

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

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SAAKNOMMER: CC 482/85

DELMAS

1986-05-05

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST

ASSESSORE: MNR. W.F. KRUGEL

PROF. W.A. JOUBERT

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. - W. HANEKOM

78

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

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I.I.II  
(VOL 78)

IN THE SUPREME COURT OF SOUTH AFRICA

(TRANSVAAL PROVINCIAL DIVISION)

CASE NO.: CC 482/85

DELMAS

1986-05-05

BEFORE:

THE HONOURABLE MR JUSTICE VAN DIJKHORST

AND ASSESSORS: MR W.F. KRÜGEL (10)

PROF. W.A. JOUBERT

THE STATE versus:

PATRICK MABUYA BALEKA AND 21 OTHERS

O R D E R

VAN DIJKHORST, J.: My attention has been directed to two pages of the Weekly Mail of 2 May 1986. On page 9 of this publication, which is a weekly newspaper, volume 2 no. 17, I find the following:

"A Judge's own notes on police activities:

Notes made by a judge while watching video footage shown by lawyers for the treason trial in Delmas throw a remarkable light on police action during the September 1984 unrest. Lawyers submitted the film to support their contention that violence after a mass funeral in Evaton was the result of police action. What follows is presiding Judge J. van Dijkhorst's record of the video footage: 'A group of people are seen running to the side of the road, presumably trying to get away from their bus which has been stopped. One of the hippos veers right to cut them off. The cameraman then records the following incidents. Police sjambokking through

windows/..

windows, no obvious reason, the Brigadier J. Viljoen, in charge of riot control in the Vaal during September 1984, is seen, his back facing the camera, he is waving his arms and presumably says something to the police sjambokking at the windows because they stop. He then turns and walks out of view at which stage police continue sjambokking at the windows. A person is then struck in the face by a policeman. A policeman is seen sjambokking perhaps three people in the top of the bus. They talk to him and he stops. However, when he sees (10) another policeman climbing up he suddenly starts sjambokking again. You then see a person being kicked on the ground. You then see a youth running away, jumping over a fence and being hauled back. You then see the aforesaid two policemen on top of the bus forcing a person off the top and taking a swipe at his hands with batons as he is about to drop. You then see a person in grey pants and a white shirt in the custody of a policeman. A Black policeman comes up and starts to assault him. You then see the colonel on the top of (20) the Land-Rover. His smile is questionable. You again see the person in the grey pants and white shirt being taken to where a number of people have been grouped on the side of the road, seated. On his way you see him being struck on the head by the butt of a rifle. Reaching the group he is tripped and almost immediately thereafter he is again struck by a baton. What did this poor fellow do to deserve all this attention?"

I wish to place on record:

1. That what is stated here is false. These are not my (30) notes.

2. I/..

2. I did not make any notes on this video film available to anyone, nor did anyone have access to my notes.
3. I will not comment on the correctness of the contents of these alleged notes as the matter is sub judice. It is not to be inferred from my silence on this point that the notes are correct.

I deplore the fact that by this report the public is led to believe that I acted irregularly by making my notes, which are not part of the record, available to the press and that while (10) the case is still being heard and without having given counsel an opportunity to address the Court on the correctness of my observations.

There are further matters in this publication which require comment. On page 8 there is a discussion as to the effect the Van der Walt Commission's report would have on the outcome of this case. It is stated as follows:

"One wonders if the protracted Delmas trial might have taken a different route had the findings been made available earlier." (20)

On page 9 the following appears:

"New evidence which could shake the State's case includes the following .."

and then certain aspects of the evidence are set out. There are other matters which are of not that importance that I need deal with them now.

Prima facie it appears to me that this is a matter where there is contempt of Court. A rule nisi is hereby issued calling upon the editor of the Weekly Mail and the reporter, Joanne Bekker, to show cause in this Court on Tuesday, 6 May 1986, at 09h00 why they should not be convicted of contempt of court. (30)

My/..

My registrar is directed telephonically to inform the editor of the Weekly Mail immediately of this order and the legal representatives of the accused are requested by me to do the same as far as the editor is concerned and the reporter, Joanne Bekker. I will deal with this matter tomorrow morning at 09h00.

- - - -

MNR. FICK U Edele, net voor die Staat die volgende getuie lui, wil die Staat net die Hof se aandag vestig op twee aspekte. Eerstens, mnr. Manthata, een van die beskuldigdes, moet om 11h00 na 'n geneesheer geneem word in verband met sy oë-ondersoek.

HOF: Dit is nr. 16?

MNR. FICK: Sestien, en tweedens is ek deur die tolk versoek om u te versoek of die Hof stiptelik 15h00 kan verdaag. Hy het ook 'n afspraak 16h00 in Johannesburg. Hy sal dit nie maak as die Hof later sit nie.

HOF: Ja, ons sal betyds verdaag. (10)

MNR. FICK: U Edele, die volgende getuie wat die Staat lui wil die Staat aansoek doen dat die getuienis in camera aangehoor word. Ek vra dat die hof om hierdie rede ontruim word.

HOF: Ja, in terme van die Wet op Interne Veiligheid sal hierdie aansoek om die verhoor in camera verder te hou, self in camera afgehandel word. Die hof moet asseblief ontruim word.

MNR. FICK: U Edele, die getuie sal getuienis lewer oor die skakeling tussen UDF en die ANC en ander organisasies.

HOF: Ja, maar wat is die getuie self?

MNR. FICK: Die getuie self is 'n oud ANC-lid en sy vrees vir (20) haar lewe indien sy in die ope hof getuig.

HOF: Is dit 'n vrou?

MNR. FICK: Dit is 'n vrou.

HOF: Hoe oud is sy? Ongeveer.

MNR. FICK: Ek het ongelukkig nie haar ouderdom by my nie. Sy is in die hof.

HOF: Sal u naam asseblief op hierdie stuk papier skryf.

MNR. FICK: Die nommer sal nr. 11 wees indien die Hof die bevel verleen.

HOF: Mr. Bizos, terwyl die getuie skryf, would you like to (30) inform me of any aspects that I should question the witness at

this/..

this stage?

MR BIZOS: My Lord, I want to deal with the first issue and that is are we not going to have this witness's name?

COURT: Eventually I take it we will. It depends on my order, but let us now first deal with the question whether she should give evidence in camera.

MR BIZOS: The way we understand Your Lordship's ruling is that if this person had been a member of the ANC ...

COURT: That was the ruling.

MR BIZOS: Then there is nothing further to discuss, but if (10)  
Your Lorship establishes the fact that she had been a member of the ANC and she has dissociated herself from it, then I do not think that we have anything further to say in relation to giving her evidence in camera but we are concerned and there may be good administrative reasons as to why Your Lordship asked that she should write her name and not give it in court. Because Your Lordship did it with a previous witness we have been into the question and we submit, with the greatest respect that it is not competent to withhold the name ...

COURT: The reason I do that is because we have had difficulty (20)  
in the past in attempting to erase this name from the record where it has appeared page after page after page and I do not want it on the record as such. This would create a difficulty of course because should the matter go further then the Appellate Division will not have the name, but on the other hand the moment we put it on the record there is no safeguard that the identity of this witness will be kept secret. So it is for administrative reasons.

MR BIZOS: Yes, as long as her name is not withheld from us or the accused we submit. (30)

COURT ADDRESSES IN CAMERA WITNESS: I have heard from the  
prosecutor/..



prosecutor that you want your evidence to be given in camera.

Is it true that you were a member of the ANC?

IN CAMERA WITNESS: Yes.

COURT: Why is it that you want your evidence to be given in camera?

IN CAMERA WITNESS: May I address His Lordship in English?

COURT: Yes, certainly.

IN CAMERA WITNESS: According to the ANC now I am regarded as a sell-out for I am working against the ANC and I think everybody is aware of what is happening to the so-called sell-outs, then for my security that is my wish that the evidence should be in (10) camera.

COURT: It is so ruled then, that your evidence will be given in camera. Your name is not to be disclosed outside this court at all and it won't come in the press.

COURT: You can take the oath and you will be known henceforth as witness in camera no. 11.

GETUIE IN CAMERA NR. 11 v.o.e. (Deur Tolk)

ONDERVRAGING DEUR MNR. FICK: U het skoolgegaan in ...

HOF: Net so 'n oomblikkie, dat ek myself hier uitstryk. Wat sê u van die beskikbaarstelling van die naam aan mnr. Bizos? (20)

MNR. FICK: U Edele, ek sal dit aan mnr. Bizos persoonlik, net die naam van die getuie.

HOF: Ja.

MR BIZOS: May I indicate to Your Lordship that this name is not to be confined to me only. I submit that my colleagues and the accused are entitled to know who their accuser is. I do not want it to be understood that I have voluntarily taken part in any sort of chummy arrangement with My Learned Friend. I do not think that it is correct. I think that ...

COURT: No, I thought of handing this piece of paper which (30) I now have to you so that you can write down the name then you

have/..

have got it.

MR BIZOS: As Your Lordship pleases.

COURT: And we trust that you will use it with discretion and disclose it only when it has to be disclosed and that means then inside court and outside court my previous ruling applies.

MR BIZOS: As Your Lordship pleases. Yes, we will do that. If we could have the piece of paper.

ONDERVRAGING DEUR MNR. FICK: U was op skool in die Republiek tot 1980. -- Ja.

Was dit 'n hoërskool? -- Ja. (10)

Terwyl u daar op hoërskool was, het u deelgeneem aan enige aktiwiteite behalwe skoolaktiwiteite? -- Ja, daar is sekere aktiwiteite wat plaasgevind het op die skoolpersele. Ek het toe deelgeneem daaraan.

Kan u net dit omskryf, watse aktiwiteite was dit? -- Dit het gebeur op 'n stadium dat 'n sekere seun van ons skool ge"expel" was. Ons het toe probeer om te verneem van die hoof van die skool wat die redes was hoekom hy, die persoon, "expel" moes word.

Nou, as gevolg van die probleem met die skoolseun - kom ons probeer dit korter maak, wat het julle gedoen, julle skoliere?(20) -- As gevolg van die feit dat ons nie tevrede was met die verduideliking deur die hoof van die skool nie het ons besluit om die skoolboeke te brand.

HOF: Wanneer was dit omtrent? -- Dit was in die jaar 1980.

MNR. FICK: Het julle die skoolboeke toe gebrand? -- Ons het die skoolboeke aan die brand probeer steek alhoewel die boeke nie almal verbrand was nie.

Het julle enige ander aksie geneem, die skoliere? -- Na hierdie voorval van ons mense is toe gearresteer. Ek was een van hulle wat gearresteer was. Ek is toe na 'n tyd vrygelaat. Na (30) ek vrygelaat was, het ek weer teruggekeer en voortgegaan met die skoolaktiwiteite/...

skoolaktiwiteite in die sin dat ek organiseer met ander kinders van ander skole ..

MR BIZOS: My Lord, I am sorry to interrupt. Mr Sutherland has come into court. Could I just have a moment to explain Your Lordship's order in relation to the matter not related to the witness's evidence so that he can communicate ...

COURT: Yes, could we just have the sentence completed.

MR BIZOS: I am sorry.

COURT: Then I will give you an opportunity. Yes? -- Deur ander kinders van ander skole te organiseer. (10)

Wat bedoel u met "organiseer", om wat te doen? - Om "solidarity" te "pledge" met ons.

Net 'n oomblik. Ja, mnr. Bizos.

MR BIZOS: I just want a moment to explain Your Lordship's order to Mr Sutherland because he is probably the best person to ...

COURT: Yes, my registrar will have a copy of the order, well not a copy, but he can read it out to him.

Just tell the witness that should she get tired at any stage during the examination-in-chief or in cross-examination, she is entitled to sit down. -- Yes. (20)

MR BIZOS: I am indebted to Your Lordship.

MNR. FICK: Nou u sê u het toe die kinders van ander skole ook georganiseer om hulle solidariteit of eenheid met u te bewys. Wat het gebeur as gevolg van hierdie organisasie van die kinders? -- Terwyl ons nou aangegaan het met die doel van die organisasie dit het toe gebeur dat in die loop van daardie gebeurtenisse dat skole gebrand het. Na daardie gebeurtenisse het ek 'n seun teëgekomp wat geweet het wat my gevoelens is, naamlik dat ek van plan was, as gevolg van my gevoelens, om Suid-Afrika te verlaat en die persoon het toe gereël dat ek sekere persone ontmoet het wat my sou (30) behulpsaam gewees het om die land te verlaat.

