they said tell them we are coming in peace and they used to pick up their little fingers like this and show a peace sign and they would take out their little pocket and turn them out to show that they did not have any weapons, to say we come in peace, we would like to go on and talk to those in authority about the plight we find ourselves in. I think perhaps I do not need to get into the end, because unfortunately those kids never reached the authorities, but at the end of the day(10) the whole situation developed into a chaos after a little boy of 10/11 was shot by the name of Hector Peterson.

The next item that is noted is "The continued harrassment of democratic student organisations in our schools, technikons, colleges and universities." What was the position in 1983 what harrassment had there been of student organisations by that time? -- My mind goes back to the days of South African students organisation, SASO, SASO which was in the sixties which was much more seen as a movement in the university of students who were trying to create a climate(20) of talking amongst themselves about the problems that faced them, but we all know finally that it was banned with the rest of the other organisations in 1977, but after that there were other student bodies, like the students representative council which was followed by COSAS. Those organisations were not foreign to black schools. There had been and there still are student organisations in white schools which give children, students an opportunity to voice their frustrations to get a consensus on the decisions they would like to make and perhaps if they forward these to the authorities, would(30)

be to forward them as a united voice but it is unfortunate to say some of the students who belonged to those organisations have had to flee the country, some of them are dead, but I remember very well during the period of COSAS in particular how the students were yearning for adult guidance. I am one of the parents who was hounded up by the students to say Mrs Khuzwayo, at such and such a time we will be holding a meeting at such and such a church. We would like you to be there and we would like you to come and talk to us and answer questions and I felt very strongly that here (10) were young people who despite their frustration were still ready to ask for guidance from their elders but at the end of the day all those movements have gone and may be here I would like to say our children because of many problems go a little late to school and because of the atmosphere that has been described in schools, they do not get off as fast as their counterparts in white schools and some of them at the age of 18, 19, 20 are still in school, but may be we should remember that at that time their counterparts in the white community are not only inspiring to complete their (20) university education but they are already on the voters' roll. The voters' roll gives them an opportunity to make decisions on the destiny of their country. By that same measuring yardstick I would expect that children of that age group in any community, if they did not get an opening somewhere they would use a platform in their schools, in their universities to try and aspire to what their counterparts in other communities are already enjoying.

What would you say the age of the average matric class in Soweto - in a Soweto high school would be - would have (30) been/...

been from about 1978 to 1983, the average age of the matric class? -- I would want to put it at between 18 and 20 thereabouts.

Do you know how they react to prefects being appointed without consultation with them? Do you know what the attitude of that sort of group of young people is to having the headmaster or the teachers appointing prefects over them without any consultation with them? -- I think here the students who are elected in that way immediately lose credibility with the rest of the student body. They think (10) they are the people who are not going to listen to their grievances, address them or even put them forward to the authorities, but that they are the people who would probably want to be seen as good boys in the eyes of the authorities or their headmaster.

COURT : Do you know about the prefect system in the black schools? -- I know of prefect systems in the black schools. May be I was a prefect once too in my early days. Then may be we were not students, but I was not very popular at school, because the kids always think you connive with (20) the authorities.

But is there no way of electing prefects in the black schools? Are they not elected by the pupils? -- No.

Not at all? -- Not at all that I know of, until they started creating this representative bodies.

Well, that is SRC's. That is something else? -- That is right, but the prefects are the business of the school master and his staff.

MR BIZOS : Without giving any details in relation to the beliefs expressed by the resolution, the first one says (30)

"Our student struggle arises out of genuine grievances."
I do not want to give any details, but because there is a tendency from one side of this case to speak of so-called grievances, what do you say? Are there genuine grievances by black children in the education system? -- I think without belabouring this, I would ask you to go back to what I have said earlier about the atmosphere in the school, the grievances of accommodation that is proper, the teachers that are capable of teaching the children and of course may be we would also appeal for the benefits that students in (10) the white schools enjoyed from the government which our children have not enjoyed where parents have always had to buy uniform, books, pay fees, still give pocket money to your children to get into the bus, still make an allowance that they must have a little bit lunch at school and just in the learning atmosphere prior to 1976 there was hardly a school in Soweto that was electrified. All children, if they went over to school they either had their little candles to go and sit somewhere and study so that they can study together because there was also congestion in the (20) home. It is a vicious circle. It is difficult to point one thing and say this. One thing tuns into the other. The houses are too small. The kids have no place where to learn. They go to school. There is no electrification and naturally children at that level wish to come together and learn as a group. Let me not make too many details.

