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(TRANSVAALSE PROVINSIALE AFDELING)

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PRETORIA

1988-03-21 en 22

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

~~ADV. W. HENDERSON~~

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

VOLUME 370

(Bladsye 21 308 - 21 388)

HOF HERVAT OM 14h00 OP 21 MAART 1988.

JOHANNES TEFO PHATE, nog onder eed

VERDERE KRUISONDERVRAGING DEUR MNR. FICK : Die datum van 1 Augustus 1984, het u toe u huis toe gegaan het ook voertuie gekry wat gebrand was? -- Nee.

Ons het ook getuienis gehad dat die biertuin van die administrasieraad, daar was n voertuig uitgebrand - n voertuig beroof en beskadig wat daar was. Het u dit gesien die dag? -- Nee.

HOF: Kom u daar verby? -- Op pad huis toe, ja. Dit is my (10) pad wat ek gebruik.

MNR. FICK : Het u gesien of daardie saal, die biertuin beskadig is eniginsins? -- Ja, ek het gesien dat die venster-ruite van die biersaal stukkend was.

Is dit verder ook so daar het n klomp bottels rondgelê daar buite die biertuin? -- Net onderkant die muur, onderkant die venster by die muur van die gebreekte vensters was daar stukkende ruite asook leë bierbottels.

Dan wil ek met u gaan na die volgende dag toe. Dit is 2 Augustus 1984. U het vir die hof in u hoofgetuienis gesê (20) dat in die hoofstraat, Metoeshistraat, het u gesien daar is sekere voorwerpe? -- Dit is Mothusi. Ja, dit is so.

U het genoem dit was as en vuilgoed? -- Ja, dit is so.

Is dit ook so daar was asblikke en klippe in die pad gegooi? -- Ek het gesê dat ek die as gesien het en stukkies metaal gemaak van sinkplaat wat daar in die straat was.

Is dit so dat hierdie vuilgoed is daar uitgegooi om die verkeer te belemmer op die pad? Dit was dwarsoor die pad gegooi? -- Ek kan nie sê wat die doel daarvan was nie. Al wat ek vir die hof hier sê is dat ek dit gesien het. Wat (30)

die/...

die rede was dat dit daar was, weet ek nie..

U het ook vir die hof gesê u het gesien daar is polisie-voertuie wat op en af ry daar in die straat? -- Ja.

Is dit al wat die polisie gedoen het wat u gesien het? -- Dit is al wat ek gesien het, ja.

Wat is die rede, waarom het u hierdie betrokke dag 2 Augustus huis toe gekom en 15h15 weer teruggegaan werk toe? -- Dit is my tyd, die onderbreking van die skof wat ek werk, dat ek moet gaan eet en weer terugkom.

U het ook gepraat van u het op hierdie dag van 2 Augustus (10 mense gesien rondmaal in die strate. Was dit volwassenes, skoliere, almal deurmekaar? -- Dit was grootmense en kinders en jeugdiges.

Was hulle in groepe of het hulle almal deurmekaar gestaan? -- Hulle het heen en weer geloop. Hulle het in verskillende rigtings gestap en daar was van hulle wat net gestaan en kyk het na die polisievoertuie wat daar verby is.

Ek wil by u verder vasstel. U eie kinders, was hulle skool toe op 1 en 2 Augustus 1984 of weet u nie? -- Ek hoor dat hulle die oggend skool toe was en weer teruggekom het. (20)
HOF : Elke dag? -- Ek was nie tuis nie. Ek was by die werk. Ek het gehoor dat hulle skool toe gegaan het en voor hulle eintlik by die skool was, moes hulle teruggekom het en dus het hulle teruggekeer huis toe.

Het dit elkeen van die twee dae gebeur? -- Ja.

ASSESSOR (MNR. KRUGEL) : Hoekom? -- Omdat hulle bang was vir hierdie deurmekaarspul wat daar aan die gang was asook die polisie en die overige kinders wat hulle geslaan het as hulle skool toe gaan.

Die antwoord is hulle was bang vir die deurmekaarspul (30)
en/...

en die polisie en dan ook vir die ouer kinders wat hulle slaan. Is dit reg? -- Ja, dit is presies so.

MNR. FICK : Is dit nie ook so dat 1 en 2 Augustus was daar 'n skoleboikot aan die gang en skole was toe gewees en net die matrikulante self was toegelaat om 1 Augustus 1984 te gaan probeer herinskryf by die skole? -- Laat ek dit so stel vir u. Die kinders wat in laer klasse was, het aanhoudend skool bygewoon, maar omdat daar moeilikheid was, die probleme het veroorsaak dat hulle teruggegaan het huis toe.

In 1984 hoeveel van u vyf kinders was op skool gewees?(10)
-- Vier van die vyf was op skool gewees in daardie tyd.

HOF : Was daar van hulle in die hoërskool? -- Nee, hulle was by die "higher and lower primary" skole.

MNR. FICK : En verstaan ek u dan reg, by daardie skole was daar nie 'n skoolboikot aan die gang gewees op 1 en 2 Augustus nie? -- Laat ek dit vir u so verduidelik. Ek sê die kinders van die laer klasse het skool toe gegaan, maar hulle was bang al het hulle gegaan, hulle moes teruggekeer het as gevolg van die omstandighede of dat hulle deur die ouerige kinders verhoed was om skool toe te gaan. (20)

Kan ek vir u so vra. Die rapport wat hulle aan u gemaak het in verband met die ouerige kinders, het hulle gesê dit is net die matrikulante wat hulle keer om skool toe of dit is die hoërskoolleerlinge wat hulle keer om na hulle skool toe te gaan of wat het hulle gesê? -- Dit was nie aan my duidelik gemaak nie. Al wat aan my gesê was was dat die ouerige kinders die kinders van my verhoed het om skool toe te gaan. Of dit nou matriekkinders was of hoërskoolkinders was, dit was nie spesifiek so aan my genoem nie.

Ek wil dan met u gaan na die begrafnis van 11 Augustus(30)

1984. Is u die dag van 11 Augustus eerste - heel eerste na die Phillip Smith sentrum toe of was u by die familie van die oorledene ook aan gewees voor die tyd? -- Van my huis af het ek direk na die saal toe gegaan sonder om by die oorledene se huis aan te doen.

Verstaan ek u verder reg dat uiteindelik was u die persoon in beheer van hierdie begrafnis van Loape op 11 Augustus 1984. U het die diens waargeneem en die begrafnis gedoen? -- U is heeltemal reg.

HOF : So, u was nie net predikant nie, u was nog ook MC?(10)
-- Nee, nie dit nie. Wat betref die begraving van die oorledene was ek in beheer daarvan, maar nie dat ek in beheer was van alles wat daar plaasgevind het nie. Nee.

Was daar 'n MC soos julle dit noem? -- Ek het hier melding gemaak van 'n persoon met die naam van Dladla as 'n persoon wat die opening van die werk gedoen het daar, dit wil sê die eerste seggenskap gehad het asook om die mense daar teenwoordig te verwelkom.

MNR. FICK : Wie het u gevra om op te tree? Die familie of Dladla? -- Een van die familielede het my gevra nadat hulle(20) besef het dat die predikant nie kom nie.

ASSESSOR (MNR. KRUGEL) : Is dit by die saal? -- By die saal, ja.

MNR. FICK : Die familie, laat ons net uitvind, is dit een van die ouers van die oorledene of wie is dit? -- Dit is een van die familie van die oorledene.

'n Broer of 'n suster of wat? -- Die broer van die oorledene Mbuti Loape.

Ons weet van die getuienis wat hier reeds gelewer is dat daar beperkings geplaas was op hierdie begrafnis. (30)

MR BIZOS : Where is that evidence?

HOF : Mr. Fick, waar is die getuienis?

MNR. FICK : Volume 100 bladsy 4 895 het die getuie Vorster 'n kort stukkie getuig onder andere dat die kis is teenstrydig met die bevel van die landdros gedra.

MR BIZOS : Yes, but the suggestion put to this witness is that he knew of any.

HOF : Herhaal net die vraag?

MNR. FICK : Daar is getuienis dat daar beperkings was deur die landdros op die begrafnis. Wil u vir die hof sê dat (10) u is gevra om op te tree by die begrafnis en niemand het vir u gesê maar kyk, daar is sekere goed wat gedoen mag word en nie gedoen mag word nie? -- Nee, niks was aan my gesê nie.

Toe u by die saal aangekom het, was die kis reeds daar of was hy nog nie daar nie? -- Nee, toe die kis daar aangebring was, was ek alreeds by die saal.

Deur wie is die kis daar aangebring by die saal? -- Die lykswa was gebruik. Net die bestuurder van die lykswa was daar met die kis op die lykswa.

U weet, die getuienis wat vantevore in hierdie hof (20) aangebied was, was dat die kis was gedra van die huis af na die Phillip Smith sentrum toe. U edele, dit sal nie in daardie getuienis van Vorster wees nie. Dit is een van die verdedigingsgetuies, mev. Leeba. -- Wat ek van weet is die volgende. Toe die kis by die saal gekom het, was ek alreeds daar. Dit is daar gebring deur 'n lykswa deur die bestuurder van die lykswa alleen. Dit is wat ek van weet.

HOF : Was u nie binne-in die saal dan nie? -- Om dit vir u duidelik te maak. Ek het by die saal gekom en nie lank nadat ek daar was nie, het die lykswa met die kis daar (30) gekom/...

gekóm. Ons het gehelp om die kis in te dra in die saal in. Dit is hoe ek die eerste keer in die saal beland het.

So, as enigiemand anders beweer het dat die kis is van die huis af gedra na die saal toe deur 'n klomp mense en glazie met 'n lykswa nie, dan is dit vals? -- Dit is daardie persoon se getuienis en nie myne nie.

Het enigiemand toe hulle by die saal aangekom het gekla en gesê "Maar die polisie het ons met traanrook gegooi"? -- Nee, volgens my kennis is dit nie so nie. Daar was geen traangas by die saal gewees nie. (10)

Maar het enigiemand ooit die dag by u gekla dat daar traanrook deur die polisie gebruik was tot by die afhandeling van hierdie begrafnis? -- Laat ek dit vir u so duidelik maak. Na ons die oorledene begrawe het, het die voertuie daar toe weggetrek met dieselfde roete wat ons gebruik het om na die begraafplaas toe te kom. 'n Entjie verder het die polisie die voertuie laat terugdraai deur die traangas te gebruik en 'n ander pad gevat. Dit is die enigste tyd waarvan ek bewus is wat traangas gebruik is.

HOF : So, die antwoord was eintlik nee. As u 'n vraag (20) met nee kan antwoord, antwoord hom met nee, dan is ons gouer klaar.

MNR. FICK : Die begrafnis van die stadium wat u daarby betrokke geraak het by die Phillip Smith sentrum tot na die teraardebestelling, was dit 'n stil rustige begrafnis? -- Dit was 'n vreedsame begrafnis gewees.

Daar was op geen stadium 'n geskreeu van slagspreuke of wys van die gebalde vuus in die lug nie? -- Nee.

Hoe ver van die voerpunt van die stoet af was u gewees toe die stoet nou afgaan daar na die begraafplaas toe? (30)

Ek/...

-- Ek was n entjie ver. Ek skat ongeveer tussen vyf en tien voertuie voor my. Dit wil sê tussen my en die voorste voertuig met die kis.

Op hierdie begrafnis, behalwe die COSAS T-hempies wat u van praat, het u geen ander T-hempies gesien van ander organisasies nie? -- Nee.

Is daar by die begrafnis voor die tyd n program uitgedeel? -- Nee.

BEWYSSTUK AAW12 het u dit al vantevore gesien? Op bladsy 1 is n foto van die oorledene blykbaar? -- Ek sien dit (10) vir die eerste keer nou hier vandag.

As enigiemand beweer het dat van die sprekers in die saal het onder andere "Amandla Ngawethu" geskreeu tydens of na hulle toesprake, wat sê u daarvan? -- Ek ontken dit. Dit het nie gebeur nie.

ASSESSOR (MNR. KRUGEL) : Dit is heeltemal korrek. Ontken u ook dat die spreker "Amandla" geskreeu het en dat die ander mense geantwoord het "Ngawethu"? -- Ek het hier gesê dat n persoon net een maal geskreeu het "Amandla" en dit was die enigste keer net terwyl ons daar uitgegaan het. Dit is al. (20)

HOF : Toe julle uit die saal uitgaan? -- Ja, uit die saal uit.

MNR. FICK : Nou weet ons al van die tweede "Amandla Ngawethu" wat daar geskreeu is.

HOF : Moenie die man deurmekaar maak nie. Vra hom vrae.

MNR. FICK : Ek wil aan u stel die getuie Leeba het getuig dat n persoon wat n toespraak gemaak het, voor hy begin praat het, het hy ook geskreeu "Amandla Ngawethu" en nie toe julle die saal verlaat het nie? -- Nee, dit weet ek nie van nie.

HOF : Het daar verskillende mense gepraat in die saal? -- (30)

Drie/...