HOF: Waarom wou u die land verlaat? -- As gevolg van die feit dat ek beseft het dat veranderinge moes gebring word in Suid-Afrika en na ek geluister het na die uitsendings van Radio Freedom. Dit het my "instigate" of "motivate" dat ek die gevoel gehad het dat ek by die ANC-organisasie moet gaan aansluit.

MNR. FICK: In daardie selfde jaar, 1980, het u toe die land verlaat? -- Ja, ek het.

U het uiteindelik geëindig in Maseru. -- Ja.

Was het u daar in Maseru gemaak? -- Met my aankoms te Maseru het ek ANC-mense daar ontmoet wat my gehelp het dat ek aansoek(10) moet doen vir die "political asylum under the banner of the ANC."

U het toe so aansoek gedoen. -- Ja, ek het.

Het u aansoek gedoen om 'n paspoort? -- Ja, daar is aansoek gedoen vir my vir 'n paspoort, dit wil sê iemand anders het dit namens my gedoen. Ek het dit nie self gedoen nie, omrede na 'n persoon aansoek gedoen het vir "political asylum" dan val daardie persoon onder die United Nations wat dan namens daardie persoon aansoek doen vir 'n paspoort. Dit beteken nie dat jy nou nie meer 'n lid is van die organisasies waar jy aangesluit het, dat hulle vir jou aansoek moet doen. (20)

HOF: Maar is dit dan 'n United Nations-paspoort wat u kry of is dit 'n Suid-Afrikaanse paspoort wat u kry? -- United Nations se paspoort.

MNR. FICK: Hierdie paspoort is uiteindelik aan u uitgereik in 1981. -- Ja.

Nadat u die paspoort gekry het, waarheen is u toe geneem? Waarheen is u toe? -- Ek is na Angola toe via Mosambiek.

By watter plek in Angola was u? -- Met my aankoms daar het ek by Luanda aangekom. Na die ANC nou ons "declare" het daar in Luanda ons is toe na Vienna-kamp toe geneem. (30)

HOF: "Declare" het of ge"clear" het? -- Ge"clear" het.

MNR. FICK: Laat ons die ding net opklaar, het u u eie lewensgeskiedenis neergeskryf vir die ANC? -- Ja, te Vienna "Transit Camp" het ek my biografie daar geskryf.

HOF: Ek wil net duidelikheid kry. U is nou ge"clear" in Luanda en toe gaan u na die Vienna Transit Camp. -- Ja.

Is dit ook in Luanda? -- Ja.

MNR. FICK: Hierdie kamp, wie se kamp is dit? Is dit een van die Angola-regering s'n of 'n ander plek se kamp? -- Vienna Transit Camp word gebruik deur die ANC en "Mkonto we Sizwe".

Nou, u sê daar in die Vienna-kamp het u u lewensgeskiede-(10) nis neergeskryf vir die ANC. -- Ja.

Hoe lank het u in daardie kamp gebly? -- "Approximately two to three weeks."

Waarheen is u toe geneem? Waarheen is u self? -- Van Vienna Transit Camp ons is toe weggeneem na Kamalundu Camp. "That is in the eastern part of Angola."

Is dit ook 'n ANC-kamp of is dit nou 'n ander soort kamp? -- Dit is ook 'n ANC-kamp.

In hierdie kamp, wat het u daar gedoen? -- Met ons aankoms daar is ons toe opgelei in die ANC-geskiedenis, Freedom Charter en die "strategy and tactics" van die ANC. Die meeste van die tyd het ons in die tuin of in die lande daar gewerk. (20)

Daar is kos gekweek vir die mense van die kamp. -- Ja.

Hoe lank het u in hierdie kamp gebly by Kamalundu? -- Twee maande en twee weke.

Waarheen is u toe? -- Van Kamalundu af het ek toe verhuis na Caculama-kamp.

Nog steeds in Angola? -- Ja.

Nog steeds 'n ANC-kamp of 'n ander kamp? -- Ja, dit is nog 'n ANC-kamp. (30)

Het u daar enige opleiding ondergaan? -- Met my aankoms te

Caculama die opleiding, dit wil sê die militêre opleiding en "political training" het toe begin.

Hierdie militêre opleiding wat u daar ondergaan het, wat het dit behels? -- "Fire-arms, engineering, communication, typography, tactics, march and drill and first aid."

Hierdie opleiding wat u sê wat u met vuurwapens gekry het, watsse vuurwapens was dit? (Intervention)

MR BIZOS: My Lord, this is of course relevant to the allegation that the ANC has conspired to overthrow the State by violence. We have admitted it. (10)

COURT: Yes, it also serves to prove or disprove the credentials of the witness. In that sense I see it as being led.

MR BIZOS: What kind of fire-arms were used, My Lord, goes a little bit further than - it is not going to establish one way or the other whether she was in the camp or not, whether it was an AK47 or Karashulov or whatever the case may be.

COURT: I won't know the difference, Mr Bizos.

MR BIZOS: Neither would I, but I have heard these words.

MNR. FICK: Ek sal dit korter maak. Die politieke opleiding wat u ontvang het daar, watsse tipe opleiding het u ondergaan? -- (20) ANC-geskiedenis, Freedom Charter, "strategy and tactics." Ek het toe teruggekome en toe "basics kom doen in Marxisme ..

HOF: Net 'n oomblik, teruggekome waarnatoe? -- Wat ek bedoel daarby na dit het ek toe die volgende gedoen. "Basics in Marxism and Leninism."

MNR. FICK: Hoe lank het u in hierdie kamp gebly? -- "About seven months."

Waarheen is u toe? -- Terug na Luanda toe van Caculama.

En toe waarheen? -- Van Luanda af is ek na GDR toe, German Democratic Republic. (30)

Omgangstaal Oos-Duitsland? -- Ja.

Wat /..

Wat het u daar gedoen? -- Daar het ek gegaan vir 'n kursus in Marxism en Leninism wat vir tien maande sou geduur het.

Nou waar - laat ek so vra, by wie het u hierdie kursus ondergaan? -- Onder die "Germans".

Die Duitsers. By watter plek was u gewees? Wat noem hulle die plek waar u was? -- Markdebik.(?)

Is dit 'n universiteit of watter plek is dit waar u was? Dit is eintlik wat ek by u wil weet. -- Dit was nie eintlik 'n universiteit nie, maar daar het 'n mens gevind dat daar Duitsers is, mense van die ANC en Tanzaniërs was ook daar. Die kursusse daar wat 'n (10) mens geloop het, het verskil. Ons het die tienmaandekursus daar geloop, dit wil sê die mense van die ANC en die mense van Tanzanië. Wat die Duitsers betref, daar is van hulle wat die kursus in tien maande gedoen het. Daar was ook van hulle wat driemaandekursusse bygewoon het.

In Julie 1983 het u teruggekeer van daar af. -- Ja.

Waarheen is u toe? (Tussenbeide)

HOF: Wag, ek wil net dit weet, die getuie het gesê die kursus sou tien maande duur. Het dit tien maande geduur?

MNR. FICK: Het die kursus die tien maande geduur? -- Ja. (20)

In Julie 1983, waarheen het u teruggekeer? -- Teruggekeer na Luanda toe.

Waar in Luanda was u toe gewees? -- Met my aankoms te Luanda is ek toe geneem na 'n woonstel toe wat ek bewoon het in Luanda. Die woonstel was bewoon deur die mense wat gewerk het vir die Radio Freedom en hulle het van hierdie woonstel ook gewerk.

Was die uitsendings van hierdie gedoen, is dit wat u probeer sê of watter ander werk het hulle daar gedoen? -- Nee, dit is nie waar die uitsendings gedoen was nie. Dit was die plek waar die mense die nuus ge"draft" het en die "comments" bymekaar- (30) gebring word.

Vir uitsending? -- Ja.

Behalwe dat u nou daar gewoon het, het u daar gewerk ook, by Radio Freedom? -- Ja, ek het gewerk.

Het u self uitsendings ook waargeneem? -- Ja, saam met die mense van Radio Freedom. My pligte daar was om uitsendings te maak in Xhosa en in Engels.

HOF: Is Radio Freedom 'n ANC-stasie? -- Ja.

MNR. FICK: Gedurende Augustus 1985 het u ook uitsendings daar gedoen? -- Ja, ek het.

Van 20 Augustus af het u op daardie stadium ook nog (10) uitsendings gedoen? -- Ja.

Wat het u uitgesaai van daardie datum af, 20 Augustus 1983? -- Vanaf 20 tot 22 Augustus ons het uitsendings daar gemaak van Radio Freedom oor die "launching" van die UDF. In daardie dae wat ek genoem het, het ek uitsendings gemaak net vir 'n dag.

HOF: U het net op een dag uitgesaai? -- Ja.

MNR. FICK: Nou, op watter dag .. -- Dit is as gevolg van die rooster wat ons daar beplan wie gaan wat uitsaai wanneer. Dit is hoekom ek net vir 'n dag 'n uitsending gemaak het.

HOF: Het u lewendig uitgesaai of het u eers op band gepraat (20) en is dit dan later oor die lug gespeel? -- Ons het lewendige uitsendings gemaak vir die Radio National De Angola wat dan op band opgesit is. As die tyd kom dat daardie uitsending nou moet uitkom dan sal hulle daarvandaan die band speel wat dan die band sal wees wat uitsaai.

Met ander woorde u het dit op laat neem op band en dan het Radio Angola dit gespeel vir Freedom Radio of hoe het dit gewerk? -- Wat gebeur het, is lewendig het ek uitgesaai in 'n sekere kamer waar die uitsending op band geneem was en later sou die mense van Radio Angola dan daardie band kom kry en dit gaan speel in 'n (30) ander kamer as 'n uitsending nou oor die radio.



MNR. FICK: In dieselfde gebou? -- Ja.

Laat ons dit nou net duidelik kry, Radio Freedom, het hy sekere tye gehad wat hy spesifiek elke dag uitgesaai het of het hy enige tyd uitgesaai? -- Hy het 'n sekere tyd, 'n spesifieke tyd vir sy uitsendings gehad.

Verstaan ek u reg dat die tyd wat Radio Freedom uitgesaai het, is tyd wat gegee is deur Radio Angola op die uitsenders van Radio Angola? Dit is toegeken aan Radio Freedom en dan is daardie uitsending gedoen. -- Ja, dit is so.

En waarheen is uitgesaai Radio Freedom toe, na watter (10) lande toe? -- By die mense in Suid-Afrika.

In wie se opdrag het u uitgesaai, uitsendings gedoen? -- Soos ons nou weet dat ANC bestaan op verskillende strukture wat ook al 'n mens dit kan noem. In die Radio Freedom se afdeling, daar is sekere mense wat eintlik in beheer is van die uitsendings. Na ek nou gesê was dat ek onder Radio Freedom se groep gaan werk alles wat ek daar gedoen het, het ek gedoen met die instruksies van die persoon in beheer van daardie tak van die Radio Freedom.

U sê u het oor die tydperk 20 tot 22 Augustus was een keer deur u uitsendings saamgestel, weet u watter dag die uitsendings was? -- Aangesien dit nou lank gelede gebeur het, ek sal nie die (20) presiese dag kan onthou nie.

U sê dit was in verband met die stigting van UDF, wat het u uitgesaai in verband met die stigting van UDF? -- (Witness addresses Court in English.) "The call was made to all the people in South Africa together with their democratic organisations to attend the launching of the UDF which was held at Mitchell's Plain in Cape Town." Dit was die uitsending.

HOF: Wat verstaan u onder 'n "democratic organisation"? -- In my verstaan van dit hulle praat van al die organisasies wat eint- (30) lik belang stel in die vryheidstelling van die Swartmense in

Suid-Afrika/..

Suid-Afrika - verskoning, van die mense in Suid-Afrika.

Bedoel u die bevryding? -- Bevryding van die mense in Suid-Afrika nie net spesifiek die Swartmense nie, maar die mense in die algemeen.

Bevryding van wat? -- Van die apartheid teen 'n Swartpersoon in Suid-Afrika.