The expression of the belief that education should be free, equal, relevant and compulsory in a united South Africa, was this sentiment expressed before 1983 in any circles? -- It is along standing desire in the community.(30)

I went to school during the native education days and you always said what is native education and what is the other education? Even then when we were going to the mission schools we still questioned this, our parents still questioned it but because I suppose it is a question of half a loaf is better than no loaf, the community has tried to contend with this, but you can never have separate equal education. Anything that is separate, it is separate for a reason and it can never be equal. One would plead at this point that perhaps the days have come when we as adults and(10) parents of South Africa should begin to rethink the position of education in this country. If not for ourselves, hopefully perhaps to leave some legacy for the youth of this country. We are already at a situation where our children look at envy at one another because other children have and other children do not have. Opportunities are not equal and they are not even seeming to be balanced, particularly when you look at the per capita base, you just feel it is a deciding factor. I think the time has come when we look at - when we need to review the situation of education in(20) the country and it has been there all the time. It has nothing to do with 1983, but I think with the recession and cost of living , the burden and high rate of unemployment in this community, these are the factors that are beginning to know very difficult - very hard on the youngsters that are brought up by the parents whose wages are inadequate.

Can we take the word "relevant" out of the second point if you will have a look there "Education should be relevant" and take it together with the third portion of "should be relevant and based on the needs of the people." Has there(30) been/...

been any call - have there been these sort of calls before that the education should be relevant and they should address the needs of the people? -- When I was a school teacher I remember very well that there was a great deal of call for an education that facilitated independence for the students at a certain age, at a certain level of education and I think relevant here looked at a community like I come out of, where academic work, yes, it is good, it is acceptable, but it could not for a long time be meaningful to all children in that community looking at the given situation(10) in that community and may be here there has been a great lack of allowing the parents to come in and express an opinion. It is has been a question of, I remember, I think it was during Mr Treurnicht's time when he was in education when he said we pay for it and because we pay for it, you must accept what we do for you. This was a very painful thing. One would have expected that parents could have been asked to come and say what do you think and then the kids could have been given some training which would enable them at least if I live I know I can do welding, I can do plumbing,(20) I can do something that can bring income in, but there was a period in my days of growing when even that was not given to the black people. If you wanted any plumbing, they could just be spanner people, but they were not given. It is a very new development. They could only hold a spanner for the white people who knew the job and I am not saying this is what the people would have asked for, but this is what I assess as an individual which could have been very meaningful in the development of the education of the black people, that it should never have been made just a white collar (30)

job/...

job type of education. White kids expect to get into an office and write a letter and finally depend entirely on the salary of those who employ them and never become individuals on their own who could generate income for themselves.

We have heard the expression in this court - rather, we have heard that some of the school children wanted a say in their syllabus, they wanted to be consulted about what they were to be taught. Do you know of any such demands in black education where children articulate what they want and they want a say in what the contents of the syllabus should(10) be?-- Although I would say I have sat with students, I have heard of these demands and I found them legitimate. I found those demands very legitimate in the sense that it is these children, it is always the one who wears the shoes who feels the pinch. It is these children who are faced with this lack of opportunity and who feel that it would be better to get this and not the other and I think at that age, when they are 16, 17, 18, 19, 20, as I have said earlier, when their counterparts are taking decisions in matters that affect their country. At least these kids could be given(20) an opportunity to express an opinion about what they think their education could be. I am not saying that the authorities would be compelled to accept that, but at least there could be a level of negotiation, of talking, of exchanging of ideas with these youngsters. And if it was not right, it would be thrown out. If may be suddenly they said we want you to give us guns in school to start shooting everybody surely the authorities had the right to say you are not going to get it, but I think there is far too much lack of consultation, lack of negotiation, lack of communication,(30) which/...

which at the end of the day ends up in confrontation.

I want you to have a look at paragraph 4 the beliefs expressed "Unequal access to the wealth and resources of our country means that very few of the oppressed people have access to primary." Is that a correct statement that very few of the oppressed people have access to the primary education? What is the correct position in relation to that?-- I think here the situation would probably change from area to area. I would think that a statement like this perhaps if related to rural areas where most of the (10) parents are farm labourers, perhaps this could apply, but I think in urban areas some children go through and go through standard 1, may be standard 2 in that period and they cannot go further. At least they are going through their primary, but I have reason to believe that a great deal of this could be said about rural schools.