Drie persone het daar gepraat in die saal. Dit is die een wat die gemeenskap daar verwelkom het, die een wat h gedig gemaak het en die een wat die oorledene se lewe daar aan die mense bekend gemaak het.

Enige van hierdie mense was hulle van COSAS? -- Ek weet nie daarvan nie.

Hoekom sê u u weet nie? Kan u dit nie onthou nie of ontken u dat dit gebeur het? -- Wat ek sê ek weet nie of enige persoon waarvan ek praat h lid was van COSAS nie.

Nou wil ek dit aan u stel, hierdie was glad nie so (10) h rustige en stemmige begrafnis soos u vir die hof te kenne wil gee nie. Ek wil u verwys na BEWYSSTUK W64 in volume 11. Dit is h SASPU National... Op bladsy 1 eerstens heel bo is daar h foto wat geneem is van die begrafnis van hierdie Papiki Loape en ek wil dit aan u stel daar waar u gery het in die stoet kon u duidelik sien hoe die mense met die gebalde vuus beduie en bo-op die voertuie ry? -- U moet verstaan ek is in h voertuig agter hierdie persone, heel agter. So, wat heel voor plaasvind van die punt waar ek was kan ek nie sien nie. (20)

Wil u werklik vir die hof sê, u sê u het tien voertuie agter die voerpunt gery, dat u nie kan sien hier is mense bo-op h voertuig wat hoog sit met vuiste in die lug nie? -- U moet verstaan dat daar so baie mense was dat ek nie in staat sou gewees het om daar voor te kan sien wat gebeur nie.

HOF : Maar weerspieël die foto waar ons nou na kyk nie die gees van die begrafnis nie? -- Wat my betref, as ek hierdie foto so kyk, lyk dit vir my na mense wat sleg voel en dus haastig is na die plek toe waarheen hulle gaan. (30)

Hierdie/...

- Hierdie foto is in pas met die gees van die begrafnis. Is dit wat u sê? -- Ek sal nie sê dit is die gees van die mense by die begrafnis nie. Ek antwoord op die vraag van die hof volgens my waarneming hier.

Ja-nee maar, u was by die begrafnis. U skets vir my 'n sekere soort van 'n beeld op daardie begrafnis. Nou kyk ek na hierdie foto. Nou vra ek vir u, as 'n mens na die foto kyk is dit die soort beeld wat ek moet kry van die begrafnis? -- Volgens my waarneming van die foto hier is dit mense wat op pad is na die begrafnis toe - na die begraafplaas toe. (10) As ek u vraag moet antwoord sê ek ek sien niks verkeerd daarmee nie en ek hou vol deur te sê dat dit 'n vreedsame begrafnis was, want daar is geen deurmekaarspul wat 'n mens kan sien op hierdie foto self nie.

Nee, dit gaan nie nou daarom nie. Wat 'n mens op die foto sien is mense wat hardloop en daar is mense wat hulle vuiste in die lug steek. nou is dit vir my 'n bietjie moeilik om te aanvaar dat dit langs die pad sal gebeur en nie ook by die graf sal gebeur en nie ook in die saal sal gebeur nie. Wil u daarop kommentaar lewer? -- Ja. Ek sê hierdie (20) foto hierso toon 'n beeld van wat gebeur het op pad en ek was nie in 'n posisie om te sien dat dit daar plaasvind nie, maar wat die saal en die graf betref waar ek duidelik kon sien, het dit nie plaasgevind nie.

MNR. FICK : In hierdie selfde bewysstuk, as u gaan na bladsy 3 toe die eerste kolom onder die opskrif "Student on boycott is shot dead", as 'n mens na die heel laaste paragraaf kyk dan gaan dit oor hierdie selfde begrafnis en dan lees 'n mens die volgende "His funeral a week later was not allowed to go ahead in peace as thousands of mourners carried the (30) coffin/...

coffin through the streets to the Loape house singing freedom songs, police fired teargas as them." Nou stel ek dit aan u of hierdie berig op bladsy 3 in BEWYSSTUK W64 is vals of u gee h vals weergawe vir die hof oor wat op hierdie begrafnis gebeur het? -- Ek getuig oor wat ek van weet. Die skrywer het hier geskryf oor wat hy geweet het.

Ek wil u verder vra, was daar enige baniere by hierdie begrafnis òf in die saal òf in die stoet òf by die begraafplaas? -- Nee, ek het hoegenaamd geen banier gesien nie.

Nie h COSAS banier nie, nie h UDF banier nie, nie h (10) AZAPO banier nie, nie h Release Mandela banier nie? -- Nee, ek het geeneen van dit wat u genoem het gesien nie.

U weet dit is een van die min onbetwiste dinge tussen die staat en die verdediging, naamlik dat daar wel h Release Mandela Campaign banier by die begrafnis by die begraafplaas was? -- Wat van Mandela se banier?

Ek stel aan u daar was h banier by die begraafplaas by die begrafnis? -- Nee, volgens wete het ek dit nie gesien nie. As dit daar was en ek moet sê, het ek dit nie gesien nie. (20)

Ek stel aan u u getuienis is so bevooroordeeld oor wat op hierdie begrafnis gebeur het dat u nie eers bereid is om dit toe te gee dat daar h Release Mandela Campaign banier was nie? -- Ek is hier om te getuig waarvan ek weet en dus sal ek daarvoor getuig net soos dit was.

Behalwe die COSAS T-hempies wat u getuig wat daar was by die begrafnisgangers, was daar enige ander T-hempies van UDF byvoorbeeld? -- Nee, ek onthou nie dat ek enige UDF T-hempie daar gesien het nie.

Kan ek by u so vasstel. Vandat u nou by die (30)
begraafplaas/...

begraafplaas aangekom het en die diens daar begin het totdat julle die grond op die kis gegooi het, hoe lank het dit geduur min of meer? -- Ek glo nie ons het lank geneem nie. Ons het omtrent dertig minute geneem.

En u sê vir die hof beskuldigde nr. 20 het eers daar aangekom toe julle klaar begin het om die graf toe te gooi? -- Ja, dit is so.

Hoe het hy daar aangekom? Het u gesien?

ASSESSOR (MNR. KRUGEL) : Die graf toe te gooi? Ek glo nie dit is wat die getuie gesê het nie. Hy het gepraat van (10) stof gooi. Grond gooi.

MNR. FICK : Ek sal net by hom seker maak. Toe beskuldigde nr. 20 daar aangekom het, was julle besig om die graf toe te gooi of het julle nog net stof op die kis gegooi? -- Dit was op die tydstip van die gooi van die stof.

Hoe het beskuldigde nr. 20 daar aangekom? Weet u? Het u dit gesien? -- Ek weet nie hoe hy daar gekom het nie.

Het hy alleen daar aangekom by die graf? -- Ek het net gesien dat hy tussen die mense daar te voorskyn kom alleen. Dladla het hom eintlik daar gebring en gesê dat hy, beskuldigde nr. 20, 'n toespraak kom maak.

En oor wat beskuldigde nr. 20 gesê het, het u vir die hof gesê dat hy het ook gesê dat hy kan nie verstaan dat die polisie die UDF beskuldig van geweld nie en hulle self gebruik geweld nie? -- Dit was sy toespraak, ja.

En hy het ook verwys pertinent na UDF en gesê dit is 'n vreedsame organisasie? -- Ja, dit is definitief so.

U weet, twee getuies het al getuig oor wat beskuldigde nr. 20 sou gesê het en nie een het gesê dat hy na UDF verwys het nie? -- Dit is daardie twee se getuienis en nie myne (30)

nie/...

nie.

Selfs beskuldigde nr. 20 het nie gesê dat hy sou gesê het daar vir julle dat UDF is 'n vreedsame organisasie nie? -- Dit was sy woorde gewees en nie myne nie.

Ek stel aan u u het na die hof toe gekom om 'n eensydige weergawe te gee van wat daar sou gebeur het en dinge so rooskleurig moontlik te skilder vir die beskuldigdes? -- Ek is hier om te kom getuig oor wat daar gebeur het in my teenwoordigheid en nie wat aan my gesê word daar gebeur het nie.

Is dit nie so dat beskuldigde nr. 20 het daar by die (10) graf gesê dat - hy het verskoning gemaak dat hy laat is en aangevoer hy is deur die "white element" gearresteer? -- Nee, hy het nie daardie woorde gebesig nie.

Is u die enigste predikant wat daar gebid het by die graf? -- Ja, regtig.

Is dit nie ook so nie, u wil nie heeltemal die waarheid vir die hof vertel oor wat u sou gebid het by die graf nie? -- Wil u hê ek moet herhaal wat ek daar gebid het?

Nee, kom ek herhaal dan kan u dit net bevestig. U het daar gesê dat hierdie oorledene is 'n gelukkige mens, want (20) hy is nou saam met Biko en Solomon Mahlangu? -- Dit is nie so nie.

Het beskuldigde nr. 20 nie ook na die vroue verwys en hulle deelname aan die probleem, die "struggle" nie? -- Nee, hy het nie.

Behalwe hierdie een persoon, beskuldigde nr. 20, wat daar aangekom het, het daar nog enigiemand anders aangekom met 'n voertuig terwyl julle besig was met die begrafnis by die begraafplaas? -- Nee.

Wie het vir beskuldigde nr. 20 voorgestel, indien (30)

enigiemand/...

enigiemand anders daar by die graf? -- Hy is aan my voorgestel deur mnr. Dladla wat almal geroep het wat iets te sê gehad het om te kom praat.

HOF : Het mnr. Dladla iemand wat gepraat het aan die gehoor voorgestel? -- Nee, hy het nie die persoon voorgestel deur te sê wie hy is van waar nie. Al wat hy gedoen het was om die persoon te roep dat die persoon kom praat.

Hy het nie gesê "Hier is nou mnr. so en so" nie? -- Nee hy het nie.

MNR. FICK : Op watter stadium is u van die graf weg? Is (13) u een van die eerste mense wat die graf weg is of van die laaste mense? -- Ek was een van die klomp wat in die middel was. Daar was wel mense wat vroeër voor my vertrek het en daar was ook mense wat agterna, na ek weg is, vertrek het.

Ken u vir mev. Leeba? -- Nee, ek ken haar nie.

Die voertuie wat daar omgedraai het en teruggekome het toe hulle by die graf weg is, was dit die eerstes wat daar weg is en omgedraai het en teruggekome het? -- Ja.

Is u seker? -- Ja, ek is heeltemal seker daarvan.

Mev. Leeba was net so seker. Sy was een van die eerste (20) voertuie wat daar weggegaan het en die polisie het niks aan hulle gemaak nie? -- Dit is waarvan ek nie weet nie. Dit is hoe sy dit gesien het.

'n Klomp voetgangers, om die waarheid te sê die meeste van hulle het nog agtergebly toe u weg is. Is dit wat u sê? -- Herhaal die vraag?

HOF : Van die graf af bedoel u?

MNR. FICK : Van die graf af, was die voetgangers die meeste mense wat nog agtergebly het na u weg is? -- Ja, die meeste mense daar was voetgangers. (30)

U weet nie hoe is hulle daar weg en onder watter omstandighede is hulle daar by die graf weg nie? -- Nee, ek weet nie wat van hulle geword het nie.

Ek wil dan nou oorgaan na die vergadering van 5 September 1984. Verstaan ek u reg dat u sê dat hierdie vergadering van 5 September 1984 is gereël deur mnr. Dikoko? -- Ja.

U sien, die ander getuienis wat die hof hier moes aanhoor is dat die vergadering gereël is deur mnr. Msibi, die inspekteur? -- Die vergadering was gereël deur mnr. Dikoko. Msibi se betrokkenheid daar was omdat hy daar (10) genooi was as 'n gasspreker.

En is dit reg, hierdie vergadering was net vir die ouers? -- Dit is net so.

En u weet nie hoe dit gekom het dat daar ongeveer driehonderd skoolkinders op hierdie vergadering geland het nie? -- Ek glo daaraan dat die ander kinders daar was omdat hulle die ouers vergesel het na hierdie vergadering. Daar was wel van die kinders wat daarheen gegaan het omdat dit vir hulle lekker was om teenwoordig te wees.

Toe u by die vergadering aankom, was die skoliere al (20) daar op die gallery? -- Nee, op die tydstip wat ek daar aangekom het, was hulle nog nie daar op die gallery gewees nie.

Dan kan u seker vir die hof sê het hulle as 'n groep daar aangekom en op opgeklim en op die gallery gaan sit, die skoliere? -- Ek sal nie kan sê hoe het hulle daar gekom nie. Op 'n stadium het ek opgekyk en toe het ek gevind dat hulle alreeds daar was. Ek kan nie vir die hof sê dat hulle as 'n klomp op een stadium daar gekom het nie.

HOF : So, is u die saal binne, toe was daar nog niks op (30) die/...

die gallery nie en toe u opkyk, toe sien u die gallery sit vol? -- Ja, dit is so.

MNR. FICK : Wie sê u was die voorsitter van hierdie vergadering? -- Mnr. Dikoko.

Nou wil ek dit aan u stel dat die vorige getuie wat hier getuig het oor die vergadering het gesê mnr. Dikoko was nie die voorsitter nie, maar daar was 'n ander persoon wat die voorsitter was? -- Dit is daardie persoon se getuienis en nie myne ne.