MNR. FICK: Die begrip "demokratiese organisasies", is dit 'n ANC-begrip wat u ook daar teëgekem het of is dit u eie begrip?

MR BIZOS: With the greatest respect, My Lord, that is a leading question and in the circumstances impermissible. The witness (10) has given her meaning, My Lord, and the introduction of the ANC is clearly calculated to be prejudicial and it should not have happened.

HOF: U kan nou vra om uit te brei op die begrip demokratiese organisasie, maar moet dit nou nie koppel aan 'n spesifieke instansie nie.

MNR. FICK: Die begrip wat u geuiter het, demokratiese organisasie, is dit u eie begrip of nie? -- Dit is as gevolg van die opleiding wat ek ondergaan het by die ANC as 'n lid en die verstand wat ek toe destyds gekry het as gevolg van die opleiding, dit is (20) hoekom ek dit so beskryf.

HOF: Wat bedoel u met die begrip "democratic"? -- By that I mean the progressive minded organisation, that means all the people who are looking forward in the freedom of the oppressed and exploited people of South Africa.

The freedom of the oppressed and the? -- Exploited.

Exploited people.

MNR. FICK: Nou, die einde 1983, Augustus 1983, ekskuus, waar is u toe heen? -- Ek is na Libië toe, Tripoli.

HOF: Wanneer was dit in 1983? (30)

MNR. FICK: Einde Augustus 1983. 'n Paar vrae hieroor. Hoe lank

was/..

was u daar gewees, in Tripoli? -- "Two and a half weeks."

Twee en n halwe weke, sê u. Het u uit u eie uit gegaan soontoe, is u gestuur soontoe, u het die ding nou gewerk? -- Ek is soontoe met die oog om n "festival" by te woon van die Pan African Youth wat gehou was te Libië.

Laat ons net duidelik kry, het u uit u eie gegaan om die fees by te woon of as u n afgevaardigde of hoe het die ding gewerk? -- Ek was afgevaardig.

Deur wie? -- Deur die ANC.

Het u enige lesings ontvang by hierdie fees? -- Ja, ter- (10) wyl ons die fees daar bygewoon het, het ons lesings gekry van die groen boek. "It deals with the ideology concerning the Arab Socialism" of "Moslem Socialism."

Die groen boek, verstaan ek u reg, gaan oor die Arabiese sosialisme? -- Ja.

By wie het u hierdie lesings gekry? -- Kolonel Gaddafi het vir ons die lesings daar gegee.

Van daar af, waar is u toe heen? -- Na die fees klaar was, het ek terugkeer na Luanda toe.

Na watter plek in Luanda, wat het u gedoen? -- Terug na (20) die plek toe waar ek vroeër gewerk het by Radio Freedom.

U is gedurende Oktober 1983 weg daar by Radio Freedom, waarheen? -- Ek is na Lusaka toe in Zambië.

Wat het u daar gedoen? -- Dit is waar ek nou by SACTU aansluit het.

SACTU, wat is dit? Waarvoor staan dit? -- The South African Congress of Trade Unions.

Is daar enige verbintenis tussen hierdie SACTU wat u van praat en die ANC vir wie u vroeër gewerk het? (Intervention)

MR BIZOS: My Lord, could it be made clear that it is not (30) the witness's opinion that is being sought but only evidence that she/..

that she is able to give.

HOF: Ja, uit u eie kennis. -- Herhaal die vraag, asseblief.

Die vraag is of daar 'n verbintenis is tussen die ANC en SACTU. -- Ja, wat my kennis betref hulle werk saam.

MNR. FICK: Kom ek vra vir u so, u het nou by SACTU uitgekom. Het u uit u eie uit SACTU toe gegaan, is u soontoe gestuur deur iemand of hoe werk die ding? -- Ek is soontoe gestuur.

HOF: Deur die ANC? -- Die algemene sekretaris en die hoof van die "internal" van SACTU het by Luanda gekom ..

Ek het nie - net 'n oomblik, die algemene sekretaris en (10) die hoof van die "internal"? -- "Internal".

Albei van SACTU? -- Albei van SACTU het na Luanda toe gekom.

Ja? -- Hulle het my genader in die geselskap van die "regional commander" van die ANC te Angola. Hulle is die persone wat vir my daar kom sê het dat ek moet saak met SACTU gaan werk te Lusaka.

As wat? -- Eintlik nie dat ek moet 'n spesifieke werk gaan doen nie. Wat hulle daarby bedoel het, is dat ek moet by SACTU gaan aansluit.

Ja, maar ek het begryp dat SACTU is 'n vakbond, 'n kongres (20) van vakbonde. -- Ja.

Sou u as vakbondlid aansluit of sou u daar in diens tree? Wat sou u doen? -- Dit was nie aan my verduidelik of ek nou 'n spesifieke tipe werk moet gaan doen by SACTU nie, maar al wat hulle vir my gesê het, is dat ek sal 'n lid word van SACTU.

MNR. FICK: Die twee persone van SACTU was nou daar gewees en daar is die streeksbevelvoerder van die ANC. Het hy enige sê gehad oor hierdie versoek van die twee manne dat u na SACTU moet gaan? -- Al wat hy gesê het, was aangesien hy nou gehoor het van die twee lede van SACTU "dat hulle jou benodig het, jy moet nou (30) jouself voorberei, want jy kan op enige dag vertrek hiervandaan."

HOF/..

HOF: Was dit nou die "regional commander"? -- Ja.

MNR. FICK: Voordat ons nou verder gaan met betrekking tot Lusaka, terwyl u nog by Radio Freedom was, nadat u teruggekom het van Libië, het u enige verdere opnames gemaak vir uitsending deur Radio Freedom weer? -- Ja, ek het.

Het u ooit weer enigiets te doen gehad, terwyl u daar by Radio Freedom was, met enige aspek in verband met UDF? -- Ek het weer uitgesaai. "We saw it as an achievement in the struggle in South Africa for the people now were getting more organised" (deur getuie self). U Edele, dit is die besluit wat ons geneem het ons besprekings as uitsenders van Radio Freedom na ons dit bespreek het "and we even saw the UDF - the launching of the UDF as one of the major achievements in the sense that it was one of the biggest achievements in South Africa after - ever since the ANC has been banned because the last gathering we had in South Africa it was the adoption of the Freedom Charter in Kliptown" (deur getuie self). (10)

Kan ons dit net duidelik kry, u sê die uitsenders het daar gevoel dat die stigting van die UDF was een van die grootste mylpale wat bereik was. Is hierdie gevoel van die uitsenders, (20) is dit ooit oor Radio Freedom uitgesaai, enigiets in verband daarmee? -- Ja.

Wat het u uitgesaai? -- "In fact what we actually said was that in popularising the UDF we explained to us how we saw the UDF, as I have already said that it was an achievement on our side, that is now the people in South Africa were getting more organised in the struggle for liberation" (deur getuie self). Dit is wat ons uitgesend het. "And we went further, that is to - we tried to take some statements which were made by the ANC president, that is on 8 January, that is from 1982 and 1983 when (30) 1982 was declared the year of unity and action and when 1983 was declared/..

declared the year of united action.

COURT: Just a moment. You are going a bit fast for me. You tried to take some statements of the ANC president of 8 January 1982 and of 8 January 1983? -- Some parts of his statement.

Yes, and did you broadcast it? -- Yes. In fact what actually happened we made some reference from the statement.

You quoted it.-- Yes.

Now, the first statement was about, the '82 statement? -- When the ANC president was calling on the people that they must get united, I mean in the sense of they must try to organise (10) even among the White ranks.

And the '83 statement? -- The '83 statement we quoted the president whereby he was saying that the people together with their democratic organisations, they must unite and form a united front.

MNR. FICK: Kan ek net duidelikheid kry, dit wat u nou gesê het, die aanhalings van die president van die ANC, Tambo, was dit aangehaal in dieselfde tyd of dieselfde toespraak toe u die uitsending gemaak het in verband met die UDF of is dit nou verskillende tye? -- In die uitsending waar ons die UDF populariseer (20) het, het ons hierdie uittreksels van die toespraak van die president ook daar in daardie uitsending genoem.

HOF: Net voordat u verder gaan, albei die verklarings of toesprake was gemaak op 8 Januarie. Die een in '82 en die een in '83. Het dit enige betekenis, waarom 8 Januarie? -- U Edele, die rede daarvoor is dat die stigting van die ANC was op 8 Januarie 1912, met die gevolg elke 8 Januarie die president van die ANC maak 'n verklaring. Dit is waar hy nou vir die mense daar sê in hierdie verklaring wat vanjaar is dié in sy verklaring op die 8ste.

MNR. FICK: Ons was nou laas by die mense wat daar aangekom (30) het en gevra het u moet SACTU toe gaan in Lusaka, het u toe gegaan?

-- Ja/..

-- Ja.

Wat het u gedoen uiteindelik by SACTU toe u daar aankom in Lusaka? -- In my tyd wat ek in Lusaka was, daardie tydperk, was ek behulpsaam met die tikwerk vir die International Department van SACTU.

Nou, u het daar gebly tot Januarie 1984. -- Ja.

U het toe weer geëindig in Maseru in Lesotho. -- Ja.

By watter plek? Het u op u eie gebly of was u by 'n organisasie of hoe werk die ding? -- Omdat ek van Lusaka weg is as gevolg van SACTU te Maseru het ek weer by SACTU gaan woon. (10)

HOF: Het SACTU u oorgeplaas na Maseru? -- Ja.

MNR. FICK: Sou u in SACTU bly werk het in Maseru of was u op pad na 'n ander plek toe? -- Ek was op pad na 'n ander plek toe.

Na watter plek toe? -- Na Suid-Afrika toe.

Het u uit u eie besluit u wil terugkom Suid-Afrika toe of was u gestuur met 'n opdrag Suid-Afrika toe of hoe werk die ding? -- Ek het 'n opdrag gehad om sekere pligte uit te voer in Suid-Afrika.

Ons sal netnou by u pligte kom. Laat ons nou eers vassteek by Maseru. Wat het u in Maseru gedoen terwyl u daar by SACTU was? -- Terwyl ek nog gewag het te Maseru vir die tyd om nou terug te keer in Suid-Afrika, was ek versoek as daar mense gekom het, dat ek opleiding aan die mense moet gee. (20)

Hieroor eerstens as die mense van waar kom, watter mense? -- Ek weet nie of u my mooi verstaan nie. Ek sê ek was versoek as daar mense is wat gekom het, dit wil sê gekom het van Suid-Afrika, om daardie persone opleiding te gee.

HOF: Dit is nou mense wat in transit is na die buiteland toe of wat net spesifiek vir opleiding kom om dan weer terug te gaan na Suid-Afrika? -- Dit is mense wat sal terugkom na Suid-Afrika toe. (30)

MNR. FICK: Het u vir sodanige mense opleiding gegee? -- Ja.

n Paar vrae hieroor. Watse opleiding het u vir die mense gegee? -- Die gebruik van die AK47 en hoe n mens dit moet hanteer Die vervaardiging van petrolbomme. Ek het hulle lesings gegee oor die geskiedenis van die ANC en hoe om n offensiewe handgraanaat te hanteer.

Tweedens, die persone wat by u opleiding ontvang het so, is dit elke keer enkelinge of was dit groepe gewees, een groep? -- Vir die heel eerste keer was daar net twee persone gewees. Die tweede keer was daar net een persoon gewees. (10)

Was daar nog meer keer? -- Daar was nog een wat gekom het vir wie ek nou lesings gegee het oor die geskiedenis van die ANC.

Hierdie opleiding wat u so vir die persone gegee het, hoe lank het so n opleidingstyd geduur? -- Dit het afgehang van die persone aan wie die opleiding gegee word, of hulle nou maklik kan verstaan wat aan hulle opgelei word of vat hulle lank.

HOF: Of hulle n affiniteit het vir geskiedenis of nie.

MNR. FICK: Kom ons vra dit andersom, ken u die begrip "crash course"? -- Ja.

Was hierdie nou so iets of was dit spesifieke opleidings-(20) kursusse wat spesifieke tye voor neergesit is, bepaal is? -- Dit was n "crash course" gewees.

HOF: Noudat ek hierdie gedeelte van die getuienis gehoor het, ontstaan die vraag of hierdie getuie nie gewaarsku moes gewees het onder artikel 204 nie?