But even in some farming areas is there - are there arrangements for farm schools for the farm labourers? -- Sometimes you know you just need to - I am very conscious of the way they travel. I am very conscious of that. (20) I look around. I think it is because I was born and brought up on the farm and I went to farm schools. Fortunately it was on my grandfather's farm where children, even from white farms because there were no schools there, came to my grandfather's school because he had built a school for black children regardless and I am conscious of the distances that I walked by these little ones from point A to point Z when they go to school. It is long distances. I am glad that in recent years it looks as if their parents have schooled them even to refuse lifts. They would rather (30)

walk/...

walk. You stop and you sympathise with them. You want to say to them get into the car, even if you are black they look at you with some suspicion and they say - and you have got to pass on with your car. They walk very long distances and I cannot reconcile my mind to children walking all that long distances getting home, having to do household chores knowing our upbringing as we are and being able to fulfil their school requirements to present them at school, but probably they do some of them.

But leaving the primary question out, very few of (10) secondary and higher education have - very few have access to secondary and higher education. Would you ... -- I would go with that.

COURT : Is primary education not up to standard 5 and secondary education up to standard 10 and higher education tertiary education , that is university education? -- Primary education here in my area of community means from sub-standard A when you first go to school up to about standard 2. No, no, up to about standard 5, as you say, I agree with you, but many children do not reach standard 5. May be I should(20) also make this difference that in my community there is lower and higher primary. The lower primary starts from sub-standard to standard 2 and the higher primary starts from standard 3 upwards to standard 5 or 6, but now they are beginning to say standard 6 is form 1. There are these slight changes, but these are the two primaries that exist in my community, lower and higher.

ASSESSOR (MR KRUGEL) : Higher primary is from standard 3 to? -- Standard 5, but there has been a change, because it looks like they put off standard 6 and standard 6 is taken(30)

as/...

as standard 7 or form 1. There has been some slight change that I am not very clear about.

MR BIZOS : I may say that there has been a very recent change. It divides the school into four quarters. Grade 1 to standard 1, standard 2 to standard 4, standard 5 to standard 7 and standard 8 to standard 10, so you choose your matric subjects at the beginning of standard 8. It is a very recent development.

There is a resolution calling for a democratic system of education for all in a democratic South Africa. (10)

COURT : Are you going away from this education resolution?

MR BIZOS : No, the education resolution, but I have to "hereby resolved" and taking 2 and 3 together, in which the expression *democratic system of education and democratic South Africa* is used. What do you understand by this call for a democratic system of education for all in a democratic South Africa? -- To me this is still a continuation of what we have been saying. One would wish that there could be a situation where genuinely this could be fulfilled where education from all communities in this country could sit (20) around a table and sort out where they should go to and when I talk of representatives from all communities, I would be thinking in particular of representatives that come out of the community. If people felt that they, if I may use myself as an example, Ellen Khuzwayo should sit here, that the powers should be flexible or that, because I think every community knows its strong people, knows its potential leaders and I believe that we need in this country to democratic, it means representation from all communities but perhaps if we finally even differ, but we have made (30)

an/...

an initial step to say let us walk in this direction as a country, as a society.

In subjects such as history and literature, is there a general acceptance of what is being taught at black schools? -- I was personally very hurt, I had done the history and may be geography, that perhaps was not very relevant to my culture, but there was a time when you looked at the history that was being taught black children, that to me sounded much more like brain washing the children and I would like to substantiate that, with an example. Here (10) I will use things at random, not because I referred to them, but where children were being taught at some stage who is the leader of the Bophuthatswana Republic of the Transkei Republic, I thought that was not relevant. I thought the history of this country had been established and I thought the kids were being fed with something that was going to make them not to know the true history where their country comes from. I know there was also at some stage - but it is true that Jan van Riebeeck arrived here at a particular time. That is the history that was taught everybody. We (20) heard that there was also a comparison of a hero this side and a villain that side. Those were differences where you felt that a man like Chaka should never have been seen as somebody who was ruthless. He was equal and very much similar to other European great leaders but we felt very strongly that now to even take it lower, to start make children believe that the South Africa has always been like this, because I felt that in a couple of years people would never know where the country came from, what happened in the past history and I thought that type of history (30) was/...

was out of place in the black schools. I found to be exact, it was much more of an indoctrination than an education.