Maar was dit vir u absoluut duidelik dat volgens u (10) was Dikoko die voorsitter? -- Ja, net so.

Het Dikoko homself voorgestel as voorsitter van die vergadering? -- Ja.

Wie sê u het mnr. Msibi voorgestel? -- Mnr. Dikoko is die persoon wat hom voorgestel het en eintlik volledig gesê het hoe hy is, wie hy is.

Het mnr. Dikoko ander sprekers ook voorgestel? -- Ja, dit was so gewees. Hy het.

Kan u net vir die hof sê waar in hierdie saal het u gesit? -- Ek was op die verhoog gewees. (20)

Mnr. Lucas Leeba, ken u so 'n persoon? -- Ja, ek ken vir Lucas Leeba.

Waar het hy gesit in die vergadering? -- Nee, om vir u te kan sê presies waar hy gesit het, kan ek nie sê waar nie.

Ken hy, mnr. Lucas Leeba, vir mnr. Dikoko goed? -- Is dit nou 'n vraag of sê u dit vir my?

Ja, ek vra vir u? -- Nee, ek weet nie of hy hom goed ken nie. Dit weet ek nie.

Het enigiemand op hierdie vergadering namens die kinders gepraat? -- Maak u vraag vir my duidelik. (30)

Het/...

Het enigiemand op die vergadering opgestaan en gesê "Ek wil nou namens die skoliere praat en dit wil ek sê." -- Nee, daar was niemand wat dit gesê het nie.

Weet u waar mnr. Johnny Morolong op die vergadering gesit het? -- Ek weet hy was in die saal. Presies waar hy in die saal gesit het, sal ek nie kan sê nie, maar al wat ek weet is hy was in die saal.

Op watter stadium het hy opgedaag? Voor die vergadering of toe die vergadering al aan die gang was? -- Om spesifiek vir u te kan sê hoe laat hy daar gekom het, kan ek nie (10) sê nie, maar wat ek wel kan sê is dat hy daar aangekom het.

U kan nie eers sê of die vergadering al aan die gang was nie? -- Nee, ek kan nie sê op watter stadium hy daar arriveer het nie.

Nou wil ek u verder vra, het enigiemand gesê op die vergadering wat is die probleme van die skoliere? -- Ja, van tussen die gehoor het iemand.

Sommer h ou wat opgestaan het en gepraat het sonder dat hy voorgestel is? -- Nee, nee, dit lyk vir my u het dit nou verkeerd. U verdwaal nou. Wat gebeur het daar is, h (20) persoon het h hand opgesteek en hy is toe uitgewys om te praat en daardie persoon het toe gepraat.

HOF : Gee hy dan sy naam as hy praat? -- Nee.

MNR. FICK : Was dit h onbekende persoon wat u betref wat dit gesê het? Een van die onbekende ouers? -- Ja, dit is een van die ouers.

Onbekende ouers? -- Onbekend aan my om te sê wie die persoon is.

U het gesê dat mnr. Msibi sou op h stadium h ongelukkige opmerking gemaak het en dit het tot h gemompel aanleiding (30)

gegee/...

gegee? -- Ja, dit was so gewees.

Om u woorde te gebruik "a few on the gallery", h paar van die mense op die gallery het toe die vergadering verlaat? -- Dit was so gewees.

Is dit net die paar op die gallery wat uitgeloopt het? -- Dit was so gewees.

Die vergadering het toe verder so aangegaan na die ligte af is en weer aangekom het met die res van die mense? -- Ja, net so.

Die ander getuienis wat die hof moes gehoor het was (10) toe Msibi die ongelukkige opmerking gemaek het, het nie net h paar van die gallery af geloopt het nie, maar meer as die helfte van die saal het geloopt. Wat is nou wat? -- Dit is nie so nie.

En die getuienis was verder dat mnr. Msibi het die mense gesoebat om te bly, dat hulle tog maar kan praat, maar deurentyd het mense nog uitgeloopt uit die saal uit? -- Dit is nie so nie.

Toe die ligte af is, sê u vir die hof is die glasdeure gebreek? -- Dit is wat gebeur het, ja. (20)

Dit was seker stikdonker in daardie saal toe die ligte afgaan, nê? -- Ja, net so.

Op watter basis kan u dan vir die hof sê hy is met h klip stukkend gegooi? -- Ek sê dit is h klip want die plek waar hierdie deur is, kan net bereik word deur h klip van buite.

HOF : Hoe bedoel u? Was dit h buitedeur of h binne deur? -- Ek het gesê die deure wat ek van praat vorm die buitemure van die saal en die een kant, dit is die een sy van die muur is die een wat met die klip getref is. (30)

MNR. FICK : Die ander getuienis wat hierdie hof moes hoor oor hierdie voorval is dat daar ruite stukkend gegooi was?

HOF : Ruite van vensters en nie ruite van deure nie.

MNR. FICK : Ruite van vensters? -- Wie ook al dit gesê het is dit daardie persoon se getuienis.

HOF : U sê dit is nie reg nie? -- Ek sê dit is nie so nie.

MNR. FICK : Net laastens oor hierdie vergadering. Is dit ook sodat u beweer dat na daardie voorval wat die ligte afgesit is en weer aangekom het, toe is probeer om h komitee gestig te kry om na die kinders se probleme te kyk? -- Ja, (10) dit is net so.

Ek stel aan u, u getuienis wat u hier gegee het oor hierdie vergadering is totaal vals. Die vergadering moes plaasvind, maar die vergadering kon nooit op sy voete kom nie? -- Laat ek u in die lig bring. Ek is h inwoner van Thabong, h man wat in Thabong woon en h persoon wat teenwoordig daar in Thabong wat gesien het. U was nie daar nie. Ek weet dus meer van Thabong.

Kyk, van die jeugdiges wat daar gesit het, kon u sien wat het hulle aangehad of kon u nie sien nie? -- Ek kon (20) nie soveel aandag aan die kleredrag spesifiek van die mense gee nie.

Nou wil ek vir u sê watter stellings ander getuies gemaak het en dan los u my maar uit die storie uit. Ander mense wat oor dieselfde vergadering getuig het, het vir die hof kom sê dat by daardie vergadering kon hy nie begin nie, want die jeugdiges het geskreeu en vryheidsliedere gesing toe die ding moes begin en hulle kon nie begin nie? -- Ek wil dit regstel. Dit lyk vir my die advokaat is baie mislei hierso. Wie ook al dit vir u gesê het, het u mislei. (30)

Dit/...

Dit is nie so nie. Dat daar n geraas was sodat die vergadering nie kon begin nie, daar bestaan nie so iets nie.

Ek wil dit aan u verder stel dat die jeugdige daar het geskreeu en gesing van Tambo en Mandela en mnr. Msibi het probeer om hulle stil te kry, maar hy kon nie daarin slaag nie? -- Nee, nee, u verloor nou weer. U is nou weer besig om te verdwaal van die punt af. Kyk, die vergadering is vir die ouers en die ouers is daar teenwoordig. Dit kan nie wees dat die kinders n geraas maak in die teenwoordigheid van die kinders nie. Hulle moet die ouers eer. (10) Dit het nie gebeur nie.

Ek stel dit dan net verder aan u dat daar het toe n lawaai uitbreek toe Johnny Morolong die polisieman daar kom en hulle het gesê hulle gaan sy huis brand en van die skoliere het toe die vensters en glasdeure met stoele stukkend geslaan, uitgehardloop, dieselfde tyd is daar klippe van buite af gegooi en die ou mense, die volwassenes het toe uit die saal gehardloop en daar was n groot deurmeekaarspul? -- Dit is nie die waarheid nie.

Weet u of Johnny Morolong se huis daardie selfde aand(20) afgebrand is? -- Ek het eers die volgende dag daarvan gehoor dat Johnny Morolong se huis gebrand was.

HERONDERVRAGING DEUR MNR. BIZOS : Geen vrae.

GEEN VERDERE VRAE.

HOF VERDAM TOT 22 MAART 1988.

K1257

COURT RESUMES ON 22 MARCH 1988.

DILSHAD NOORJI CACHALIA, d.s.s.

FURTHER CROSS-EXAMINATION BY MR JACOBS : Madam, when did you leave the country for your overseas trip in the beginning of/...

of 1985? -- I left the country on 25 September 1984. I returned to South Africa in March 1985.

You said in your evidence-in-chief dat FEDTRAW, FEDSAW and UDF were not parties to any conspiracy? -- That is correct.

On what do you base your averment in this respect? -- I beg your pardon? I do not understand?

(On what did you base your statement?) -- That as far as I was concerned the UDF was a broad organisation which brought together a range of organisations from a variety of back-(10) grounds for the purpose of opposing the tri-cameral parliament.

And FEDSAW and FEDTRAW? -- FEDTRAW was launched in January or December 1984. Again I did not see it as part of any conspiracy whatsoever to violently overthrow the state. I saw it as bringing together a range of women's groups in the Transvaal to deal with a range of what was affecting women as well as some political issues.

And FEDTRAW? -- That is FEDTRAW that I am talking about.

COURT : Is this FEDTRAW you were dealing with? -- Yes. (20)

MR JACOBS : And FEDSAW? -- FEDSAW was a loosely structured body as far as I can recollect in 1984. It had its existence in the 1950's. The purpose of its existence in the 1980's was that we felt that a lot of the issues that were relevant to the women in the 1950's remained relevant to women in the 1980's.

If I understood your evidence correctly, you only attended one UDF meeting and that was the one year rally? -- That is correct.

You did not attend any other meeting of the UDF? -- (30)

Not/...

Not that I can remember.

And if I remember correctly you only attended the one meeting of the FEDSAW interim co-ordinating committee on 21 July 1984? -- As far as I can remember that was the only meeting I attended.

And you did not attend any FEDTRAW meetings as well? -- I did.

When was that? -- I attended FEDTRAW report back meetings between April 1985 and June 1985. I think there were two meetings that I attended. (10)

As a representative? -- My organisation, the Fordsburg women's group had affiliated to FEDTRAW. I went to the FEDTRAW meetings as a delegate from my organisation.

Did you attend any FEDSAW meetings? -- During which period?

Did you attend any FEDSAW meetings? -- I attended the interim committee meeting of FEDSAW. I also attended and I think this might have been organised by FEDSAW, the 30th anniversary of the historic march to the Union Buildings. I think it was held in April 1984 in Mamelodi. (20)

So, the interim meeting you referred to, is that the one on 21 July 1985? -- 1984.

1984 I mean? -- Yes.

So, do you recognise that as a FEDSAW meeting then? -- It was an interim committee meeting.

I asked you whether you attended any FEDSAW meetings and you referred to this one? -- No, I referred to the anniversary meeting that was held in April 1984.

SHORT : The question is, do you regard the interim committee, co-ordinating committee meeting as a FEDSAW meeting? -- (30)

To/...

To my knowledge FEDSAW was never really formally relaunched in the 1980's. It was an interim committee meeting. It was not a meeting of FEDSAW. FEDSAW as far as I can remember did not formally exist in 1984.

Is it your view that a body can only exist after it has been launched formally at a public meeting? -- I think that that was the intention with FEDSAW which is why that interim committee meeting also - the idea was to look at the relaunching firstly of regional structures. My understanding of FEDSAW was that it was to be a national structure. The first stage of the formation of this national structure was the launching of regional structures. FEDTRAW was such one regional structure. Therefore I did not feel that FEDSAW formally existed at that point.

MR JACOBS : So, except for this one meeting in April 1984 you did not attend any other FEDSAW meetings? -- Not that I can remember.

Do you know when this Transvaal FEDSAW interim co-ordinating committee came into operation or came into being? -- I cannot remember exactly when it came into being. (20)

Can you remember at what occasion it came into being? -- No, I cannot remember at what occasion it came into being.

Can you tell the court whether it was elected on a meeting or how did it come into being? -- I have no actual recollection of when this interim committee was formed or how it was formed.

COURT : Were you there at its inception? -- I do think so. I do not think I was present.

MR JACOBS : Will you then dispute it if I put it to you that this FEDSAW interim co-ordinating committee was (30)
elected/...

elected on a FEDSAW meeting? -- I do not remember.

But I asked you whether you would dispute that? -- If the court says that this is the case, then perhaps this is the case.

It is not what the court is saying.

COURT : I have not said anything about it yet. -- The gentleman said it.

MR JACOBS : I am asking you, will you dispute it then if I put it to you that the FEDSAW interim co-ordinating committee was elected on a FEDSAW meeting? -- If you say (10) so, I will accept it.

It seems as if you are not fully conversant with the activities of FEDSAW and the interim committee. Is that correct? -- I attended one of the meetings of the interim committee. What I am saying is that I am not sure when the interim committee was formed and how it was formed.

Will you dispute it if I put it to you that it was formed during March 1984? -- No, that is right.

You do not know anything about that? -- I do not remember anything about that. (20)

And that the FEDSAW interim co-ordinating committee was mandated towards a Transvaal conference of women where a provincial organisation of women would be launched? -- That is correct probably.