MNR. FICK: U Edele, ek kan op rekord plaas dat hierdie getuie was vantevore in n ander saak gewaarsku.

MR BIZOS: Did I hereby understand correctly that she was absolved

COURT: "Gewaarsku" he said, warned.

MNR. FICK: Ek kan dit op rekord plaas as My Geleerde Vriend (30) verder wil gaan.

HOF/...



HOF: U hoef niks verder te maak nie, mnr. Fick. Dit is in u hande of ek 'n getuie waarsku of nie waarsku nie. U het my nie gevra nie en ek het dit nie gedoen nie. Ek het gedink dit is 'n oorsig en daarom het ek u aandag daarop gevestig. Nou blyk dit dat u van mening is dit is nie 'n oorsig nie. Dus, wat my betref, is die saak afgehandel.

MNR. FICK: Die organisasie SAAWU, ken u hom?

HOF: Net - was dit 'n "crash course" of was dit nie 'n "crash course" nie. Het ons al 'n antwoord daarop?

MNR. FICK: Die getuie het gesê dit was 'n "crash course". (10)

HOF: Goed. Ja, die organisasie?

MNR. FICK: SAAWU. Ken u dit? -- Ja.

Wat is dit? Is dit 'n gemeenskapsorganisasie, is dit 'n vakbond, is dit 'n jeugorganisasie? -- Dit is die werknemers se organisasie.

HOF: Is dit 'n vakbond? -- Ja.

MNR. FICK: Terwyl u hier in Maseru was, by SACTU, het u enigiets te doen gehad met hierdie organisasie of met persone van daardie organisasie?-- Terwyl ek in Maseru was, dit het gebeur dat SAAWU-mense in Lesotho aangekom het. (20)

Weet u wie dit is? -- Tosamile Gqweta en Eric Mntonga.

HOF: Hoe spel 'n mens die laaste van? -- M-n-t-o-n-g-a.

MNR. FICK: Waar is hulle heen daar in Maseru? -- Hulle het SACTU mense daar kom ontmoet.

Was u by? -- Toe hulle gehaal was van die hotel af tot by die SACTU-huis was ek by.

Weet u met wie hulle kom praat het by SACTU-huis? -- Hulle het met die lede van die SACTU Unity gepraat.

Laat ek dit nou eers opklaar. Hierdie SACTU Unity wat u nou van praat, is dit nou gewone lede van SACTU of is dit (30) bestuurslede of hoe werk die ding? -- Dit is SACTU-lede.

Het u/..

Het u gehoor waaroor hulle gepraat het? -- Ja, ek het.

Waaroor het hulle gepraat? -- Hulle het raad kom vra aangaande die probleme wat bestaan het in SAAWU self.

Watse probleme was dit? Kon u hoor? -- Met die uitsetting van die twee persone uit die kantore uit, naamlik Sam Kikine en Barnabas Nnongo, daar was toe probleme gewees.

Laat ons net duidelikheid kry, waar is die persone nou uitgesit, uit SACTU of uit SAAWU uit? -- Dit was die SAAWU-kantoor.

HOF: Hoe verbind u dit aan hierdie saak, dat die manne uit hulle kantore gesit is? (10)

MNR. FICK: Nee, dit is net - SAAWU is, volgens die akte van beskuldiging, een van die samesweerders.

HOF: Ja, dit is so. Nou het u al klaar vertel hulle het kom raad vra daar by die mense oor hulle probleme. Nou, stel ek nou verder belang in mnr. Kikine en mnr. Nnongo wat uit kantore gesit is?

MNR. FICK: Nee, dit is net om aan te dui wat die soort raad is wat hulle kom vra het.

HOF: Ja.

MNR. FICK: Die gesprek het oor hierdie persone gegaan? -- (20)  
Nee, hulle is drie. Dit is nie net twee nie.

HOF: Laat ons net duidelikheid kry. Is dit Sam Kikine en Barnabas Nnongo? Nnonbo? -- Die fout het gekom by Nnongo. Dit is die tweede persoon. Dit is Barnabas Nnongo, dan die derde persoon S. Ngcobo.

Hoe speel 'n mens Kikine? -- K-i-k-i-n-e.

Dit is soos ek hom gehad het en die tweede een is Barnabas?  
-- Die tweede een is Barnabas, net Barnabas.

Sonder 'n van, ja? Die derde een is? -- Ngcobo.

MNR. FICK: Terwyl u nog daar in Maseru was, het u enige vertonings gesien van video-opnames? -- Ja, dit was in die (30)

"university" van Lesotho gewees. Dit het gegaan oor die "launching" van die UDF. Dié het ek weer die tweede keer gesien, die vertoning, by die SACTU-huis.

Wag net so 'n bietjie. Verstaan ek u reg u het op twee geleenthede video-opnames gesien? -- Ja.

Nou, die eerste keer toe dit by die universiteit was, wie het daardie video's vertoon, wie het dit aangebied? -- Dit is die ANC-mense.

K243 Hoe het dit gekom dat u die goed bygewoon het? Het u uit u eie gegaan, het u daarvan gehoor, is u gesê u moet gaan of (10) hoe werk die ding? -- Ek was daarvan verwittig dat daar 'n vertoning gaan wees van 'n video te Universiteit van Lesotho.

Wie het u verwittig? -- Kingdom het my vertel.

Wie is Kingdom? -- Hy is 'n lid van SACTU.

Is dit nou ten aansien van die vertoning by die universiteit? -- Ja, dat daar 'n vertoning sal wees by die universiteit. Al was dit nie hy wat eintlik dit gedoen het of voorberei het nie, maar hy is die persoon wat vir my gesê het.

Die vertoning wat daar by die universiteit gegee is, is dit vir die publiek gegee of is dit net vir sekere mense gegee? -- (20) Dit was vir die lede van die ANC, naamlik die studente wat by hierdie universiteit was asook ander mense wat van Maseru afkomstig was.

Hoeveel was daar by hierdie vertoning by die universiteit? -- Hulle was nie so baie gewees nie, maar ek sal sê dit was twintig plus.

En die tweede vertoning, waar het u die ding gesien? -- Dit was in die SACTU-huis.

Was dit lank na die eerste vertoning? -- 'n Paar dae na die eerste vertoning. (50)

Wie het hierdie tweede vertoning aangebied? -- Kingdom.

Hoeveel/..

Hoeveel mense was by die ding? -- "About eleven" van ons.

SACTU-mense, die publiek? -- Ja, die meeste was SACTU-mense gewees, behalwe een van die ANC.

Is vir u gesê waarom u hierdie goed bywoon of is u net uitgenooi of was u verplig om dit by te woon? -- Ons is net genooi om die vertoning te kom sien.

Laastens ten aansien van Maseru wil ek vir u iets vra, ANC-publikasies, weet u of die ANC publikasies het? -- Ja, ek weet.

Watter publikasies ken u van die ANC? -- Dawn, Mayibuye, Voice of Women, Sechaba, African Communist. Dit is al. (10)

Weet u uit eie kennis of van hierdie publikasies van die ANC die land inkom? -- Ja, ek weet.

Hoe weet u? -- Herhaal daardie eerste vraag nou. Net voor die laaste vraag wat u gevra het.

HOF: Die vraag is of u weet uit eie kennis of die publikasies die land, Suid-Afrika, binnekom. -- Ja, ek weet.

En die tweede vraag is hoe weet u dit. -- In hierdie tydperk wat ek 'n lid was van SACTU te Maseru was ek behulpsaam gewees met die voorbereidings van hierdie publikasies, dat hulle hierdie land moet binnekom. (20)

MNR. FICK: U kan ons nie meer volledig sê wat het u gedoen en hoe is gereël hulle moet die land inkom nie? -- Ons het hierdie laat deurkom na hierdie land toe deur gebruik te maak van "cooler bags" om "false bottoms" te maak van die "cooler bags" asook aan die kante van die "cooler bags".

Het julle vals kante gemaak of het julle die goed ingesit in die kante of hoe werk die ding? -- Wat ons gedoen het, was ons het die "cooler bag" oopgemaak en die spons uitgehaal wat in die "cooler bag" is en dit vervang met hierdie waarna verwys word as kennisgewing of die boeke. Na ons dit gedoen het dan sal ons (30) dit weer met daardie spons pak aan die kante dat dit nie sigbaar

kan wees dat daar ooit met dit gepeuter was deur dit oop te maak nie.

HOF: Gaan u oor na 'n ander onderwerp?

MNR. FICK: Ek gaan oor na 'n ander onderwerp.

HOF: Is dit 'n geleë tyd vir die verdaging?

HOF VERDAAG VIR TEE.    HOF HERVAT.

MNR. FICK: U Edele, terwyl ons vir die getuie wag kan ek net op rekord plaas beskuldigde nr. 16 is geneem na die geneesheer.

IN CAMERA-GETUIE NR. 11 (Nog onder eed)

VERDERE ONDERVRAGING DEUR MNR. FICK: Net een aspek voor ons (10)

verder gaan van Maseru af, het u op enige stadium enige, behalwe video-opnames, enige ander opnames in verband met die stigting van die UDF gesien, hanteer? (Tussenbeide)

HOF: Wat bedoel u met ander opnames as video-opnames?

MNR. FICK: Klankopnames.

HOF: Klankopnames? Ja? -- Ja, te Angola het ons 'n bandopname gekry wat oor die "launching" van die UDF was.

MNR. FICK: Laat ons net dit duidelik kry, was dit nou nadat u in Tripoli was of was dit voor die tyd, hoe werk dit? -- Na ek teruggekom het van Tripoli. (20)

Was u op daardie stadium nog werksaam by Radio Freedom? -- Ja.

HOF: As u sê u het hom gekry, het u hom vir uself gekry of wat bedoel u met gekry? -- Dit was na ons versend deur die DIP wat 'n tak is van die Radio Freedom na ons afdeling van Radio Freedom.

MNR. FICK: Die DIP, waarvoor staan dit? -- The Department of Information and Propaganda.

HOF: Van die ANC? -- Ja.

MNR. FICK: Wat het u toe met hierdie opname gemaak? Het u dit gehou by Radio Freedom, uitgesaai, wat het u met die ding (30) gemaak? -- Ons het dit nie uitgesaai nie. Ons het dit gestuur na

Vienna Transit Camp dat dit daar kan gespeel word vir die mense wat daar teenwoordig is.

MNR. FICK: Laat ons net duidelikheid kry daaroor, is dit nou vir die mense wat in beheer van die kamp is of vir die inwoners wat daar inkom by die kamp? -- Soos ek gesê het Vienna is 'n "transit camp". Dié ontvang mense wat hulle opleiding al voltooi het en mense wat nou gekom het wat nog gaan vir die opleiding. Daar is 'n administrasie-afdeling, dit wil sê die mense wat daar is, wat daar woon. So, dit is gespeel vir al daardie tipe mense daar.

HOF: As u nou praat van 'n band oor die "launching" van die (10) UDF, is dit 'n opname van die gebeurtenisse by die stigting van die UDF? -- Ja, dit is die kasset.

MNR. FICK: Nou, van Maseru af, waarheen is u? -- Ek is na Queenstown toe.

Wanneer was dit gewees? -- "August 1984."

U het vroeër vir ons gesê u het 'n opdrag gehad wat u moes gaan uitvoer. Wat was hierdie opdrag wat u moes uitvoer? -- Om 'n "propaganda unit" oop te maak en werwing van persone.

HOF: Vir wie? -- Vir die ANC.

MNR. FICK: Het u opdrag ingesluit waar u hierdie propaganda- (20) eenheid moes stig? -- Ja.

Was dit in Queenstown self of waar was dit? -- In Queenstown.

HOF: Die opdrag om die dinge te gaan doen, het u die opdrag in Maseru ontvang of in Lusaka of in Luanda? -- Maseru.

MNR. FICK: Het u so 'n propaganda-eenheid gestig te Queenstown? -- Ek het probeer om dit te stig.

Wat het u gedoen in hierdie poging om so 'n ding te stig? -- Om die nodige masjiene te bekom wat sou nodig gewees het.

Watse masjiene? -- Tikmasjien en die dupliseringmasjien.

Het u dit bekom? -- Ja, ek het.