Since the forties and fifties and sixties have black writers come to the fore in literary acceptable works of international repute? -- Looking back when we look at men Kentemba - I always get very angry because here it has always been men, men, men who have been writing, but mostly it has been black men who have been writing here so we have heard for the last five to ten years of Miriam Tladi who has come on to come and write and I think they have been(10) writing on very valid topics and may be here, if I may say, some of the books perhaps could have even served as literature that could have given a new insight into the outlook of those who write and to look at it very objectively, to see what these writings could mean. Did they have any effect? But most of them have ended up on the shelves - they have just ended up, they have never reached the schools to be encouraged for children to look at.

We have heard the phrase in this case that there are demands for an alternative education. Have you heard that(20) phrase and what is meant by it? -- I have heard it time and again. I would be surprised if anybody has come up with a blue print of what alternative education is, but also having said that, I can see the demand for this. When you look at the system of education which had furred the students with something that did not facilitate them to become independent, individual and of the first seven to ten years of their schooling I could see here the community beginning to say is there no typ of education that can facilitate independency in the black community where a student at the (30)

end of ten years, seven years would feel that here, unable to move on as an individual, I have been furred with education that liberates me from being dependent on my parents on my employer and all those that can form that type of dependency.

His lordship has heard that during 1984 / 1985 there were school boycotts and unrest on school premises, was this the first time that there were school boycotts and unrest on school premises in 1984 / 1985 to your knowledge? --

I am a parent. I have had very sad days in the sixties. (10) My children are now family men but I have had in the sixties when I would be sitting and expecting that the young man is at college, at university and before I know what is happening I read in the paper that something is happening at university and begin to moan in my heart, I hope he is not going to come home, I hope he is not going to be one of them and you can be sure I have been a victim of that too. They have come back in those years, there were strikes, there were unrests, they went to school and they came back and as a parent you were terribly frustrated. It is not a new thing. (20)

I remember at one time I could not even touch my son. He wanted to hold me and say "Mummy, let me explain" because I was too frustrated. I was a single mother then. My husband - how can you do this to me? He said you think I have done this to you, I have not, Mummy, but this has been something that has been going on and on. I remember there was an association which was formed, I never can get the full name, I know the abbreviation, called ASSECA. One of its duties - I cannot say what it fully is. Association for something, but it was an association that tried to represent (30)

parents/...

parents at university to be the body between the parents and management at university to try and interpret the problems that faced the children there. We have always been with unrests in schools for a long time.

Why is that? What causes this unrest in your view?

-- I would expect a number of issues. At least when I took my son to task to say why are you back from university at this time when I have paid fees and I do not have one more cent to pay, his explanation was "Mamma, I was one of the few. There is no way of reaching management at university. (10) I was one of the few elected by the students to go and place the grievances of the students with the authorities. When before we could have anything come to any decision I was thrown out of the university. The students felt very guilty that they were going to remain at school while I was thrown out while they had asked me and a few others to go and speak to the authorities because we could not all go there. The authorities would never hear us, but we had a mandate from the students, they had told us what to say and we were going there." I think lack of communication between (20) authorities and students in this absence of consultation of any type of talk I think to me is one of - I do not say it is the only thing, but it is one of the major roots of destabilising the school programs at university level and at other levels.

What is the response of students generally if people are expelled or detained? If their elected leaders are expelled or detained, what is generally the attitude of the students? -- I would summarise that if somebody was representing me and that person's position is jeopardized (30)

anywhere/...

anywhere, be it at school anywhere, immediately you remain with the guilt feeling that I have placed that person in that situation and I think if you are a person with a commitment and if you are a person who cares, you would not sit down. You would try and address this situation, this problem and perhaps go the authorities and say but look again, we think you have not looked at this, but if those in authority are taking an arbitrary stand on it, I think that immediately instead of opening lines of communication creates confrontation and anything in a situation like that can happen. (10)

Is a boycott one of the responses to detentions and to expulsions? -- Sometimes at universities, even at primary schools, in higher primary schools, no, no, secondary schools children have taken boycotts as an outlet to express their frustration, to express their anger which I think they are entitled to unless they are not human beings. Somewhere your frustration becomes so much that you think the best thing for me to do is to stay out and not go anywhere. But of course I also know of instances where boycotts, particularly in Soweto, came as a result of teachers who were sent into (20) schools from the army or if they were not from the army, some of the teachers who got into class with revolvers in their pockets. That in itself destabilises the schools terribly. I know children came, I had children who lived with me, they were not mine, who went to school. You say you go and you must see for yourself how do you live with teachers that carry guns on them. Immediately there is mistrust. Immediately there is fear. Immediately there is lack of respect.