And also that it was FEDSAW who organised this meeting and it is on the call of FEDSAW that this co-ordinating committee came into being and the planning of the Transvaal conference of women? -- Yes.

COURT : Just a moment now. Let me just get clarity. It had a mandate, you say, to launch a Transvaal conference (30)

of/...

of women? -- That is correct.

When? -- I think the launch would be December 1984.

And was it in fact done? -- Yes.

Was at the conference of women something created, something formed or not or was it just a conference? -- You mean the one in December 1984? -- No, FEDTRAW was launched.

I may be mistaken but I thought I heard that FEDTRAW was launched in January 1985? -- I think that might have been what I said yesterday. I think it was either December 1984 or January 1985. I think my recollection now is that it (10) is December 1984 but I personally was not in the country at the time, which is why there is some confusion about.

MR JACOBS : So, it was a mistake yesterday when you said that it was launched in January 1985?

MR BIZOS : The witness corrected herself both yesterday and today, about an event at which she was not present and I do not know what we can underlie about this so-called mistake.

MNR. JACOBS : Ek is seker geregtig om vir haar te vra, ek wil weet hoekom sy dit vandag verander en regstel.

COURT : Yes, the question can be put. (20)

MR JACOBS : Is correct that yesterday you made a mistake in this regard when you said it was launched in January 1985 and you are correcting it today? I think I did correct this mate yesterday as well but, yes, it was a mistake that yes, it is mistake when I said it was January 1985. It was in fact December 1984.

Did you not check up on it since yesterday after you gave evidence over the night? -- I did not. I thought about it obviously after I was questioned about it and it was my recollection that it probably happened in December (30)

1984.

Are you conversant with the fact that the interim - FEDSAW interim co-ordinating committee planned three major programs for 1984? -- Yes, I am.

How did you know that? -- At the meeting that I was present at on 21 July was a meeting that was planning a program of action around August, the 9th 1984.

What were the three major projects? -- I am not sure if you mean three separate projects. The way that I understood it was that it was an action for August, 9th 1984. (10) The purpose of that was to hold firstly commemorative meetings on the day of August, 9th. Then there was going to be a picket on the streets of Johannesburg.

COURT : On that day? -- No, not on that day on the following day. The third day there was going to be a rally which was held at the Central Methodist Church in Johannesburg.

MR JACOBS : That is one major project, 9th of August 1984. What were the other two? -- Sorry, I was under the impression that you meant that there were three separate events in this one program. I am not aware of the other two. (20)

Did I not ask you for the whole of 1984 whether they were working on three major projects for 1984? -- It is my mistake. I thought that he meant three separate events, which was organised around August, 9th.

Was one of them the celebration of the 30th anniversary of the federation, that is FEDSAW? -- Yes, that is correct. That was in April 1984 and that was that meeting that I referred to earlier which was held at Mamelodi. I was present at that meeting.

Do you know the other major project? -- I cannot (30)
remember/...

remember now. Perhaps you can refresh my memory.

Do you know anything about a workshop? -- I was never present at any workshop.

Do you know whether the workshop was one of the major projects for 1984? -- 1984? I think I do recall a workshop, the one workshop which was called by FEDSAW I presume and the purpose of that workshop was to look at the creation of regional structures, FEDTRAW being one of those.

Can you remember when this workshop was held? -- I was not present at this workshop and I have no recollection of (10) when it was held.

Do you know anything about the planning of this workshop? -- No.

Can you dispute it that this workshop was conducted by FEDSAW under the auspices of FEDSAW? -- I do not dispute that.

At that stage, if I understand your evidence correctly in June 1984 you were still a member of the Lenasia group? -- No. I left the Lenasia group late in 1983 and it is roundabout that stage when we formed the Fordsburg women's (20) group.

This Lenasia group, do you know what they were keeping them busy with? -- I was part of this group. Yes, I do know what activities we did.

And after you left, did you still attend their meetings and still participated in their activities? -- No, I did not attend the meetings of the Lenasia group after I left the group.

I would like to refer you to an exhibit here before the court. It is EXHIBIT USA. Although you were not present (30)

at/...

at that workshop I would like to refer you to a report of the Lenasia women's group. I see the first part of it, do you agree it is a workshop of the Federation of South African Women Transvaal workshop? -- Yes.

And it is repeated on each page of this report at the bottom Federation of South African Women? -- Yes.

I would like to refer you then to page 4 at the bottom. There is a report from the Lenasia Women's Group and then it carries on on the next page? -- That is correct.

It is stated there that this group has only recently (10) started and are organising women under the Transvaal Indian Congress. Is that a correct statement of fact? -- When I had left the Lenasia women's group at this point, I was no longer - the date of this meeting 24 June 1984 - a member of the Lenasia women's group at this point.

But when it was started. Was it started and organised women under the Transvaal Indian Congress? -- No, it did not start as a group that was organising women under the Transvaal Indian Congress. The Lenasia women's group began as an independent group in Lenasia which sought to orga- (20) nise women.

The Fordsburg group, do they work under the Transvaal Indian Congress? -- Again the Fordsburg women's group was an independent grouping that was formed in the town area. It did not work under the auspices of the Transvaal Indian Congress. Members of the group may or may not have had contact with the Transvaal Indian Congress, but as a group it was never part of the Transvaal Indian Congress.

The next there "They explained that they had done this because they are working together to fight the new (30)

constitution/...

constitution and the August elections? -- Yes.

When was this group formed? -- The Lenasia group?

Yes? -- Early 1983.

This refers to happenings in 1984. -- That is correct.

They say there that they only started recently. That means in 1984? -- No, I was involved in the Lenasia women's group in 1983.

And to fight the new constitution in the August elections, that must still have been in 1984 or were there any elections fought in 1983 by the group? -- I was part of the Lenasia (10) women's group which existed in 1983.

"They started organising women in their area because they saw that women needed to be involved in the mass level of our struggle." Do you know anything what is meant by "our struggle"? -- Yes, I do.

What is that? -- For me the struggle means destruction of apartheid and the establishment of a non-racial and a democratic South Africa.

And is then correct that the women must participate in the mass level in the struggle? -- And apartheid, yes. (20)

Is it part of the policy of this group to mobilise women for this, to participate in this mass struggle? -- It is in a completely non-violent way.

But they must be mobilised? -- They should be mobilised, yes.

And how did they go about mobilising the women? In which way are they mobilising the women? -- Sorry, are you asking me for my opinion of how in 1984 the Lenasia women's group undertook to mobilise women or are you asking me to or about my involvement with the Lenasia women's group, (30)

how/...

how we undertook to mobilise women?

Was it not part of the aims and objects of the Lenasia group at its start to mobilise the women to participate in the mass struggle to destroy apartheid? -- The reason that the group was formed in - sometime early in 1983 as I have testified yesterday, was because we felt that the women of Lenasia had many legitimate grievances. We formed a community based organisation which would look at those grievances and the way in which those women in Lenasia could begin to overcome those grievances. (10)

My question was, was it not part of your aims and objects of the Lenasia group at the start to mobilise women to participate in the mass level in the struggle to destroy apartheid? -- When the group began in 1983 we began very much as a community based group, which drew attention to the legitimate grievances of the people who lived in Lenasia. At that stage when the group was formed, we did not formulate any aim or objective about the destruction of apartheid as such. I am not saying that that might not have become part of our program, but when we formed the group which was in (20) 1983 we were very much a community based organisation which was drawing attention to the problems that existed in a group area set aside specially for the Indian people.

COURT : Well, it seems that by 1984 the emphasis had shifted very much to the political reading this paragraph. Would you agree with that? -- I think after the August elections - in terms of the August elections for the Indian parliament there was a campaign in the areas of Johannesburg and Lenasia to get people not to vote in the tri-cameral party election. I see this paragraph as fitting into that and I would not (30)

dispute/...

dispute it.

MR JACOBS : And was it then part or did it become - later become part of the objects - aims and objects of this Lenasia group to mobilise women to participate in the mass struggle to destroy apartheid? -- To oppose the tri-cameral party elections which were seen as a manifestation of apartheid, yes.

And how did you mobilise the women? -- Again I cannot speak for the Lenasia women's group. At this point I am no longer a member of the Lenasia women's group. (10)

Yes, but at the time that you were a member? -- At the time that I was a member as I have testified earlier, we were concerned with community based issues. If you would like me to explain to you how we did that, I am quite happy to do so.

What community based issues were you involved in? -- We looked at crèche facilities and the lack of crèche facilities in the area. We looked at problems around women's health problems, the fact that there was no hospital in Lenasia at the time. If women felt ill, how they could get to a doctor. It was those sort of issues that we were looking at. We even drew up a questionnaire which detailed these sort of questions and we went to women on a door to door basis asking them what their problems were. (20)

At any stage while you were at the Lenasia group, did they take up the issue of the constitution? -- Not whilst I was a member of the Lenasia women's group.

You never took up the issue of boycotting the elections while you were a member? -- Not whilst I was member of the Lenasia women's group. (30)

At/...

At the time that you were a member of the Lenasia group, do you know anything about them assisting any civic associations? -- I do not recall exactly whether we assisted any civic associations.

COURT : Is there a civic association in Lenasia? -- There was a civic association. I am not quite sure which period it existed in though.

What was its name? -- It was called - I do not recall exactly the name of it either. I do not recall the exact name. (10)

MR JACOBS : At the time when you were a member, can you remember whether the question of rents was raised in your group? -- In the women's group?

Yes? -- Yes, the question might have come into our survey.

What rents were you referring to or were you referring to? -- It was people paying rent either to the council or to Indian landlords in the area.

What people paying to which council? -- I am not sure which council it was. (20)

Which people? The black people? -- Ordinary people - ordinary members of the Lenasia community.

Is it the black people? -- The indian people of Lenasia.

And is it the black municipality? Is that the council you refer to? -- No, I am talking about activities in Lenasia which is a group area for the indian community.

COURT : Does Lenasia have a town or city or community council aboard? -- I have got a feeling and I stand to be corrected that Lenasia is part of Johannesburg municipality.

So, it does not have a separate board that runs (30)

Lenasia/...

Lenasia in the form of a town council? -- I do not think so.

ASSESSOR (MR KRUGEL) : While Mr Jacobs is thinking, rents paid either to the council, you said, or to indian landlords. -- Yes.

Would you please elucidate that remark? -- Sometimes in Lenasia people could build homes and indian people did build homes in Lenasia which they then handed out for renting.

Have you any objection to that? -- No, I do not have any objection to that. What we did try just to ascertain whether those rents were reasonable or not. (10)

And did you reach any conclusion on that? -- Because the rent issue was never taken up as a campaign of the Lenasia women's group I think that we accepted that it was fine.

MR JACOBS : At that time, did you feel that some of the issues were for the women at large of some were for the activist women? -- Sorry, can you repeat the question?

At the time when you were part of the Lenasia women's group, did you realise at that time that there were some issues in regard to women at large and some issues in regard to activists? (20)

COURT : Do you mean unmarried women?

MR JACOBS : I do not know what is ... (Court intervenes)

COURT : Women in general and some only for activist women.

MR JACOBS : Yes. -- We did not make a distinction between activist women and women at large.

What is an activist woman? Do you know? -- I myself have never really used that term. I would assume that an activist woman is a woman that is very active in an organisation.

Politics? -- Or a community based organisation. (30)

Do/...

Do you know anything about a women's manifesto drawn up by the women in Lenasia? -- I do not recall that immediately now. Perhaps if I see the document it will refresh my memory.

At the time when you were a member of the Lenasia women's group, do you know anything about a slogan used by them "Women against the constitution"? -- As I have said earlier my involvement with the Lenasia women's group stopped some time in 1983. At that point when I was active with the Lenasia women's group, we did not take up the issue (10) of the constitutional proposals in Lenasia.

COURT : Why did you initially become involved in the Lenasia women's group when you live in Fordsburg or in Mayfair? -- Yes. Lenasia is a group area set aside specifically for the occupation of people of the indian race. Therefore Lenasia has got the largest population of indians in the Transvaal and definitely in Johannesburg. Therefore we felt that the majority of indians lived in that area, it was an area in which we should work. We also understood that it was part of the Johannesburg magisterial district. It was not taking (20) it outside of that. Indeed many of the people who lived in Fordsburg and Pageview, an area where I grew up in, subsequently moved to Lenasia. I saw them as part of the same community, notwithstanding the fact that they had now been removed to an indian group area.

MR JACOBS : Is it correct, you referred in your answer that we felt. Who are you referring to when you said we felt? in your answer to his lordship? -- The women that were in the Lenasia women's group.

During the time that you were part of the Lenasia (30)

women's/...

women's group, did you do house to house contacts? -- When we drew up the survey we went on house to house visits with the survey.

Only with the survey or did you afterwards go after you received your information on the survey, include in your action the house to house contacts with the people in Lenasia? -- We would on occasion go out on house to house visits after the survey.

For what purpose? -- To discuss the issues that were raised in the survey. (10)

What issues did you discuss with the women then? -- We discussed the issues of child care facilities, the issues in the area of parks and recreational facilities, of women's problems as far as the lack of medical facilities in the area were concerned.

Did you discuss the food prices with them? -- Not that I specifically remember.