(30)

Het u dit gekoop of het u dit persent gekry of dit geleen? --

Ek het/..

Ek het dit gekoop.

Naar het u die geld gekry om dit te koop? -- SACTU het vir my die geld gegee.

Hoeveel het hulle vir u gegee? -- Die heel eerste keer was ek R1 000 gegee en weer nog 'n keer R1 000.

Het u taak behels dat u u op sekere mense of spesifieke groepe moet toespits of kon u op enigeen, vroue, kinders, werkers, almal toespits? Hoe werk die ding? -- Ek moes eintlik my aandag gespits het op die werkers. Dit is moeilik vir 'n mens as die mens nou op spesifieke mense moet konsentreer om hierdie taak uit (10) te voer, byvoorbeeld in Queenstown, toe ek daar gekom het, het ek vasgestel dat die toestand daar vereis dat ek na die ander mense ook moet kyk.

Watter ander mense? -- Ek het dit nodig gevind dat daar 'n "community organisation" moet wees en ek het toe ook agtergekom dat die vroumense daar nie goed georganiseer was nie.

Het u enigiets toe gedoen in verband met die vroue wat nie behoorlik georganiseer is nie? -- Toe ek dit doen toe het ek besef dat ek sal moet gebruik maak van die daaglikse gebeurtenisse om my pamflette te kan voorberei. As gevolg daarvan ek het (20) toe besluit dat ek 'n pamflet moet maak wat 'n oproep gemaak het aan die vroumense.

In verband met hierdie gedeelte van u getuienis waar u praat van u moes gebruik maak van daaglikse gebeurtenisse, is dit u eie idee dat u moes gebruik maak van daaglikse gebeurtenisse of waar kom u aan die idee? -- Dit was nie my eie gedagte gewees nie. Dit is wat aan my oorgedra was toe ek die opdrag gekry het vir die stigting van die "propaganda unit".

HOF: Was die gedagte dat u vinger alleen as propaganda-eenheid sou funksioneer? -- Nee, dit was nie die gedagte nie. Eintlik (30) dit was nie so aan my gestel nie. Ek het mense gehad saam met wie

ek/..

ek gewerk het.

Sou julle dan die pamflette skryf, die propagandapamflette skryf daar? -- Wat ons gedoen het byvoorbeeld by hierdie een wat ek van praat, ek het dit alleen gaan voorberei en dit toe na hulle toe gebring vir bespreking en hulle uitgenooi dat indien daar enigiets is wat hulle voel moet nog genoem word daar moet hulle so sê dat ons dit ook bespreek en dit inskryf.

Is die "hulle" wat u van praat die "propaganda unit" wat u gestig het? -- Dit is die mense wat saam met my destyds gewerk het. Die "propaganda unit" was nog nie eintlik sterk gewees (10) dat 'n mens kon gesê het hy is 'n "complete unit" nie.

MNR. FICK: Laat ons net duidelikheidshalwe by u so verneem, die ander persone wat nou deel was van hierdie propaganda-eenheid wat nog nie so sterk was nie, het u hulle gekry daar in Queenstown, het u hulle gewerf? -- Een van hulle het saam met my gekom binne na hierdie land toe. Die ander het ek te Queenstown gekry wat alreeds daar was. Toe ek daar kom het ek gevind dat dit mense is wat aan my bekend is.

En u het hulle toe betrek by hierdie propaganda-eenheid? -- Ja, ek het toe saam met hulle gewerk. (20)

Het u toe 'n pamflet opgestel? -- Ja.

Het u die ding gekopieer? -- Ja.

Hoeveel van hulle het u gekopieer? -- Tweehonderd plus.

Het u die dokumente laat versprei of was hulle nie versprei nie? -- Hulle was versprei.

HOF: In Queenstown? -- Ja.

MNR. FICK: As u nou sê Queenstown, is dit die Swartwoongebied of die Bantowoongebied of beide? -- In die lokasie van Queenstown.

Ek wil u aandag vestig op 'n dokument. U Edele, die Staat verwys na dokument AE30. Ek sal nie die oorspronklike in- (30) handig nie. My Geleerde Vriend sê met ooreenstemming kan ons die

duplikaat/..



duplikaat net so laat sonder om die rekord dikker te maak.

HOF: Laat ons net 'n bietjie kyk eers.

MNR. FICK: Ek kan net intussen vir u ook meld dat daar 'n vertaling by. My Geleerde Vriend is nie tevrede met die vertaling nie. Hy en ek sal by ooreenkoms 'n nuwe vertaling opstel en aan u beskikbaar stel. Ek het vanoggend verneem hulle is nie tevrede met die vertaling nie.

Ken u daardie dokument? -- Ja.

Hoe ken u hom? Van waar? -- Dit is een van my pamflette wat versprei was. (10)

Is dit een van die wat u as deel van die propaganda-eenheid opgestel en versprei het? -- Ja.

Ek sien die dokument verwys daar in sy eerste paragraaf waar hy eindig dan sê hy in hakkies "(the year of women)". Kan u die Hof meer vertel van die "year of women". -- Die jaar 1984 was verklaar deur die president as die "year of women". Na ek dit nodig gevind het en na 'n besef dat die vroumense van Queenstown moet ook georganiseer word, het ek toe daarop besluit dat ek hierdie jaar moet gebruik soos dit verklaar is as die jaar vir die vroumense, dat hulle ook kan besef of bewus word van wat gebeur. (20)

Dan sien ek nog steeds in dieselfde dokument, die tweede paragraaf eindig met die woorde "9th ka Augusti", dit is 9 Augustus, is dit korrek? -- Ja, dit is 9 Augustus.

Het die datum enige betekenis, 9 Augustus? -- Op 9 Augustus 1956 20 000 vroumense is na die Uniegebou toe waar hulle gaan kla het oor die bewysboeke. Die idee van 9 Augustus "is one of a historic day to the ANC."

Word hy jaarliks herdenk of nie? Hoe werk die ding? -- Ja, dit word jaarliks herdenk.

HOF: Was Dorothy Nyembe ook 'n lid van die ANC? -- Ja, sy was 'n lid van die ANC sowel as Unkhonto We Sizwe. (30)

MNR. FICK: Waarom het u na haar verwys? -- Ek het na haar hier verwys as een van die belangrike dinge wat in hierdie jaar gebeur het. Dit was in die jaar gewees wat sy vrygelaat is.

Nou, wat was die doel om na haar vrylating te verwys? -- Eintlik die doel was om die mense bewus daarvan te maak, van belangrike dinge wat in die jaar 1984 gebeur het. Dit is die rede hoekom ek haar ook genoem het, dat dit ook een van die belangrike dinge is dat sy vrygelaat is.

Wat is die houding van die ANC? Kan u getuig daarvoor met betrekking tot hierdie dame Dorothy Nyembe? Hoe beskou die (10) ANC haar? -- Sy was beskou as een van die dapper vrouens wat bereid was om teen die apartheid van Suid-Afrika te baklei.

In dieselfde tweede paragraaf van die dokument sien ek u verwys daar na die "Federation of South African Women". Wat kan u vir die Hof vertel in verband met die organisasie? -- Die Federation of South African Women is een van die organisasies wat in Suid-Afrika bestaan, dié het 30 jaar gemaak na dit vir die eerste keer gestig was in hierdie jaar.

Overgeset synde dit was in 1984 dertig jaar - bestaan? -- Ja.

Dan in die derde paragraaf sien ek in die laaste reël ver-(20) wys u daar na iets "UWO", wat is dit? -- Dit is die United Women's Organisation. Dit is een van die organisasies wat hier in Suid-Afrika bestaan. Dit is die vroue-organisasie.

Om watter rede het u nou daar in Queenstown na hierdie organisasie verwys? -- UWO is die vroue-organisasie wat in Queenstown bestaan het al was dit nie sterk genoeg nie.

Wat het u daar met betrekking tot UWO gesê? Wat wou u sê vir die gemeenskap? -- Soos ek reeds gesê het met hierdie pamflet het ek probeer om die vroumense bewus te maak van wat gebeur het en ook probeer om hulle te laat aansluit by UWO of die (30) vorderings van UWO te bevorder en baklei onder die vlerk van UWO.

HOF: Het u lid geword van UWO? -- Nee, ek was nie n lid van UWO nie.

Is daar enige verband tussen UWO en die ANC? -- In antwoord op daardie vraag sal ek sê wie dit ook al is van die organisasies wat baklei vir die bevryheidstelling van die Swartmense in Suid-Afrika die ANC sal die beste probeer om ook te werk saam met daardie organisasie.

Dan wil ek u verwys na die laaste paragraaf voor die klomp spreuke daaronder. Daar praat u van UDF. Sien u dit? -- Ja, ek sien dit. (10)

Nou, waarom het u daar na UDF verwys? Wat sê u daar vir die mense? -- Hier sê ek die vroumense moet wys watter kant staan hulle voor in die "struggle", want die deelname van vroumense in die "struggle" is belangrik, eintlik baie belangrik en toe verder gesê dat mense moet aansluit by die organisasies wat baklei vir die bevryheidstelling. Daar is organisasies soos die UDF en andere.

Nie lank daarna nie, 16 September, die volgende maand, is u gearresteer. -- 19 September.

HOF: Van 1984? -- Ja. (20)

MNR. FICK: Ek het geen verdere vrae nie.

CROSS-EXAMINATION BY MR BIZOS: What day of the week were you arrested? -- It was a Wednesday.

And at what time? -- I cannot quite recall as to what time it was, but it was after dusk.

And where were you arrested? -- At a station.

Where? -- In Queenstown. At the station in Queenstown.

The railway station? -- Yes.

Were you in the company of any person? -- Yes, I was.

Who were you in the company of? -- It is a boy, a young (30) man with whom I was working.

What/..

What is his name? -- Michael Futjana.

Where does he live? -- In Queenstown.

Where in Queenstown? -- In the township in Queenstown.

Where in the township? -- I cannot quite remember what the house number is.

Can you give us a description or anything where we could get hold of him? -- The township in Queenstown is divided in the sections of T and Q. He was living in the T section.

Could I have a look at the original, please. How long before your arrest did you put this pamphlet together, that you typed(10 it? (Intervention)

COURT: The pamphlet is?

MR BIZOS: AE30. -- Some few weeks I would say.

Some few weeks before?

COURT: Before the arrest she says.

MR BIZOS: Before the arrest? -- Yes.

Were you found in possession of this pamphlet at the time of your arrest? -- No, I did not have it on my person.

Or at your home? -- I do not know. I cannot remember whether they found it at the place where I use to live at the (20 time.

Well, don't you remember at the time of your arrest whether you were shown this pamphlet? -- No, I cannot recall that.

Weren't you given any document or any receipt of any documents that were found in your possession or were no documents found in your possession? -- No documents were in my possession at the time of my arrest.

Were you taken home and any documents found there? -- I do not understand. Do you mean the day of my arrest? On the day of my arrest? (30

On the day of your arrest or thereafter. -- After that, yes

When was/..

When was a copy of this found in your possession? I am sorry where were documents found in your possession? (Intervention)

COURT: Well, if she had been arrested, do you mean at her place of residence or on her person because if she was under arrest they were not in her possession any more.

MR BIZOS: I will try and clarify that now. After you were arrested at the station, were any documents found at the place where you lived?

COURT: Just a moment. I see there is somebody entering the court-room. Is that person aware of the conditions under (10) which this evidence is held, in camera?

MR BIZOS: I have no knowledge of that.

COURT: You won't know. Mr Fick?

MNR. FICK: U Edele, die persoon se perskaart is aan my getoon. Hy is n ...

HOF: Weet hy wat ons voorwaardes is?

MNR. FICK: Dit is aan die polisie verduidelik buite. Hulle moet aan elke persman dit verduidelik.

COURT: Sorry, Mr Bizos. Please go ahead. -- May I sit down, My Lord? (20)

Yes, certainly.

MR BIZOS: Were any documents found at the place where you lived after your arrest? -- Yes, there are documents which were found.

Were you given any piece of paper to show what documents were found? -- They brought those documents to me and I was asked whether I know those documents. Actually what happened is the day when they went to search the house I was taken along.

At the time of the search of the house, was this document, AE30, shown to you or found there or not? -- I cannot quite remember because there were a lot of things which were found in (30) that room or the house.