In what areas did boycotts starts? Was it in the (30)

African/...

African areas that boycotts, school boycotts started in the eighties? -- I cannot respond to that outright. What I am aware of is that there were boycotts in coloured communities, particularly in the Cape. In some of the Indian schools in Lenasia, but what I am not clear about is, which area came first into the boycott? But I know that and to me it looked like a rare situation of solidarity by students from these three communities but I am not very clear of which community came before which one.

What do you say to the suggestion that the UDF and (10) its affiliates including the Soweto Civic Association of which you are still a member organised and incited - incited and organised school boycotts in order to make the country ungovernable or in order to bring about violence? What do you say to that allegation?

MR. FICK : Die staat wil net graag verneem van my geleerde vriend na watter paragraaf in die klagstaat verwys hy nou na waar die staat hierdie bewering maak.

MR. BIZOS : Well, I am happy to hear that it is not.

COURT : No, no, but what are you referring to? (20)

MR. BIZOS : I have not noted the paragraphs. May I just have a look at my notes? It is not as specific as I say. It is an allegation in relation to the youth with the call on the youth to organise and take part in the freedom struggle.

COURT : By the SCA?

MR. BIZOS : Well, the general allegation by the UDF through everyone of its affiliates and the management structures of every affiliate.

COURT : Well, put it in that way, but do not set up a man of straw and then shoot it down. (30)

MR BIZOS/...

MR BIZOS : What do you say that it was for the purposes that boycotts were incited or organised by the UDF or other organisations in Soweto and elsewhere in order that the youth may take part in the freedom struggle? What do you say to that allegation? -- Boycotts related to schools?

Boycotts related to schools. -- I would be surprised that an allegation like that could be made or I would say whoever made that allegation did not have the full facts of the situation in the black education in this country. I would expect that anybody who made that allegation (10) I would say to that person "Please, get your facts straight."

Do you know of any responsible parent or any responsible organisation in your experience that want their children out of school?-- I know of the concern that parents have had about their children going back to school. I have known of parents here, I think because parents in my community in the majority of cases are far below the level of education that their children have achieved and they just do not understand what is happening. I have heard of parents who have chastised their children and called them names for refusing (20) to go to school because they did not understand what was happening and I think every parent, I know of parents who when they felt frustrated, those who could have their money, they have decided to send their children into other schools. I want to say today in Johannesburg there are mushrooming schools on every corner and we are beginning to question the validity of some of these schools and parents are paying exorbitant moneys to see their children through, getting some type of education.

COURT : When you speak of those schools, are those official (30) schools/...

schools or unofficial schools? -- I do not know how official they are, but they operate within the centre of Johannesburg. Whether the people who operate them have got the okay from the DET or not, that I am not sure of.

Do you mean they are sort of correspondence courses? Or crash courses or what type of schools are these? -- I had not been in one of them, but I would suspect that they are much more crash courses than correspondence courses. The point I am trying to make here is the parents are committed (10) to the education of their children to the extent that they are paying exorbitant funds to see their children in schools.

MR BIZOS : Do you know whether these schools that you refer to are institutions set up for profit and take children only above the age of sixteen? -- I would say that most of them - they take all children at high school level and may be the people have realised the plight in which the black community is and their eager for the education of their children and they are exploiting the situation.

COURT : May be they render a service, I do not know? -- (20)
I beg your pardon?

Do they not render a service? -- They render a service perhaps. I have never quite tested to know the quality of education that these kids get out of this, because they are new and they are many and we are beginning to get concerned about them to really know if they delivering the goods as they are expected to.

MR BIZOS : I may say those over sixteen there appears to be a lacuna that it does not have to be registered as a school.

COURT : You do not have to register? (30)

MR BIZOS/...

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KHUZWAYO

MR BIZOS : You do not have to be registered as a school.

So that you have no inspections or control. If you do not have children of schoolgoing age.

COURT ADJOURNS UNTIL 2 MARCH 1988.

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