Or GST increased? -- In 1983? No, we did not.

Nor the new constitutional plans? -- Not whilst I was a member of the Lenasia women's group. (20)

(And conscription?) -- No, not whilst I was a member of the Lenasia women's group.

While you were a member fo the Fordsburg women's group,. did you take up these issues like food prices, GST, the new constitution and conscription? -- We took up the issue of the new constitutional proposals and the issue of conscription.

And general sales tax? -- Not with the Fordsburg women's group whilst I was there in late 1983.

When you took up the two issues, constitution and (30)
conscription/...

conscription, did you take it up on the basis of house to house visits to the people? -- Yes, we did. I testified yesterday that we did this in a number of ways. The one was to go on house visits to women in the area. The other was to raise tea parties which women came to and where we discussed the new constitutional proposals and the issue of conscription and the third way was when we organised a mass meeting in the Fordsburg area where we invited speakers of religious affiliations to come and address the women on reasons why they felt as religious persons they would (10) not participate in the tri-cameral elections.

Only on religious grounds or did you tell them any other grounds why they must not participate in the elections? -- This particular meeting that we organised where Manniben Sita and Maulana Farid addressed the people specifically on religious grounds, we would discuss when we went on our house visits, why we felt people should not participate in the tri-cameral party elections. Personally that did have religious overtones from me as well, but it might not have been the only thing that I have discussed with them. (20)

Does it also have political overtones? -- To the extent that I believe there should be a unitary parliament in South Africa that represents all the people regardless of race. If that was political then yes, I stated that.

And on conscription the same? -- Conscription we felt, it appeared at the time that if indian people participated in the elections that there was a very strong possibility that our husbands and our children would be called upon to fight in the defence force. We stated this to people and people were unhappy about that. (30)

COURT : By the way, we have not been informed yet whether you are married or not. Should we call you miss or mrs? --
I am married.

ASSESSOR (MR KRUGEL) : Is Cachalia your married name or your maiden name? -- Cachalia is my maiden name.

COURT : What is your married name then? -- My married name is Boorany.

So, we cannot call you Mrs Cachalia. We will have to call you Mrs Boorany? -- You may call me Miss Cachalia.

MR JACOBS : Is it correct then in Fordsburg you did use (10) these two issues you have just now mentioned in order to mobilise the women to participate in the mass struggle to destroy apartheid? -- We did indeed. We mobilised - we used material, we used UDF material. We took that material with us when we did our door to door visits. We explained to people why we felt that they should not participate in the tri-cameral elections.

And the purpose of that was to mobilise the women to actively participate in the mass struggle to overthrow the government? -- The purpose of that was to mobilise the (20) women of the town area not to participate in the tri-cameral party elections.

And was it not also to be part of the mass struggle to destroy the government and apartheid? -- Not to destroy the government. To ensure the end of apartheid.

Did you ask women when you mobilised them to become parties or part of organisations? -- No, we went out as a women's group - yes, to the extent that we would want those women to join the women's group, we did indicate organisation to them. (30)

Which/...

Which organisation did you propagise amongst the women?
-- We would mention other organisations that existed in the area to women. We never went out and said that they should join those organisations.

Which organisations? -- The one organisation was the Transvaal Indian Congress.

Did you encourage them to join the Transvaal Indian Congress? -- Personally I did not encourage any women to join the Transvaal Indian Congress. However I must state that I believe very strongly that the Transvaal Indian (19) Congress represents a very noble tradition of the Ghandi and philosophy in South Africa and I would have not had any objection if women joined the Transvaal Indian Congress. I personally ... (Court intervenes)

COURT : Are you a member? -- No.

Do women become members? -- Women tend to become members, yes.

By doing what? -- By joining.

Paying membership fees? -- I assume so.

Is your husband a member? -- I do not think my hus- (20)
band is a member.

You do not think so? -- In fact he is not a member.

MR JACOBS : You have told us your belief. The question is, this Lenasia group - Fordsburg group, did they invite the people and incite them to join the Transvaal Indian Congress?
-- We did not go out with the express purpose of getting people to join organisations in the area. We were an organisation in our own right. We were the Fordsburg women's group. We wanted the women to join the Fordsburg women's group, because we believed that women had an important role to (30)

play/...

play.

Did you speak only to the women when you did your house visits, the Fordsburg group? -- That is correct. We spoke to the women.

Never spoke to the men? -- Well, we would greet the men and talk to them if they are there, but our purpose was to speak to the women and not to the men.

But did you also speak to the men or not? -- About what?

About why you visited them, the purpose of your visit and so on? Their constitution and conscription? -- Some-(10) times the men remained in the room when we talked to the women, so that would have heard what we said. Our purpose was to speak to the women.

So, at least you tried to entice the women to join the Fordsburg group? -- That is correct.

And the other organisations? -- No.

Did you propagate any other organisations to them, the UDF for instance? -- As I stated when we went out on these house visits we took UDF literature with us explaining the tri-cameral parliament. People would have then asked (20) questions about the UDF. I would have been perfectly happy to have answered those questions. It was not our purpose on these visits to make people join organisations. The purpose of these visits was to make people aware that there was the Fordsburg women's group firstly and secondly that women should not participate in the tri-cameral elections that were to be held late in 1983.

COURT : Was the Fordsburg women's group affiliated to the

UDF? -- What happened with the Fordsburg women's group is,

that affiliated to FEDTRAW when FEDTRAW was formed in (30)

December/...

December 1984.

And does that automatically affiliate it to the UDF then? -- And automatically through the affiliation - FEDTRAW is affiliated to the UDF. So, we would be linked in that way.

MR JACOBS : Did you popularise FEDTRAW to the women at this house and door to door meetings? -- At the stage when we were dealing with the constitutional proposals and at that point there was no FEDTRAW. We are now talking of 1983. So, we would not have on those occasions talked about (10) FEDTRAW. FEDTRAW did not exist at that point.

Did you popularise the idea that FEDTRAW had to come into operation in the near future or any time in the near future? -- No, we did not - at that point when we were discussing the tri-cameral party elections it was our main purpose. We would not have discussed FEDTRAW at that point.

And FEDSAW, did you popularise FEDSAW? -- When I was a member of the Lenasia women's group we did organise an August 9th commemorative meeting in 1983 in Lenasia.

And did you popularise FEDSAW at that meeting? -- We (20) informed people of the historic struggles of the women in the 1950's and the march to the Union Buildings.

COURT : Could I have clarity there. I am not so very au fait. If one speaks of August 9th in the 50's, does that automatically conjure up a picture of FEDSAW because FEDSAW organised it? -- That is correct.

Is that what you eman? -- Yes.

MR JACOBS : And in Fordsburg, did you popularise the organisation FEDSAW there among the people? -- If we can jump ahead now. Again August 1984 we organised a meeting on (30)

August/...

August 9th.

COURT : Could I just get some clarity again. FEDSAW existed in the 50's you have told me. -- That is correct.

Did it sort of taper out or was it banned or what happened to it? -- FEDSAW was never banned in the country, but it ceased to exist with all intensive purposes after 1960. With the banning of the organisations in 1960, also FEDTRAW was never itself banned, individual members who belonged to the Federation of South African Women were banned, the organisation collapsed but the organisation was never banned (10) by the government.

It just ceased to exist? -- Yes, it ceased to exist.

MR JACOBS : Did FEDSAW ever come into being after that? -- FEDSAW was then revived in the 1970's.

So, it was revived? -- Yes, as a very loosely structured body at this point.

When it was revived, did they elect an executive? -- I am not sure.

COURT : Did it have a leader? -- My understanding of the revival of FEDSAW in the 70's and then particularly in the (20) 80's was that it was revived but FEDSAW was seen to be a national body and for it to be formally relaunched, it would have to have regional structures that affiliated to it. My understanding in the 1980's was that those regional structures did not come into existence until the end of 1984. Therefore FEDSAW itself did not exist formally, although the name was used again.

MR JACOBS :

Are you sure of that? -- That was my understanding of the situation.

Can you tell the court whether there was a membership (30) existing/...

existing in FEDSAW before 1984? -- I think my understanding again was that it was a loosely structured body which had groups that belonged to it but in a very unstructured way. I think the idea with the launching of FEDTRAW was that that would be more formalised now.

COURT : Sorry, legal people think along legal lines. When you say a body belongs to something, what do you mean by that? -- I think that there were individuals and groups who were involved in FEDSAW.

So, are you saying, let us say the Lenasia group or (10) other groups like that in some way got together and said now they belong to FEDSAW or not? -- For my personal experience we affiliated to the UDF directly as the Lenasia women's group. Secondly I sat on an interim committee of FEDSAW. Now, my recollection of this period was that it was an interim measure pending the launching of regional structures which would then come together to form the national federation.

Were there other interim committees like that for example in the Cape or in Natal? -- I am not again sure of the (20) dates now for the other areas, but at some point as with FEDTRAW was launched in the other areas, there were women's organisations on a regional basis. I could tell you the names of ... (Court intervenes)

If council is interested he will ask you.

MR JACOBS : Were there any persons conducting the affairs of FEDSAW? -- I am much more vague about FEDSAW. My recollection of FEDSAW goes to the interim committee which is - I am cited in the document as being present. I do not have a direct recollection of the FEDSAW that existed before (30) that/...

that. I knew that the name existed.

We will come back to this. Can you tell the court after the election of 1984, August 1984, did the Fordsburg women's group carry on with that activities? -- Yes, we did.

Were you then still conducting house calls or house meetings, door to door meetings, other meetings? -- The kind of activities that we developed after the tri-cameral parliament elections - we organised in the area keep fit classes for the women. We organised cultural events and we organised craft workshops. (10)

So, did you in any way then conduct any house visits or door to door visits? -- Again if I can just indicate that I left to go overseas in September 1984. I now know that the group conducted these activities which I have mentioned to you. I am not sure whether they went on with house visits.

Did you conduct any activity in mobilising women after your return then? -- In 1985 when I got back, the keep fit classes were still running, yes. We were very actively involved in those.

COURT : That is great mobility. (20)

MR JACOBS : Did you take up issues in that area, issues on the constitution, tri-cameral parliament, conscription and so on? -- Not again very specifically I do not think. Not that I can remember when I got back in April 1985.

I would like to clear up something and please tell the court if you agree on this, that this interim committee, co-ordinating committee that they exist of the following people, whether you know anything about that. From Soweto a person by the name of Benny and another person is Baby ...

(Mr Krugel intervenes)

(30)

ASSESSOR/...

ASSESSOR (MR KRUGEL) : Also from Soweto?

MR JACOBS : Also from Soweto. I will tell the court when I change from Soweto. The third one is Nomsa, the next one is Gretta, the next one is Amanda, and the next one Regina and the last one from Soweto is Elizabeth. Do you know any of these people? -- I recognise some of the names.

This Benny, do you know that one? -- I do not know Benny.

And Baby? -- No, I do not recognise the name Baby.

Is it not Baby Tyawa. Do you know a person by that name?

-- No.

(10)

In FEDTRAW or in the interim committee? -- No, I do not remember from the interim committee at all.

And Nomsa? -- No.

Gretta? -- If that is referring to an old woman whom we used to call Ma Gretta, then I do recognise the name.

ASSESSOR (MR KRUGEL) : What was her surname? -- I am not sure.

MR JACOBS : If I can refresh your memory. Is she not Gretta Ncapai? -- That may be correct, yes.

And Amanda, is that not Amanda Kwadi? -- That is correct. (20)
I do recognise that name.

And Regina? -- No.

And Elizabeth? -- No.

From the Vaal members on this committee were Dorcas Raditsela? -- That is correct.

And Edith Lethlaka? -- Yes, I remember the name.

From Kagiso Sister Bernard? -- Yes, I recognise her name.

Is this Sister Bernard, is that her surname or is she known by another surname? Ncube? -- Yes, that is her surname.

And Aana? -- I have no recollection of Aana. (30)

And/...

And Lettie? -- No.

Theresa? -- No.

Priscilla? -- No.

From Johannesburg. The first person from Johannesburg is Avril? -- Yes, I know Avril.

Her surname? -- Joffee.

COURT : Double e, not onely one e? -- I am not sure.

Joffee like toffee.

MR JACOBS : The next one is Leila? -- I know Leila, yes.

What is her surname? -- Patel.

(10)

The next ons is Joanne? -- I know Joanne.

What is her surname? -- Yawitch.

Gale? -- I do not know Gale.

Shereen? -- Shereen, yes.

What is her surname? --Motala.

And Aneena? -- I do not know her.

Is she not Annena Dawber? -- I do not know.

And Meena? -- Yes, I know Meena.

What is her surname? -- Singh I think.

And from Bosmond is Venita. Do you know her? -- No, (20)

I do not know her.

And Jasmien?-- Yes, I know Jasmien.

What is her surname? -- I do not know.

And from Wits it was Firoza? -- Yes, I know Firoza.

Her surname? -- Adam.

And from Pietersburg Joyce? -- I do not know her.

And from Mamelodi Kona? -- I do not know her either.

And the second person is Ed? -- no.