But now/..

But now this was an important document. It was the only document, according to you, which you had managed to put together in fulfilment of your mission in South Africa.-- It was an important document much as the other documents which were found in the house were also important.

Now can you please tell us what other documents you remember were found in your house on the day in question. -- State of a Nation was there. There were other documents, although they were not found in the house but they were my documents. The documents were there like - I cannot quite remember all the documents. (10) As I have already said quite a number of things were found.

Let us try it this way, do you recall whether this document was found at the place other than the place where you were living where you say your documents were found? -- It may be that it was found in the same house where I was staying at the time or at another place where I kept my documents.

Which place was that? -- There were documents in the house in which I lived in Queenstown and some of the documents were at the residence of a certain young man with whom I was working.

Please give us the address where you were living. -- (20)  
T171.

And the name of the young man that you were working with? --  
Nsikilele Gqacu.

Do you recall whether this document, AE30, was found at Nsikilele's place or not? -- As I have already said I am not in a position to tell the Court as to where this document was found because of the reason that there were many things that were found. I am therefore unable to tell whether this one was found in the house in which I lived or it was found at a place where Nsikilele lived. (30)

Now you say that this document was distributed. Could you  
please/..

please tell us when more or less it was distributed. -- All I know is that it was distributed in the township. Whereabout or in what part of the township, I do not know because at the time of the distribution I was not present.

Well, who do you say distributed it? -- The people with whom I worked.

Could you please tell us who do you say distributed this pamphlet? -- Michael Futjane and Singaye Makhe.

Are these two young men who were working with you? -- Yes, they were working with me. (10)

This was the propaganda committee that had not yet come into being so to speak. -- Yes.

Was there anyone else involved in this ad hoc propaganda committee? -- Yes.

Who were they? -- Zele Nomeba.

Also from Queenstown? -- Nonsikilelo Gqacu - I am sorry, My Lord, Nonsikilelo is the name of a person but in this case "No" is used as "and" Sikilelo Gqacu.

Could you please indicate to us which of these were young men and which were young women so that we know. -- I was the only woman involved. (20)

The other three were young men? (Intervention)

COURT: Where are the other three?

MR BIZOS: I thought that she gave three names.

COURT: We have Zele Nomeba Nsikilele Gqacu.

MR BIZOS: I beg your pardon, with the confusion ...

COURT: Then we had two distributors who distributed the pamphlets so you can make it four or you can make it two whichever way you choose.

MR BIZOS: The two distributors that you gave us, were they also young men or were they young women? -- They were also

young/..

young men.

Is that all? There were four young men and you? -- Yes.

Did each one of the young men know that you were a member of the ANC? -- Yes, they knew.

Oh, I see. So you really formed an A.N.C. cell? -- I am not calling it a cell because I was not sent by the ANC to Queenstown but SACTU.

Well, it was a cell of what or an ad hoc committee of what? What organisation? -- I called it a propaganda unit of SACTU. As I have already said that SACTU and ANC are working together. (10) On arrival in Queenstown the conditions made it difficult for me to distinguish the other one from the other.

You told these four young men that you had been a member of the ANC, did you tell them about your travels through Africa and Europe? -- As I have already said in my evidence here that on arrival in Queenstown I met these people only to find that they are people who are known to me. In other words in saying that I mean these are people I met in Lesotho prior to our meeting in Queenstown.

Oh, I see. Oh, so these were, to quote a phrase, had (20) been fellow-travellers of yours?

COURT: Literally or not literally?

MR BIZOS: No, figuratively. They had been associates of yours.

-- What happened is on their arrival in Lesotho they found me there and also when I went to Queenstown I met them in Queenstown.

Yes, very well.

COURT: Did they come to Lesotho as SACTU people or as ANC people or as both? -- They came to SACTU.

MR BIZOS: Now tell me, did anybody other than these four young men have anything to do with the authorship of this AE30? -- (30) As I have already said after drafting this document I took it

for/..



for discussion to these young men. We agreed on it that it was correct, the way it was drafted and therefore came to a conclusion that it can be distributed after having been printed properly. Therefore there was no other person from outside that five of us who had anything to do with that document, although of course it happened that during the time of the printing or the preparation of this document we did not have a duplicating machine which then resulted in our having to go out looking for help from somewhere else.

Let us just deal with the certainty that this was drafted(10) by people who had come from Lesotho into the Republic clandestinely like yourself? -- No, their position was not the same as mine. They are the people who came from South Africa to Lesotho and again came back to South Africa which is different from mine.

Yes, they were in Lesotho presumably in your own or the ANC's terminology of a "crash course"? -- Yes.

Personally, personally, do you know whose duplicating machine was used? -- I am not the person who took these for duplicating. Somebody else went and on return with the documents after having been duplicated this person only told me the (20) name of the person who did the duplicating for us. I personally did not know the person.

And as far as the distribution is concerned, did you yourself take part in the distribution? Did you go about handing these pamphlets out? -- As I have already said earlier that at the time of the distribution of this document I was not present. I was not there.

Would it be in accordance with your instructions in relation to security that you, an experienced or well-trained cadre, should not expose yourself to such mundane activities as the dis- (30) tributing of pamphlets? -- There is what you call a distribution

of/..

of work ...

I do not want to interrupt you. Please try and answer the questions directly so that we can get on.

COURT: No, no, she is attempting to answer this question. This is a valid answer. Continue. There was a distribution of work, yes? -- Therefore there were people who were chosen as people who will distribute pamphlets which means then it was not an instruction given to me that I should not take part in distributing pamphlets.

MR BIZOS: When you were trained in relation to security - well, let us start. Were you trained in relation to security? Were you trained in relation to security as an underground worker? -- Yes. (10)

Was it part of your training in security that you should not expose yourself by making speeches at public meetings which would attract attention to yourself? -- It is part of the training that that is mentioned but otherwise it is logical for a person, even myself, was in a position to decide on that and know that I am not supposed to do that.

Now, what you are saying to His Lordship is not only were you told this, but it is logically correct and it speaks for (20) itself that trained people such as yourself must not expose yourself by making speeches to attract attention to yourself or to be caught issuing pamphlets or distributing pamphlets at railway stations or in the locations. -- That does not mean I will not distribute pamphlets. I will distribute pamphlets if it is necessary.

Yes, I know that you say that if it is necessary, but is it a good security risk for a trained person such as yourself to expose herself with mundane tasks such as the distributing of pamphlets? (30)

COURT: Why do you call it a mundane task? It is not an every-day task/..

task of anybody, so why do you call it mundane?

MR BIZOS: In comparison, My Lord, in comparison to the underground illegal work that one has to do, in order to ...

COURT: Yes, but aren't these pamphlets also spread underground and not openly?

MR BIZOS: Well, My Lord ...

COURT: You can put the question but I think the word mundane would be misleading to the witness.

MR BIZOS: As Your Lordship pleases. I will .. Do you agree that if you go about issuing pamphlets at a queue, a bus queue or a (10 railway station, that you would expose yourself to be taken in and interrogated and your cover will be blown, so to speak? -- That is true.

Now, you see I do not want to question you about the differences between the ANC and SACTU at the moment, but you came together with four young men. Tell me, please, on whose behalf did you issue this document? On whose behalf did you issue this document? Whose document is it? -- My Lord, as I have already said I distributed this pamphlet as drafted by myself not specifically under any specific organisation. Although of course (20 I do make mention of certain organisations there, but it is not specifically meant to originate from them.

Yes. You see - well, let us get it absolutely clear. You did not purport to speak, you did not purport in this document to speak on behalf either of the Federation of Women or UWO or the UDF? This was the work of five youngsters, one woman and four young men? Not so? -- In reply to that question the answer is my presence in Queenstown, I was representing SACTU and therefore whatever I was doing there I was doing on behalf of SACTU.

Yes. So, this document had nothing to do with the Federa-(30) tion of South African Women? They have got their own letter-heads and their/..

and their own colours.

COURT: There are two questions. The one question is it had nothing to do with the Federation of South African Women, the second question is did it have its own colours?

MR BIZOS: Sorry, letter-head.

COURT: Letter-head. -- As I have already said in drafting this document I did not say that this document is being drafted specifically by a certain organisation. Although I have already said again to His Lordship that there are other names of other organisations which are being mentioned in this document. (10)

MR BIZOS: Yes, which also have their own committees and their own letter-heads and you did not have their authority to issue this document? -- If you can look at the contents of that document properly and understand the contents it is being used to try and organise the women to get nearer to the organisations mentioned in order to take part or some involvement in the organisations.

Yes, we can read the document, thank you. Answer the question ...

COURT: She is answering the question, but you take it over and over again. This document does not purport to be written by the (20) Federation of South African Women or the UDF or UWO and that is what she is saying.

MR BIZOS: My Lord, the question was that she did not have the authority of any of those organisations to issue it on their behalf. That is the question that we have not had an answer to, My Lord, up to now.

COURT: Yes, were you authorised by the UDF or UWO or the Federation of South African Women to issue this pamphlet? -- I did not ask for their authority or permission to write that, and again I did not deem it necessary to get any permission from (30) them to make mention of their names in that pamphlet, the reason being/..

being that I did not say that this pamphlet was originating from them.

MR BIZOS: Are you finished? -- Yes.

Were you authorised by SACTU to write the sort of thing that you have written in this pamphlet? -- As I have already said that I was instructed by SACTU to open a propaganda unit and for the purpose of the unit to operate I had to use day-to-day events.

I will repeat the question. Were you authorised by SACTU to write the sort of thing that you have written in this pamphlet? -- The authority that I got from SACTU was to write anything (10) that I deem is necessary for me to do in organising of the..

Organise the workers? -- As I have already said that SACTU sent me to work for the workers, but when I arrived in Queenstown I became aware of the conditions which made me not to concentrate on the workers only. That is why I even diverted in looking in the women's society. It is one of the reasons that made me to draft that sort of pamphlet.

I see. Let us just get clarity and try please to answer the questions directly.

COURT: I think the answer was a proper answer, Mr Bizos. (20)

MR BIZOS: As Your Lordship pleases. Your instructions by SACTU were to come back to South Africa and do propaganda work for the organisation of workers? -- Yes, that is so.

Is your answer that because you found the conditions unsuitable for carrying out your mandate, you decided to do something else that you had not been instructed to do? -- That is true but as a trained person, on realising the conditions which were being difficult for me to carry out the instruction, I then used my discretion on what the conditions allowed me to work and work in that way. (30)

COURT: Was your authority only limited to organising male workers or did/..

or did it include the organisation of women workers? -- Workers in general.

MR BIZOS: Were you to do what you had to do in South Africa in the name of SACTU or not? -- I was supposed to do whatever I was supposed to do here under the name of SACTU without having to mention the name of SACTU.

What is SACTU's slogan? -- "An injury to one is an injury to all."

Whose slogan is Victory or Death? -- Firstly I want to clarify something. I want to clarify only a thing that there is (10) no specific person who owns a slogan. I mean you get that there are slogans which are used by that specific organisation. Victory or Death is a slogan which is used in the ANC (by witness).

Any part of the ANC? Or the ANC as a whole? -- It is being used in the ANC as a whole including Umkhonto We Sizwe.

Have you ever seen any SACTU document which says Victory or Death? -- I cannot recall.

Well, can you possibly explain if your primary object was to further the aims of SACTU, how you come to finish up with a slogan of "Victory or Death we shall win" in EXHIBIT AE30? -- (20) As I have already said that there are names of organisations in that document and therefore it does not mean that what is being said their is from those organisations and as I have already said that I only drafted that document after realising that the conditions demand that this kind of document be drafted and again the slogans used in this document, I did not sort them out as to which organisation - from which organisation do they come, as long as they do not identify the ANC and/or SACTU.

COURT: Why shouldn't they identify the ANC? -- My Lord, in the first place for the fact that the ANC was a banned organi-(30) sation in South Africa, it was not to be identified, and secondly

I did/..

I did not want the people to come to know from what kind of people does this document originate from.

MR BIZOS: Was that in pursuance of a general instruction that whenever you work in South Africa you were to hide the fact that you were working either for the ANC or SACTU or both? -- I was told that I would work underground, I will be semi-underground, not underground as such.

COURT: What is the difference between working underground and semi-underground? -- The difference is that if I would work, let us say I would be semi-underground, that means I won't totally (10 keep to myself in the sense that - you take a place like Queenstown, few people knew me in Queenstown, so that I mean I have got to hide all the time from the people. I could move to town. That is to be semi-underground.

MR BIZOS: So that you were not to move in a complete vacuum, but you should only expose yourself to a very limited number of people

COURT: Put in another way, not live in darkness but only in twilight.

MR BIZOS: In twilight. Thank you, My Lord. Yes. Now, tell me, were you primarily responsible for the contents of this (20 document? -- As I have already said that I am the person who drafted the pamphlet and later took it to the people with whom I was working for them to be able to discuss this and approve it if they do and add whatever they want to add or say now if they were not happy about something then say so, that they are not happy and discredit whatever they want to discredit on it.

Yes. I am sorry to come back and suggest to you how you might answer the questions, but I will repeat my question. Were you primarily responsible for the drafting of the contents of this document? If the answer is yes, please just say yes so (30 that we can proceed. -- Yes.

Does it/..

Does it contain your personal feelings?

COURT: At the time it was drafted?

MR BIZOS: At the time of the draft? -- Yes.

C244 Did you perhaps send a copy of this to SACTU so that they could see the fruits of your first efforts? -- Yes, it reached SACTU.

When did it reach SACTU? -- Before my arrest.

How long before your arrest? -- I am not in a position to tell as to how long after it had reached SACTU I was arrested.

Did you yourself speak to any SACTU member in Lesotho (10) who may have commented on this pamphlet? -- Prior to my arrest, after having drafted the document which is now in court, I went to Lesotho where I met with the SACTU people to whom I explained the drafting of the document and what the contents were in the document on which they did not disapprove of what I did. All they said to me was I must carry on with the work.

When did you go back to Lesotho, after you had drafted this document? -- It was during August.

Did you have a travel document? -- Yes, I had one.

Is that in the possession of the police? -- Yes. (20)

Did you regularly go to and from Lesotho? -- You mean prior to my arrest or during which period?

COURT: After the drafting or before the drafting?

MR BIZOS: Before and after the drafting, did you regularly go into and come back from Lesotho? -- After drafting the document I did go to Lesotho and again not long before my arrest I went to Lesotho.

So you went - let us get it, when did you actually come into South Africa after your African and European travels for the first time? -- August 1984. (30)

Where did you enter South Africa? -- Through the Transkei,



telebridge(?).

On what date? -- No, I cannot remember what date it was.

Was your travel document stamped? -- I did not use my passport in entering the country.

Well, what about the travel document? -- I had a travel document with me, but on entering the country I did not make use of it, the reason being that whenever you are making use of a travelling document then you must have an entry stamp and a stamp which indicates that you are leaving, an exit stamp. Now, my passport - my travelling document did not have those entry (10) stamps and I was going out.

When you came back to South Africa for the first time, did you use a travel document?

COURT: Well, she says to you she did not have an entry stamp on it, entering Lesotho, so when you go out of Lesotho you need another stamp to go out and they look at your entry stamp.

MR BIZOS: I realise this but I thought that the witness told us that she had a travel document.

COURT: Yes, a United Nations one.

MR BIZOS: Well, let me clarify. Either than a United Nations (20) passport, did you have any other travel document? -- Yes. Before entering the country in this side from Lesotho I got a travelling document, which is a Transkei travelling document.

Well, is that the document that is in the possession of the police? -- Yes.

Will that document show your first exit from South Africa? After your various travels. -- No, not when entering South Africa but only when I was leaving South Africa for Lesotho.

When you left South Africa for Lesotho with this travel document, did you take a copy of EXHIBIT AE30 with you? -- (30) I did not take any document with me including the pamphlet.

Did you/..

Did you see a copy of this pamphlet of yours in Lesotho when you arrived there? -- No, I did not see it.

To whom did you report and who approved of this pamphlet in Lesotho? -- My first report was to Kingdom. I again reported in the presence of the other members of SACTU.

Did Kingdom know about this pamphlet by the time you reached them? -- He heard that from me when I was telling him.

Oh. So you did not actually take the pamphlet with you but you told him what you said in the pamphlet? -- I have already said that I made a report to him in Lesotho and made mention (10) to him of the pamphlet that I had drafted and distributed and even told him about the contents of this pamphlet.

COURT: Now, this SACTU, is this a South African organisation? -- It is a South African organisation, but it is operating from outside the country.

So its head-quarters are outside the country? -- Yes, they are outside the country.

MR BIZOS: Did the other members of SACTU that you say you spoke to, did they have a copy of this document or prior knowledge before you reported? -- I cannot remember them saying that they (20) had any knowledge about this document until I told them about the document.

Now tell me this, this document AE30, were you interrogated about it on your arrest? -- Yes, I was questioned about it.

How long after your arrest were you interrogated? -- It is difficult for me to tell as to how long after my arrest was I interrogated about this document because there are many things on which I was interrogated.

But can't you tell us whether it was within a day or a week or a month when you were first shown this document? -- No, I (30) failing.

You/..

You are fading? -- I am failing.

COURT: I fail you, Mr Bizos.

MR BIZOS: As Your Lordship pleases. Did you make mention of it or were you confronted with it? -- I would not be able to tell about what happened in detail about my interrogation because I am not in a position to tell you whether I was questioned about the document or I was confronted with the document or I was just questioned in general about it. I am not in a position to tell, but there is one thing that I can remember, they came with a document and showed it to me, and then asked me if I have (10) any knowledge about this on which I said yes. I admitted knowing the document. What I am saying when I say I am not going to be able to tell what happened first is I do not remember whether they brought the document first or they started by questioning me before bringing the document. That is all I am saying if I say I cannot tell.

How long after your detention, how long after your detention was this document dealt with in your interrogation?

MNR. FICK: U Edele, die Staat maak beswaar. Die getuie het reeds gesê sy kan nie sê 'n week of 'n maand nie, nou vra hy dit oor (20) en oor. Ek kan nie die sin sien van die vraag nie. Die Staat maak beswaar.

HOF: Ek sal nog een keer dieselfde vraag toelaat, mnr. Fick.

MR BIZOS: Yes?

COURT: The question is repeated by counsel, how long after your arrest was the document shown to you? -- I cannot remember as to how long I was in detention.

MR BIZOS: For how long were you held in detention before you were released? -- From September 1984 I think up until July 1985.

Let us try it the other way, how long before your release (30) were you shown this document? -- Much as I failed to tell you

after/..

after - how long was this document shown to me after my arrest, I am just failing still as to how long before my release was this document shown to me.

Are you in any way reluctant to give us any detail in relation to your interrogation? -- I cannot see what the reason can be for me to be reluctant to tell the Court how I was interrogated.

Who was the person who confronted you with this document? -- The people who were dealing with me then were Warrant Officer Nel and Lieutenant Matthee. They were the people who came with the(10) document.

Where did they come with this document? -- I was at the police station in Cambridge.

COURT: Kentridge? -- Cambridge.

MR BIZOS: Is that in the Eastern Cape? -- Yes.

Or Border. I was corrected once before. -- Border.

COURT ADJOURNS FOR LUNCH. COURT RESUMES.

C245 IN CAMERA WITNESS NO. 11 (Still under oath)

FURTHER CROSS-EXAMINATION BY MR BIZOS: You see, the reason why I asked you whether you spoke about this document is because (20) I want you to try and explain something if you can. -- I will try

The State, that is the prosecution, has informed us that this document was found in your possession and it was your authorship and and that this very document which was found with you appears to have been translated after a fashion ...

COURT: Just a moment. It is alleged that the State informed the Defence of certain facts?

MR BIZOS: That is so.

COURT: Is it alleged that the State informed the Defence that it appears that the document is being translated in a certain (30) fashion?

MR BIZOS/..

MR BIZOS: No, that the information is - I should cut it off.

COURT: Well then you should - cut it off.

MR BIZOS: As Your Lordship pleases, I am sorry. You see the State has informed the Defence that this document was found in your possession. Have you any comment to make in relation to that? --I cannot remember this document being found on me.

Yes. -- As I have already told the Court that at the time of my arrest that day I did not have any document ...

No, you do not have to repeat it all. Just accept that the State has informed the Defence that you were in possession (10) of the document. -- I do not agree with that.

You do not agree? -- No, may I just explain? You may not be understanding me.

Please do, yes. Far be it from me to try and stop you.

COURT: Could we just ask one question, did the State say that it was in her possession when she was arrested or is the word possession used in the sense that you attempted to use it also in her house or in somebody else's house?

MR BIZOS: Yes, My Lord, that it was found in her possession generally. (20)

COURT: I do not think the witness understands it in that way. She understands it as if it was on her person.

MR BIZOS: Well, let me try and make that clear, My Lord, in order to avoid - the State has informed the Defence that this document was yours. Not necessarily on your person, but was yours, either on your person or elsewhere. -- That I do not deny that this document is mine because I am the person who drafted it and took it to my co-workers there and discussed it with them. After discussing it, it was typed and then distributed.

Listen carefully, the State says that this document was (30) found under your control or in your possession. What do you say to that/..

to that? -- I cannot understand it really even in Xhosa the way you are putting it to me.

Well, you know - well, let me put it to you this way: If what the State suggests in the words that it has used to the Defence that this document was found by the State after your arrest what comment would you have to make on that? -- Yes, it was found after my arrest much as it was not found in my personal possession.

But you see, I want you to try and explain if you can, if the State so informed the Defence, how come that there was an (10) attempted translation of this document on 17 September 1984, two days before your arrest? -- I do not know about that.

MNR. FICK: U Edele, kan die Staat net iets op rekord plaas. Toe hierdie lys opgestel is aanvanklik was dit gedoen - ek was daarmee werksaam gewees asook n paar polisiebeamptes. Ek het nie die verklaring van die getuie gehad nie. Omdat ons gebonde was aan tyd het ek vir die mense gesê kry vir my die goed uit en dan sê vir my watter organisasie, waar is dit gekry en dit is deur hierdie polisiebeampte so aan my oorgedra. Intussen het ek vasgestel dit is nie reg nie, maar ek het dit nie verder geneem nie vir (20) die eenvoudige rede dat die Verdediging het dit nie erken nie en ek het dit daar gelaat. Intussen is mnr. Tip nie beskikbaar nie, hy is vandag nie beskikbaar nie. Hy en ek het die reëling dat wat ons nie mee tevrede is met die erkennings nie, wat die Staat dink die Verdediging meer kan erken, sal ons bespreek, maar ons kom net nie daarby uit nie, maar dit is die rede en ek wil dit net op rekord plaas, dan dink ek kan ons onnodige kruisverhoor van die getuie op hierdie aspek uitskakel. -- May I sit, My Lord?

COURT: Yes, certainly. Yes?

MR BIZOS: I think I have finished the question. (30)

COURT: I cannot remember the question. I do not think the

witness/..

witness understands it. The question was why was there an attempted translation of this document on 17 September 1984, that is two days before your arrest.

MR BIZOS: If what you say is correct.

COURT: Are you accepting - I take it you are not accepting the translation as correct. Now, if you do not accept the translation as correct why do you accept the date as correct?

MR BIZOS: Well, because she is less likely to have been wrong about that.

COURT: Yes? -- I would not like to guess as to what was (10) happening to the police about the translation. The translation which was attempted on the 17th, which is prior to my arrest, I do not know about that, I cannot give any comment.

MR BIZOS: You have already told us that you did not purport to issue this pamphlet on behalf of any organisation at all. -- Yes, that is what I said.

Did you ever tell anybody in your statement or to anyone else probably that you had issued this document on behalf of UWO? -- I do not recall telling anybody about that. All I remember saying was that I tried to organise the women on the document (20) to fight against on the name of the organising document.

My Lord, I ask for leave to read into the record what we were asked to admit.

"(5) Dat die dokumente genoem in kolom 1 van Bylae B gevind is in die beheer en/of besit van die persone en/of organisasies en by die plekke gemeld in kolom 2 van Bylae B en opgestel is deur die persoon/persone of deur die organisasies gemeld in kolom 3 van Bylae B waar bekend."

I do not know if Your Lordship wants to take - it will be in (30) the record.

COURT: It is in the record.

MR BIZOS: And then in relation to this document, on page 25 of the draft admissions that we were given the following appears: AE30 in column 1, column 2 Xoliwa ..