And Ma Lydia? She is from FOSATU? -- I remember Ma Lydia from FOSATU, yes.

(30)

What/...

What is her surname? -- I have no idea.

And a person by the name of Sadwa? -- No.

The names that I read out to you and those which you recognised, were any of them from the Lenasia women's group? -- Shereen was.

And Leila and Joanne and Gale? -- Leila joined the Fordsburg women's group.

Joanne is Fordsburg. Leila? -- Leila is Fordsburg women's group. Joanne is not Fordsburg women's group.

From where is Joanne? -- I think probably the Johan-(10) nesburg women's group, although my recollection of Joanne and Avril are because we were at university together.

Meena, from which group was she? -- I think Meena might have been involved in Lenasia women's group at one point.

I am coming back now to FEDSAW and I put it to you that FEDSAW did exist as an organisation during 1983. What do you say to that? -- I accept that if it is said that it existed as an organisation in 1983 that it did exist as an organisation. It is just that my impression of FEDSAW was that it was an interim body. (20)

And that FEDSAW was a founder member of the UDF as a founder organisation? -- FEDSAW did affiliate to the UDF.

No, it was at the launch of the UDF as a women's organisation FEDSAW? -- Yes.

And it was represented at the launch by certain people? -- Yes.

Delegates? -- I am not sure.

Was Albertina Sisulu not a member of FEDSAW executive? -- From the 1950's?

No, during 1983? -- No, I do not know. (30)

Helen/...

Helen Joseph? -- That may have been the case.

Do you know that FEDSAW was also a founder member of the Transvaal region of the UDF? -- I was not aware of that.

You cannot dispute it? -- No.

And a member of the executive of FEDSAW was elected on the Transvaal executive? -- Of the UDF?

Of the UDF? -- That may be the case.

So, it seems as if you do not know a lot of UDF or its membership or its launching? -- I am a bit unclear about this Transvaal UDF. I know about the UDF that was (10) launched in Cape Town in 1983.

Do you know Francis Baard? -- I know of Francis Baard, yes.

Do you know her? -- I have met Francis Baard, yes.

Did you meet her on any meetings? -- I will tell the court exactly the circumstances under which I met Francis Baard. In 1982 and 1983 I worked on a oral history project for the South African Institute of Race Relations. Part of that project was to go and interview Francis Baard. I went to Francis Baard's house. I think it was in Mabopane (20) and we interviewed her. I have met Francis Baard.

You did not see her on any meetings? -- She may have been on the platform of some of the meetings that I attended. I cannot recall exactly.

Because I put it to you that she was elected as a representative from FEDSAW on the executive of Transvaal regional of UDF according to this national launch, this exhibit handed into the court as EXHIBIT A5 and on page 4 of that it is stated here that she was - I will read to you. They enumerate the people elected on the executive and (30) they/...

they state here that Francis Baard of the Federation of South African Women. -- Yes.

So, then FEDSAW must have existed as an organisation at that stage?

COURT : What was the date? Founding of the Transvaal UDF. Is that what you say? That would have been about April 1983?

MR JACOBS : No, they say here it is June 1983 when the executive was chosen. Actually there were two meetings and the second meeting was on 6 August 1983 when the Transvaal(10) UDF executive was elected according to this document. -- I accept that Francis Baard was elected onto the UDF Transvaal region.

And is it not so that people can be elected only out of existing organisations on the executive of the UDF? -- I am not now disputing that FEDSAW existed. All that I am saying is that according to my understanding of the matter it was a loosely structured and an interim body pending the formation of regional structures.

You cannot tell the court what sort of a loose interim(20) structure it was? -- I can tell the court that it was an interim structure because it wanted to form regional women's groups.

Why do you say that? -- Because I know from my involvement on that interim committee meeting that that ... (Mr Jacobs intervenes)

Only from your knowledge from the interim committee are you now saying that it is only an interim body? -- Yes, I mean that was very much my understanding at the time.

Is it not so that it was one of the main objects of (30)

FEDSAW to organise women on a national basis and to create as much organisations of women to affiliate to it? -- It was my understanding that FEDSAW - that an interim committee for FEDSAW was set up in order to launch regional women's organisations, i.e. the Federation of Transvaal Women, the Natal Organisation of Women, the United Women's Organisation in the Cape. Those regional structures would then at some point come together to form FEDSAW. It was never my understanding that FEDSAW had already existed as such.

Is it not so that this was only an interim committee(10) appointed by FEDSAW at a meeting of FEDSAW? -- My understanding was that the interim committee existed in order to look at the possibility of forming regional women's structures.

Yes, that was an instruction of FEDSAW itself. -- Because it was this loose structured organisation. It wanted to formalise that structure and to launch itself as a national organisation. My view is that that has not yet happened. That is why we formed this interim committee.

And I put it to you also that you are wrong because FEDSAW did affiliate as an organisation, existing organisa-(20) tion to the UDF Transvaal? -- I was not aware of its affiliation to the UDF Transvaal. I am aware that it affiliated to the UDF when the UDF was launched in Cape Town in 1983. Again my understanding of that was that it affiliated as this loosely structured body but the purpose after the launch was to consolidate that structure by forming regional women's organisations.

Is it not so that all the organisations at the launch affiliated to the different regions of UDF and not to UDF directly? -- I think that that is correct.

(30)

I/...

I put it to you further that FEDSAW regularly attended UDF general council meetings in the Transvaal as an organisation? -- That may have been so. I was unaware of that.

It seems as if you do not know much about FEDSAW? Is it correct? -- No, that is not correct. I knew of the existence of this loosely structured organisation. I knew that it affiliated to the UDF at the launch. It probably did affiliate to the UDF at the Transvaal launch of the UDF.

COURT : Well, if it was an organisation, that is something where people come together in a certain organised way, it(10) must have had an executive because if it did not have an executive, how could it affiliate? -- Yes.

If that is so, it must have existed as a body called FEDSAW? -- What I am saying is, for me my understanding at that point was that that executive if it did exist, was a very loosely structured body at that point. That is the only point that I am trying to make and the reason why I went to an interim committee - FEDSAW interim committee was that it was always my understanding that that was going to be formalised at some time. (20)

What is also possible of course is that a number of people came together and called themselves FEDSAW and in that way affiliated and that the regions were formed later? Is that what the position is? -- I think what the position was was that FEDSAW was a loosely structured body that had women's groups that were linked to it. It was never really formalised in any kind of way.

Well, it would be linked to it, because you in Lenasia were not linked to it? -- No, we were not linked to FEDSAW directly. We affiliated to the UDF. (30)

And/...

And no other could be linked to FEDSAW according to you because regions had to be established and one would link to FEDTRAW for example? -- That is right. FEDTRAW was formed - it was a consolidation process.

Of various organisations? -- Yes.

MR JACOBS : I put it to you that Lenasia was a part of the FEDSAW organisation? -- Not as far as I can remember.

Because they were chosen on a FEDSAW meeting to be part of this interim committee? -- The interim committee, yes, we were part of as the Lenasia women's group. (10)

So, they attended a meeting of FEDSAW ... -- Interim committee.

No, before the interim committee. They attended a FEDSAW meeting where it was decided to form such an interim committee. Is that correct? -- That may be the case. I do not have any recollection of that.

And on that meeting of FEDSAW some of them were elected on this interim committee?

COURT : How did you land up in the interim committee? -- From my group I was going to organise the press conference (20) for that August 9th protest action that we were taking. I was represented at that meeting, because - I went to that meeting - I had undertaken to organise the press conference.

COURT ADJOURNS. COURT RESUMES.

DILSHAD NOMENTI CACHALIA, still under oath

FURTHER CROSS-EXAMINATION BY MR JACOBS : You have not answered my last question. I will come back now to it. Is it not so that during March 1984 there was a meeting held by FEDSAW? Do you agree to that? -- Which meeting are you specifically referring to? (30)

That/...

That is when they decided to form this co-ordinating committee? -- I do not recollect that meeting.

And I put it to you that on this meeting of FEDSAW Lenasia women's group was present and participated in this meeting? -- Again I do not remember this.

And that they were - on this meeting it was decided to form a co-ordinating committee? -- I am aware that a co-ordinating committee was formed.

As a result of a decision on this particular meeting of FEDSAW? -- I do not recollect that meeting. (10)

And that on this committee the members of the committee were elected on that meeting? -- I do not recollect that and I do not know all the members of the committee either, of the interim committee.

ASSESSOR (MR KRUGEL) : But you were a member? -- I went to the meeting of the interim committee on the basis of the campaign that they organised around August 9th. I was present at that meeting. I was not a member of the interim committee.

MR JACOBS : And I put it to you that on this meeting members of the Lenasia women's group were elected as members of (20) this interim committee - co-ordinating committee? -- I do not recollect this meeting at all. It is possible that it happened.

Do you agree that members of the Lenasia women's group were elected on that, were part of that? -- Onto the interim committee?

Yes? -- I am sure that there was somebody from our group that was represented on the interim committee. It was not me.

So, this interim committee was not an committee that came into being by a lot of women sitting only, but it came (30)

into/...

into being at a meeting held? -- My understanding of the interim committee was that it was formed in order to look at the launching of regional structures of women's organisations in order to relaunch the Federation of South African Women at some point. It is further my understanding that the Federation of South African Women as an organisation does not exist now.

Do you know whether the organisation, FEDSAW the Federation of South African Women brought out a newsletter or published a newsletter? -- I may have seen a copy of (10) a newsletter by the Federation of South African Women. It was my understanding again that that was a very loosely structured body that was formed and the purpose of the interim committee was to look into the formation of regional structures.

Do you know whether this newsletter was published on a monthly basis? -- I do not know.

Do you know the name of this newsletter? -- I am not sure of the name either.

I would like to refer you to EXHIBIT AE32. That is (20) the newsletter of the Federation of South African Women, August 1984. -- That is correct.

And the name of this newsletter is "Tsogang Basadi." According to this newsletter it also seems as if FEDSAW has got an office that they occupied in Khotso House. Will you have a look at the last page. Right at the bottom there stands "Issued by Federation of South African Women, Khotso House, De Villiers Street, Johannesburg." They have got an office there? -- I was not aware of this office.

On page 2 of this letter again it is stated there (30)

under/...

under the heading "Lenasia Women". There is an article on that subject? -- Yes, I see it.

And it reads "Women against the constitution is a group of women in Lenasia who reject Botha's new deal. They are organising under the banner of the Transvaal Indian Congress." It is stated again here that the Lenasia Women's Group was organising under the Transvaal Indian Congress? -- If I can just restate, I had left the Lenasia Women's Group at this point.

I would like to put it to you that FEDSAW held another (10) meeting on 6 October 1984 in Khotso House as reflected in EXHIBIT AE12. That is the same document in your possession. That is the minutes of a meeting of FEDSAW. Do you agree to that? -- I was not in the country at the time, but I would assume that these are the minutes of a meeting of the interim committee of FEDSAW, yes.

Will you have a look at paragraphs 3.1 and 3.2 "The Transvaal regional conference." According to these minutes, is it correct that FEDSAW in their meeting had the right to postpone the conference until 7, 8 and 9 December. (20)

COURT : What is the admission in respect of this document?

MR JACOBS : It was found in the UDF offices in Johannesburg.

COURT : Where is that admission to be found? In the AAS file?

MR JACOBS : I have not got it with me but I will get it in the meantime.

MR BIZOS : We will give that to your lordship in a moment.

COURT : Is it correct?

MR BIZOS : I am just going to check it.

COURT : Well, if it is correct, just leave it. I have made the note. What are you putting to the witness? (30)

MR JACOBS/...

MR JACOBS : Do you agree according to these minutes that FEDSAW had the right and the authority to postpone the conference of the interim committee until 7, 8 and 9 December according to paragraph 3.2? -- I would assume again, I was not at this meeting neither was I in the country at the time, that it was the interim committee of FEDSAW that made this decision.

On top it says here FEDSAW and it must have been a FEDSAW meeting then? -- An interim committee meeting.

It does not say so in this report at all. (10)

COURT : Yes, but now what is the point of debating this document with the witness? She was not in the country at the time, it is not alleged that she was at this meeting and where are we going? Can you not debate this thing at the end of the case?

MR JACOBS : I will leave it at that.

COURT : Could I just refer you to this document while we are at it paragraph 3.6 "People who asked to work on a structure for the Transvaal using as their guide the FEDSAW national constitution." So, it might be that there (20) existed a national constitution at the time? -- I think a national constitution of FEDSAW existed from the 1950's.

Is that the old FEDSAW? -- That is correct.

MR JACOBS : Do you know what the aims and the objects of FEDTRAW are? -- When the launching of FEDTRAW took place which was in December 1984 I was not in the country. I was away. I was not present at the launch of the Federation of Transvaal Women. I may have seen a document subsequently that has stated its aims. I do not immediately now recollect those aims and objectives. (30)

So/...

So, must we assume then that you do not know the aims and objects of FEDTRAW? -- I would say if I had seen such document that the aims and the objectives of FEDTRAW would be to bring various women's groups that existed all over the Transvaal under the umbrella body of FEDTRAW .

COURT : Are these the aims and objects or are you guessing? We do not want guesswork. -- I would just assume that. I cannot recollect the exact aims and objectives of Transvaal Women.

MR JACOBS : Have you seen the constitution of FEDTRAW? --(10)
No.

Never? -- I do not think that I have actually ever gone through the constitution.

You never saw the constitution of FEDTRAW. Have you seen the constitution of FEDSAW? -- When I was a student studying I might have had access to the constitution of FEDSAW. I do not immediately recollect what it said.

That is also an uncertainty. You only might have but you cannot tell the court that you have seen ... -- Of the 1950's, I have seen that constitution. (20)

Do you know what the policy of FEDTRAW is? -- The policy of FEDTRAW the way that I understand it is to bring together women on a non-racial basis into the federation of Transvaal Women to look at these problems that specifically relate to women in South Africa, to identify those problems that you relate specifically to the women in South Africa.

Can you tell the court whether it is part of the policy of FEDTRAW that women in FEDTRAW pledged to join the men in the struggle against the social order in South Africa? -- I cannot say that I recollect that from the constitution. (30)

Can/...

Can you tell the court whether it is part of the policy of FEDTRAW that it regards itself as part of the national liberation movement? -- Yes, I can.

Can you tell the court whether it is part of FEDTRAW policy that as part of the national liberation movement and through trade unions and various organisations and through the men that they are engaged in the struggle for liberation? -- That is correct.

Can you tell the court whether it is part of FEDTRAW policy to carry out a national program to inform men and (10) women that freedom can only be achieved if women form part of the national liberation struggle? -- I agree with that.

COURT : It is not a question of whether you agree. What counsel is asking you is whether this is the policy of FEDTRAW as set out in these documents? -- I would assume that that is the policy of FEDTRAW.

MR JACOBS : And can you tell the court whether it is part of FEDTRAW policy that all progressive organisations, the national liberation movement, trade unions and working class organisations, churches, educational and welfare organisa-(20) tions must all join in the freedom struggle for national liberation? -- Yes.

Where did you see this policy? -- I cannot immediately recollect where have I seen that.

Have you seen the women's charter? -- Yes.

And I put to you that all that I have put to you now came out of the women's charter? -- Yes, it could have come out of the women's charter.

And that FEDTRAW on the conference in December 1984 adopted the women's charter as part of their policy and (30) guidelines/...

guidelines? -- That is correct.

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You know about that? -- Yes.

I want to ask you a few questions on this then. Do you agree that when the charter was accepted at first was in April 1954 by FEDTRAW? -- That is correct.

And at that time FEDSAW was part of the ANC? -- No, that is not my understanding.

Was it not part of the women's section of the ANC, the women's league of the ANC? -- The women's league of the ANC affiliated to the Federation of South African Women. FEDSAW(10) as an organisation was not part of the ANC. (Is it correct then that at that stage in 1954 the ANC and SACP were in fact the national liberation movement, referred to in the women's charter? -- My recollection is that the SACP was banned in 1950. It did not exist in 1954. Sorry, what was the rest of the question?

Was it not so that the ANC and SA Communist Party were then in fact the national liberation movement referred to in the women's charter? -- I believe that the ANC was that national liberation movement referred to in the women's (20) charter.

And when the women's charter was adopted by FEDTRAW it was adopted without any reservations? -- I would assume that the reason why this document was adopted by the Federation of Transvaal Women in 1984 is because I think that many women in South Africa believe that the issues that were raised about women in the 1950's are still very relevant to the women of the 1980's. When FEDTRAW adopted this document it made provision for the fact that we now live in the 1980's. It talked about high prices for the majority(30)

of/...

of women that live in this country. It included things about crèche facilities and other sorts of problems that affect women specifically today. Basically, yes. The women's charter today still remains relevant to the lives of most black women in this country.

COURT : Where did you find the women's charter? Is it before court?

MR JACOBS : It is EXHIBIT AE4. But is it not so that the women's charter when it was adopted in 1984 it was adopted without any reservations as the policy document of (10) FEDTRAW? -- It was adopted without any reservations because they believed that the issues that were raised in the women's charter which emanates from 1954 are still relevant to the women of today.

And that is also still a document, the women's charter, adhered to and followed by FEDSAW or do you not know? -- FEDSAW in the 1950's? Yes.

No, FEDSAW today.

COURT : Could you look at AE4. Is that the women's charter? -- Yes. (20)

That is the one that was adopted? -- Yes. With additions. There were certain additions made.

Were there additions to it? -- Yes and those were around ... (Court intervenes)

At the end or where? -- I think it said that it adopted the women's charter, that there were problems that women specifically experience today as well and that those were included into it.

Put in it or as a further program? -- As a further program. (30)

So/...

So, as you have it, this document that you have here as AE4 is the document that existed and was adopted in the 1950's? -- That is correct.

MR JACOBS : Is it correct that the ANC and the SACP are today still regarded as the national liberation movement? -- I do not know very much about the South African Communist Party. What I know about it is much more in an academic sense. I am not a communist, I have no interest in finding out very much about the South African Communist Party. As far as the ANC is concerned I recognise that the ANC has (10) struggled for a non-racial and democratic South Africa. To that extent I support the ANC. I do not endorse the ANC's methods of violence or anything else. I just recognise that it is an organisation that existed historically in the country and it has fought for a non-racial and democratic South Africa.

Is the ANC at least still regarded as part of the national liberation movement in South Africa? -- Myself, if you are asking me for my personal opinion on this matter I have stated it, I have said that I believe that I recog-(20) nise certain aspects of the ANC policy which I think have to do with the struggling for a non-racial and democratic South Africa. That is all that I can say on that.

And FEDTRAW that you belonged to or affiliated to, does FEDTRAW regard the ANC still as the national liberation movement as depicted in the women's charter? -- I would assume and I am not speaking on behalf of FEDTRAW that they would not have recognised the ANC as the sole liberation movement in South Africa.

Can you tell the court what is meant by the national(30) liberation/...

liberation movement, by the organisations, FEDTRAW especially? Do you know or not? -- My organisation which was the Fordsburg women's group which in turn affiliated to FEDTRAW which makes mention of this word national liberation, the understanding that I have of this is destruction of apartheid and the establishment of a non-racial democratic South Africa. One parliament for all the people.

But that does not answer ... -- That is what I understand by national liberation.

Do you know whether UDF regards or is referred to as (10) a national liberation movement or not? -- Yes, to the extent that it is actually - it opposes apartheid.

Is it only to oppose apartheid or to destroy apartheid? -- To oppose apartheid and to draw attention to the legitimate grievances that people have experienced under apartheid.

Do you remember earlier this morning you said that you agree that the women must be mobilised in order to participate in the mass struggle for total liberation and the destruction of the apartheid system? -- What I meant by that was that yes, women should be totally opposed to apartheid. (20)

And is that the reason why you in the FEDTRAW organisation are organising and mobilising the women? -- It is organising and mobilising women around issues that specifically relate to women.

(Do you know what is the ultimate aim of the UDF? -- I think the UDF has existed in order to draw attention to the grievances of people who live in this country under the apartheid system and yes, I do think I know what the ultimate intention of it is. My understanding of that ultimate intention is to work towards a national convention where (30)

all/...

all the people of South Africa can decide - can sit around a table and decide what kind of a country we want.

Is it not the ultimate aim of the UDF the establishment of a people's government according to the freedom charter?

-- I think that the freedom charter is recognised as a historic document of the people of South Africa. It is the only document which exists which expresses the will and aspirations of the people of South Africa. I think that that is a fact. I think that the UDF's intention is to negotiate a settlement in South Africa where everybody can sit around(10) a table and decide what kind of a country we want to live in.

You have spoken a lot. It is the second time now that you have not answered my question. It is a simple question.

Is it not the ultimate aim of the UDF to establish a people's government in accordance with the freedom charter? Yes or no? -- I am not aware that the UDF has ever adopted the freedom charter as a guiding document, number one. Number two, if it is a people's government, my interpretation of that is exactly what I have said before which is a national convention which would lead to a negotiated settlement (20) where all the people of South Africa will contribute to a vision of this country.

Is that the ultimate aim, the establishment of a people's government? -- I will continue to repeat that as far as I am concerned the UDF is a peaceful organisation leading to a negotiated settlement. If you want to say that a negotiated settlement equals a people's government then I will accept that.

COURT : Yes, now but you are now debating with counsel.

I thought that you were set up as an expert of the UDF, (30)

and/...

and that you were asked certain questions' on the UDF's aims and policies and on that basis, as I see it, you are being questioned. If that is so, then you should be able to answer the question is the UDF's ultimate aim to set up a people's government in accordance with the freedom charter? Yes or no?

MR BIZOS : With the greatest respect, the witness was not led as an expert on the UDF.

COURT : (On what basis did you then lead the witness on the (aims and objects of the UDF?) (10)

MR BIZOS : Because she is alleged to be a co-conspirator and the question that I asked her and many witnesses will be asked this question is that you are alleged to be a co-conspirator to overthrow the state by violence because of your association with the UDF. What was your understanding? Were you a co-conspirator. This is the question that was asked of the witness. The witness was not called in order to give expert evidence on the UDF. I do not know on what possible basis expert evidence would be admissible or how one would lead that sort of evidence. I did not lead her (20) on whether she read the UDF documents or anything else.

The only question that I asked her is that you are alleged to be a co-conspirator. What was your understanding of it? And what I would have thought that the issue that the prosecutor is debating with the witness is whether or not she is a co-conspirator. I think that he has gone a long way with the greatest respect by suggesting to the witness that she does not know very much about it. He may have to revise his further particulars to the indictment about his allegation of this witness being a co-conspirator, but (30)

that/...

that was the purpose for which the witness was called, not as an expert on the UDF. In the same way as someone from Sebokeng or anywhere else was asked what did you think the UDF have tried to do? There is no objection to that question being asked but to elevate this witness on the basis that she was led as an expert witness is not correct.

MNR. JACOBS : Ek dink al is sy nie 'n deskundige nie om vir haar te vra ... (Hof kom tussenbei)

HOF : Ja, u kan die vraag herhaal.

MR JACOBS : (Do you know that it is the ultimate aim of (10) the UDF to achieve a people's government in this country according to the freedom charter? -- Again I would say that my understanding of the UDF was always that it wanted a negotiated settlement in South Africa with all the people of South Africa participating in that negotiated settlement. If that is people's power, then I will say that that is what it is.

The establishment of a people's government ... -- Through negotiated settlement.

And do you know that it is one of the aims of the UDF (20) to mobilise, organise and politicise the masses? in this country? Yes or no? -- Yes.

And that the masses are the people who must achieve this so-called people's government according to the freedom charter? -- I think that every South African citizen has got the democratic right to participate in organisation.

Do you agree then that it is the masses who must achieve the so-called people's government according to the freedom charter? -- I think it is the right of every citizen in this country to be able to participate in a democratic process (30)

which/...

which will lead to the election of leaders who will then participate in a negotiated settlement.

Do you know that it is one of the UDF's aims that the masses must be organised, mobilised and politicised in order to achieve this people's government according to the freedom charter? Only yes or no? -- I said yes earlier because I believe it is the democratic right of any organisation to draw every individual into it and to try and win over that individual to its position.

Is it also true that FEDTRAW adhered to the same (10) principles, that is the same ultimate aim of FEDTRAW, the establishment of a people's government in accordance with the freedom charter? -- I do not know that that was ever stated specifically for FEDTRAW.

But you are a member of FEDTRAW? -- I am.

You joined FEDTRAW? -- Yes.

What is their ultimate aim? -- The ultimate aim in my opinion, if that is what you are asking me for, is ...

(Mr Jacobs intervenes)

No, I am not asking your opinion. I am asking you (20) what is the ultimate aim of FEDTRAW, not your opinion? -- The ultimate aim of FEDTRAW is to draw in women into the struggle which will end apartheid.

And the establishment of a people's government in accordance with the freedom charter? -- And the establishment of a government on the basis of a negotiated settlement.

MR BIZOS : The witness on at least two occasions said she did not know whether the UDF adopted the freedom charter or not. The evidence before your lordship is clear that it never did and I submit that adding that little bit of a (30) tail/...

tail to the question only confuses the issue.

COURT : You mean it never did?

MR BIZOS : The UDF never adopted the freedom charter.

COURT : There is evidence before this court that it did, but not during the period in the indictment?

MR BIZOS : That is what I mean.

COURT : But the witness is giving evidence today.

MR BIZOS : I thought that this is the period of the indictment that we are dealing with, what was the object of the UDF and what was the object of FEDTRAW. (10)

COURT : That was not the question, Mr Bizos. Repeat the question.

MNR. JACOBS : Die UDF se gedeelte is al afgehandel. Sy het netnou geantwoord daarop en my respekvolle submissie is dat alhoewel dit miskien die getuienis van die verdediging is, was die kontensie altyd van die staat gewees dat die "freedom charter" die uiteindelijke ... (Hof kom tussenbei)

HOF : Ja, die vraag word toegelaat.

MR JACOBS : Do you know, was it also the aim of FEDTRAW to establish a government by the people in accordance with (20) the freedom charter? That is an easy question. It is either yes or no. -- The aim of FEDTRAW was to get women to be involved in the opposition to apartheid.