COURT: Yes, I suppose it is the name of the witness.

MR BIZOS: I am sorry. Thank you for drawing my attention ...

COURT: You can read the number there. I.C.11.

MR BIZOS: I.C.11. I am sorry. I forgot myself and in column 3 UWO. Well, I do not want to ask you any more questions about that, but what I would want to ask you is this, were you trained as (10) a propagandist? Is it a difficult question to answer?

COURT: No, let us just get the answer first, Mr Bizos. -- I was not trained as a propagandist, but I was informed about certain things I would go about opening a propaganda unit.

MR BIZOS: But the propaganda unit was to be opened for the purposes of issuing propaganda? -- Yes.

So, have you had some training in the issuing of propaganda? -- I was only told as to what to do in order to carry on with my work. One of the things that I was told was to use the day-to-day events. (20)

Tell me, were you told in using propaganda to tell the truth or to lie? -- You talk about what is happening.

The truth or the untruth? -- Things that are happening means that is true, because my understanding of untrue things is that one must talk about things that he or herself formulates which are things that are not existing and are not happening anywhere.

Well then, did you understand your instruction then to be that you must speak the truth? -- Yes, I understood it well that I was supposed to tell the truth.

COURT: The full truth or half the truth? -- The full truth. (30)

MR BIZOS: The full truth, yes, and above all I suppose if you are telling/..



telling the truth, according to your training, is that you must not try and give the impression that you are speaking on behalf of organisations for which you have no authority to speak. -- I cannot recall myself having ever mentioned that I have been speaking, on behalf of the organisation of which I do not have any authority. One thing that I recall is that I mentioned the names of the organisations in that pamphlet for the sole purpose of making the people aware of the existing organisations and the things that are happening.

Did you think that you were required to issue a clandestine pamphlet to inform the women, the women of South Africa that there (10) was a Federation of South African Women? -- It was for relating of the history, for the purpose of that year, 1984, which had been declared the year of women.

That was declared presumably, the year of South African Women, in January? -- Yes, in January 1984 was declared as the year of women.

Now tell me, do you agree that if you intend telling the truth you must know what the truth is? -- I quite agree with you.

Tell me, did you know how you joined the UDF? -- No, I (20) did not know what is to be done in order to join the UDF because I did not intend joining as a member to UDF. Was it necessary that I should join the UDF, I would find out as to what procedure is to be followed in order to join the UDF as a member.

Well, did you know whether the recipients of these pamphlets that you say that you issued, whether they could join the UDF or not? -- It was not for me to decide for them, whether they join the UDF or not. It was for them to decide whether they want to join UDF or not.

No but you were telling them to go and join the UDF and (30) if I were to suggest to you that you knew so little about the UDF that/..

that you did not even know that people could not become members of the UDF. -- I do not think people, they join it as individuals. It is the organisations that become members of the UDF. It is an umbrella body. It is taking all the other organisations. (Witness)

I see, is that what you meant when you said that people must go and join the UDF? -- Before I can answer that question, coming to the mention of the UDF in that pamphlet, it is mentioned as one of the organisations that is existing that the people can join. (By the witness.)

COURT: We have a very good interpreter in this Court. I suggest you make use of him. Will you interpret that to the witness, please. -- I will try.

MR BIZOS: Tell me, did you feel homesick whilst you were travelling around in the rest of Africa? -- Yes, I did.

And did you try to get as much information as you possible could as to what was happening back home? -- My Lord, I do not understand the question because the question just before this one was whether I had suffered some homesickness. My understanding of that is that whether I was longing for my own home. Now, his next question puzzles me in the sense that I understood the (20) previous question different from what is being put to me.

Yes, I think that you have been very careful and it is a valid criticism of the second question. Did you feel that you wanted to get as much information as to what was happening back here in South Africa? -- Yes, I did.

And did you try to get every newspaper that had an article about South Africa in order to read it? -- During the period when I was still in Agola and the other places there newspapers from South Africa or which are making mention of South Africa are very scarce. In Lesotho, yes, I used to read newspapers. (30)

Doesn't the ANC give you newspaper cuttings of the South African/..

African newspapers in order to inform you what is happening back here? -- There are cuttings available.

COURT: Is there a library where one can go and read the newspapers? -- There is a library in the camps where you find all the documents relating to ANC.

MR BIZOS: And cuttings from South African newspapers? -- Yes, that is so.

If videos or recordings or magazines become available, are they shown as well from time to time? -- Things like tapes are available though a bit scarce in Angola. Pertaining to videos(10) I cannot remember seeing any video while being in Angola.

Television programmes? -- There are television programmes.

And is material, not necessarily South African material, but material relating to South Africa, shown on the television? -- Most of the programmes we saw on the TV were Angola programmes. There were sometimes some films which were from the Soviet Union. At one stage we saw a film for instance like the one of 9 August.

Yes, is that of events that took place in South Africa? -- That is so.

Are events which take place in South Africa from time to (20) time shown on television in Angola and Zambia and in Lesotho? -- Yes, In Lesotho you do receive TV1 and 3 and therefore you can see things that are happening in South Africa from there.

There is no Lesotho TV programme? -- Not during the time when I was in Lesotho. There was none, not knowing at present.

And tapes, are they played over the radio in Lesotho relating to South African affairs?

COURT: Are you meaning musical tapes or speeches?

MR BIZOS: No, speeches, tapes, actuality tapes. -- Some of the programmes that are originating from South Africa we do receive (30) them in Lesotho but not a speech by someone, for instance, to be/..

to be received in Lesotho over a radio, that is so and so is addressing there and this is his speech and then you happen to receive that over the radio. We used to listen to everything that is being mentioned over Radio Lesotho broadcasting, for instance about things that are happening in Lesotho and things that are happening in South Africa and other countries.

Do you recall whether you could listen to the BBC whilst you were in Lesotho, Zambia and Angola? -- Yes, while being in Angola I used to listen to the BBC broadcasting.

Do you recall voices of South Africans recorded by the BBC in South Africa broadcast over BBC and reaching Angola? (10)  
-- What I listened to mostly from the BBC was the news, the reason being that for us to be able to broadcast our news from Radio Freedom we were to listen to BBC.

And the BBC has a news broadcast, I understand, every hour on the hour. -- I cannot quite recall whether it was hourly or what the period was.

Do you recall whether there were extensive references to South Africa on those BBC programmes including voices of South Africans speaking in South Africa which were recorded by the BBC? (20)  
-- What I remember was what they used to say over the news for instance they would say such and such an incident took place and so and so was there, then a chance would be given to that person to relate about that incident.

COURT: Yes, that is a reporter on the spot. -- Yes.

MR BIZOS: And the radio reporter sometimes put on their tape machines and if they reported a speech, the speech comes forth. -- I do not know how they go about doing that, but you can hear the voice, that is the voice of that person.

Now, you have said a short while ago that you do not remember seeing any videos in Angola. Do you recall that? (30)

Yes/..

Yes, I have said so.

Do you recall that before the adjournment you told us that you saw a video in Angola and you were asked before or after you had been to Tripoli.

COURT: Which video was that? -- No, that is not my evidence. What I said was on return from Tripoli a tape-recording was received, not a video.

MR BIZOS: Not a video. No, you are quite right. Yes, I am sorry about that. I had a note to the effect, but now that you remind me - you are quite right, it was a recording, yes. (10)

Do you agree in your experience as a broadcaster that it is easy for one person to record or re-record from all sorts of sources what might have happened far away? I will try and explain. You do not know the origin of the tape that you hear in Angola. -- I can agree with that because I do not know where the origin of this tape is but it was sent to us by DIP from Lusaka.

And you do not know where they got it from. -- No, I do not know.

Now, I want you to please assume that the recordings of everything that Radio Freedom may have said is available, how (20) many times will we hear your voice on it? I am not suggesting that it is now available to us, My Lord. I am sorry if I .. How many times will we hear your voice? -- I am not in a position to tell you that you can find my voice there on five different occasions or not, but if you can get that you will be able to find my voice, because I did not record once only but I have recorded more than twice.

Let us get more or less when do you say you recorded the first time? -- I am not in a position to tell the Court as to what the date was when I started there and the only thing I (30) remember is I started recording on a certain day. What day it

was/..

was again I am not in a position to tell as to what day it was.

The month? -- I joined the Radio Freedom in July. In August I was still with them.

In what year? -- 1983.

For how long did you stay with Radio Freedom? -- If I were to add those days together it is about a month.

What was your first recording? -- If my memory serves me well my very first recording was a church programme. It is a programme on a Sunday which is not a church programme, but a programme on a Sunday, which programmes were broadcasted on (10) Sundays had to do with women.

Just stay there for a moment, please. You recorded, do you know whether it was broadcast or not? -- Yes, I know.

It was broadcast? -- Yes, it was.

With you speaking? -- Yes, with me speaking.

That is one, about women, and the other one? -- Another programme in which I was involved was the youth programme.

The youth programme? Yes, did you record anything about the youth programme? -- Yes.

And was that broadcast? -- Yes, it was. (20)

Any other programmes that you remember recording? -- Another programme which I was involved with is the time when UDF was about to be launched.

Did you record anything about that? -- Yes.

And was that broadcast? -- Yes, it was.

Was it something that you wrote yourself or did you read it? Someone else wrote it and you read it. -- I was assisted in writing it.

Who wrote it or who assisted you to write it? -- I was assisted by one Anderson. (30)

So, that is three up to now if my counting is correct. Yes?

When else/..

When else did you record? -- I again recorded on another programme which was a women's programme. I again recorded another programme about the UDF again.

Did you write it? -- As I have already said that we were working together. There was always someone to help you and again for the fact that I was still being trained on the work of Radio Freedom there was supposed to be someone to assist me.

Please tell us what you said about the UDF the first time. -- Although I am not going to be able to remember the whole speech, that is the first one, it was about a campaign which (10) was being carried out within the people and their organisations, that they must come from all over the country in attending a UDF meeting.

Was this a news item or a current affairs speech, what was it? -- It was not under the news. In fact what happens with Radio Freedom, you find that there are news that are being read and then there are comments.

But was this as a news item or as a comment? -- Under comment.

And where did you get the news from, that there was going (20) to be a UDF meeting? -- As I have already said that we were monitoring news from different radio stations and then compile from those news, then the people working for Radio Freedom will come and sit together, after monitoring the news, and discuss from the news we had been monitoring and decide whether we can take an article from what we have heard from the news and make a comment on that.

Can you recall where you got the news from that there was going to be a UDF launch? -- It was over the news.

Which programme? -- I am not in a position to tell from (30) which programme it was because it is not everybody who will

monitor/..

monitor news on the same day. I cannot remember who it was who was monitoring the news this day. That person, that is a person monitoring the news for the day, after finishing, then the people, the unit, they will come and sit together and discuss the new monitored by that particular individual.

Will you please tell us what you recorded the second time the UDF was mentioned. -- What I recorded on the second occasion was how we felt about the UDF.

Who is "we"? -- We, the people working for Radio Freedom.

So you put on tape how you felt about UDF. Yes, what did(10) you say, how did you feel about UDF? Did you do it in English or Xhosa? -- Both English and Xhosa.

Yes, you can tell us what you said, how you felt about the UDF. -- We felt it was an achievement by the forming of launching of the UDF and again we came to realise that people in South Africa are getting organised.

Did you find yourself expressing favourable, sometimes favourable and sometimes unfavourable commentary about organisations working in South Africa? -- Yes, that used to happen.

If a new and strong trade union was formed would that (20) please you? -- I beg your pardon?

If a new and strong trade union - if you got news that a new and strong trade union was formed, would that please you? -- Yes.

COURT: Well, did it occur that a new and strong trade union was formed when you were there? -- No, I cannot remember that happening.

Let us not speculate then.

MR BIZOS: Were there things which were done by South Africans, Black and White, which pleased you whilst you were there? -- (30) Yes, there were.

Did/..



Did you express your pleasure in your commentary? -- Yes,  
I did.

And I suppose the opposite also happened to you? -- I used  
to do it, yes.

It may be a convenient stage, My Lord, because of the  
interpreter's ..

COURT ADJOURNS UNTIL 1986-05-06.

## **DELMAS TREASON TRIAL 1985-1989**

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