And the ultimate aim, you are not answering my question. Why not? It is an easy question. -- I have answered the question with due respect. I have said that my understanding of these organisations FEDTRAW and the UDF was that they were there to organise people around the opposition to apartheid with the aim of moving towards a negotiated settlement in South Africa. (30)

COURT/...

COURT : The emphasis has been when you were questioned on the UDF and again when you are questioned on FEDTRAW , whether their aim is to create a society, a government based on the freedom charter? If you do not know, you say you do not know. If you do know, you say yes or no. It is not a very difficult question. -- I do not know.

You do not know? -- No.

MR JACOBS : Do you know that it is one of the short term objectives or aims of FEDTRAW to organise, mobilise and politicise the women to take part in the freedom struggle(10) to achieve a people's government? -- I know that it is the aims and objectives of FEDTRAW to organise and to mobilise women to end apartheid.

And they must be part of the freedom struggle? -- And that it is part of the freedom struggle.

And the freedom struggle against the existing government in this country? -- Not necessarily against the existing government. That has never been my understanding.

Do you know whether FEDSAW is adherent to the same principles of organising the women, mobilising them, poli-(20) ticising them, to be part of the freedom struggle? -- It is my understanding that FEDSAW does not exist today.

So, you do not know anything about FEDSAW? -- I know about FEDSAW in the 1950's.

But now in 1983/84/85? -- It has been said in the court that there was this organisation called FEDSAW. My understanding of that organisation has always been that it was a very loosely structured organisation. I said that I did not know very much about it. My understanding now presently is that FEDSAW as an organisation does not exist. (30)

Can/...

Can you answer my question then? Can you tell the court at all what the aims of FEDSAW in 1983/84/85 and the objects were? Do you know or do you not know? -- I am unclear of the question.

Can you tell the court whether you know what the aims and objects of FEDSAW during 1983/84/85 were in regard to the mobilising, politicising and organising of women in South Africa? -- No.

You do not know what their ultimate aim is and what kind of government they want to establish or anything (10) like that? -- As far as FEDSAW is concerned, no.

So, how was it possible for you to tell this court (then that they were not part of any conspiracy in order to overthrow the government violently if you do not know anything about it? -- Because it is my understanding as I have said previously that FEDSAW does not exist. If you would like to ask me the same question about FEDTRAW, it would be a different matter. I do not know that FEDSAW exists today as an organisation. To my knowledge it does not exist.

(I put it to you that FEDTRAW openly declared that (20) they must achieve their ultimate aim by way of a revolution? -- I am completely unaware of that.

That the main objective of the revolution is to destroy the so-called system of exploitation in the Republic of South Africa? -- I am unaware of that.

And that women have an important role or an important part to play in this revolution in order to secure a victory? -- I am unaware of this revolution.

I put it to you that exactly the same is said by FEDSAW? -- I do not know about FEDSAW. (30)

I would like you to have a look at EXHIBIT AE8 before you. That is a calender. Is that correct? Do you agree to that? -- Yes.

On top you find there ... (Court intervenes)

COURT : Mr Jacobs, just remind me, is this one document? This first document is that the front page of the calender?

MR JACOBS : Actually it is the top page and underneath you get the calender.

COURT : Yes, thank you.

MR JACOBS : On top there stands "Unity we need is people's(10) unity." That is what FEDTRAW is saying. Do you agree? -- Yes, I agree.

What is people's unity? -- Very simply for me is just uniting all the people.

COURT : What do you mean by that? -- Everyone in South Africa? -- Yes.

MR JACOBS : Then it goes on "We need it all, we need it here and we need it now." Then there is a woman standing. I suppose it is a woman with a fist and the thumb open. Is that not the ANC salute? -- I am unaware that that is the ANC (20) salute.

On her breast there is a logo FEDTRAW? -- Yes.

Will you read the first part in brackets, the English part?

COURT : Do you want the witness to read it out loud?

MR JACOBS : Yes, read it out loud into the record, please.

-- "The emancipation of women is not an act of charity.

The result of humanitarian or compassionate attitude. The liberation of women is a fundamental necessity of the revolution. The guarantee of its continuity and the pre-condition
(30)

of/...

of its victory. The main objective of the revolution is to destroy the system of exploitation and to build a new society which releases the potentiality of human beings. Reconciling them with labour and with nature. That is the context within with the question of women's emancipation arises."

So, is it not then correct that they are openly declaring revolution in this and it is revolution to destroy the so-called exploitation and the system in South Africa? -- I see this as bringing women together to oppose apart-(10) heid.

Not to oppose, to destroy apartheid. It is quite clear on this. There is nothing said about to oppose apartheid in this. Do you agree? It is clearly stated here it is a revolution to destroy apartheid. Just look to the court. Do not look at the other people in the back of the court. -- I was looking at you.

Is it not so? It is clearly an invitation here to destroy - a revolution to destroy apartheid and not to oppose apartheid? -- I would have had no knowledge of FEDTRAW (20) having said this. This is the first time I see this.

And this calender was distributed by FEDTRAW. Is it correct? -- I have never seen this calender before.

And I have told you that it is also the same sentiments of FEDSAW. I would like to refer you to a similar calender the original one. The only difference between the two is the logo on the breast of the person under FEDSAW? -- I see it.

Do you agree it is identical to this one, except for the logo which says that that one was issued by FEDSAW? --(30)

It/...

It appears to be identical, yes.

COURT : Is it before court?

MR JACOBS : We would like to hand that in as EXHIBIT CA30.

COURT : This is for 85. The other one is also for 85?

MR JACOBS : Yes. Would you agree then that you were wrong when you said that FEDTRAW is not working towards a violent revolution in this country? -- No, I will not say that I was wrong.

Now it is depicted in that calender that they distributed? -- My understanding of FEDTRAW is that it has never(10) advocated any violence on any front whatsoever.

Do you know Benedicta Monama? -- No.

COURT : Let us just put on record, this calender is a FEDSAW calender and it goes in as CA30.

MR JACOBS : (Have you attended AZASO's 84 annual congress, the women's meeting held on that occasion?) -- I do not remember that I did attend that.

I will try and refresh your memory. I would like to refer you to EXHIBIT V11. Dit sal eerste wees bladsy 4 om die naam te kry en dan bladsy 6. This is AZASO's 1984 (20) annual congress. That was a women's meeting at Orlando YMC Hall Soweto, 28 to 29 June 1984. On page 4 you will see that the speaker there, the name is Benedicta Monama and then her speech goes on and you will find on page 6 at the bottom eight lines from the bottom it starts "And that change, genuine change shall be brought through revolutions through the total overthrow of the racist regime. This knowledge that the students so acquired must be made available to the masses of our people." Do you agree that there is again at a public meeting reference to a revolution(30) and/...

and again said that there must be a total overthrow of the racist regime?

COURT : Yes, but now what is she agreeing to, Mr Jacobs?

She says she does not know Benedicta Monama. I do not know who Benedicta Monama is. You are reading something a person said at a meeting. What does that have to do with this witness?

MR JACOBS : Does this help you to refresh your memory that it happened at that meeting, that you attended that meeting? -- I was not at this meeting. (10)

Are you not sure? -- I am sure. I was not at this meeting.

Is she not a member of FEDSAW? -- I do not know who she is.

Do you know whether Mrs Albertina Sisulu was a member of FEDSAW and FEDTRAW? -- I know that she was a member of FEDTRAW.

On page 15 of the same document ... (Court intervenes)

COURT : Was she a member of FEDTRAW or was she the leader of FEDTRAW? -- If my memory serves me correctly she was (20) a patron of FEDTRAW.

MR JACOBS : On page 15 you will find that she as a member of FEDTRAW also delivered a speech at this meeting and here she also - no, I am sorry, it is on page 14, that Mrs Sisulu spoke on the top of page 15, she also referred to the struggle as a revolution. "Now we become one of the standard pillars of the revolutionary efforts. It will be your task to organise and mobilise not only you, but all freedom loving people of this country." That is also the opinion of a member of FEDTRAW that there must be a revolution (30) and/...

and that the people must be mobilised and organised for revolution. What do you say to that? -- I do not agree with this statement.

But is that not the opinion of the people in FEDTRAW?
-- I do not think so. I am in FEDTRAW as well and I do not agree with the statement.

ASSESSOR (MR KRUGEL) : Are you shocked by this? -- Well, I would never use the word revolutionary in that context. I would use a word - I agree that we should mobilise and politicise people about the conditions in this country (10) and to negotiate a settlement at some point. I do not believe that there should be a violent revolution in this country.

Is that how you understand it? -- That is how I would understand it, yes.

This particular statement? -- Well, she uses the word revolutionary here. To me my interpretation of that would be that we need to mobilise and organise people to come together, to talk together, not to fight in a violent and a revolutionary way. (20)

But you would not use it like this? -- I would not use the term revolutionary.

MR JACOBS : Just to finish off your evidence. In your evidence you said you used UDF documents in your campaign in Fordsburg against the tri-cameral parliament or the constitution and conscription? -- Not so much about conscription. I do not remember any UDF documentation on conscription and I also right now do not recollection exactly what UDF materials we used, but yes, we did. I think if the UDF had put out a publication explaining the tri-cameral(30) parliament/...

parliament and why people should not vote in the tri-cameral parliament, we would have used such documentation.

Where did you get the UDF documentation or publication?
-- In fact some of the documentation from the UDF was handed out to our homes. It came with other TIC literature. People used to distribute that literature. We found it under out doors often.

Did you collect any literature from the UDF for the purpose of conducting this campaign? -- I never personally went to the UDF offices ever. I never went to collect material (10) specifically. If I received material and if I felt it was appropriate to be used I would have used it.

And the other members of your group, did they go to the UDF offices to collect some literature?-- As far as I know not.

Did you collect literature from the Transvaal Indian Congress offices? -- I have never been to the Transvaal Indian Congress offices either, but we received Transvaal Indian Congress literature regularly in our post boxes.

Can you tell the court what literature of UDF did (20) you use? Did you use for instance the UDF News? -- I cannot now recollect exactly. I would have thought that the materials that we would have used, would have been stuff which would have explained the tri-cameral parliament, its workings and why the UDF felt that people should not be involved in the elections.

Were they in the form of pamphlets or were they in the form of publications? -- It would have probably been a pamphlet.

How did you know it was UDF pamphlet? -- It would (30)
have/...

have carried their name.

So ex facie the document you received and that you used it was clear that it was a UDF document? -- Yes.

And you accepted it like that? -- Yes.

And you used it like that as a UDF document? -- That is correct.

Did you make use of a lot of UDF documents? -- I do not think it was a lot. It was where the UDF was able to explain in a clear and concise manner why people should oppose the tri-cameral parliament. It was that document. I do not(10) think we used other sorts of UDF literature.

Although you cannot say what the name of the document was but can you tell the court or give the court more particulars about the document? Was it in a book form or was it ... -- Again I am not remembering exactly at all, but I think it would possibly have been a pamphlet as opposed to a book form. It would have also contained information about the tri-cameral parliament.

And did it contain information about anything else on conscription? Were the conscription and the tri-cameral(20) parliament linked together in the same piece? -- There was - I cannot remember if there was specifically UDF literature on the conscription. I do remember raising the issue of conscription myself to the women in the area. I do not remember using UDF material to do that.

Were the offices of FEDTRAW not in the same offices as the UDF? -- I am not sure. I do not know.

Where were the FEDTRAW offices? -- I looked at that earlier document that you showed me when you drew my attention to an office in Khotso House. (30)

That/...

That is FEDSAW that I drew your attention to, but I am asking you about FEDTRAW? -- I never really went to the FEDTRAW offices very much either.

COURT : Where were these offices? -- I am actually not sure. If I remember correctly a while ago there was a pamphlet that was put out and I remember that my attention was drawn to Khotso House and that would be the only thing that I would remember. That document was shown to me very recently.

So, the answer is you never went there? -- I never (10) went there to the FEDTRAW offices.

MR JACOBS :

And then another thing is, you started elaborating yesterday in your evidence-in-chief on UDF campaigns that you took up. You only enumerated the campaign against the constitution. What other campaigns of UDF did you in your group take up? -- I think I mentioned in my evidence that although the group did not themselves as a group take up the million signature campaign individuals who were in the group did participate in the million signature campaign which was a UDF campaign. I do not recall any other cam- (20) paigns the reason largely being that I left the country and I came back in April 1985. During that period I was not in the country and I do not know what campaigns were taken up that were UDF campaigns.

Did your group ever take up the campaign against black local authorities? -- No.

Or the education campaign? -- I do not even know what education campaign you are referring to.

(Do you know that a lot of riots and boycotts existed in schools on education, especially in black schools? -- (30)

In/...

In 1976 or 1984?

1984 even the beginning - say from 1983 to 1985? -- I am aware that there were boycotts in black schools in the 1980's.

Did you take them up? -- No.

Did you ever take up a campaign on political prisoners? -- No, but I think the one thing that I and this was in my absence, I heard about it when I returned was that the Fordsburg women's group did organise a prayer meeting for the treason trialists who were on trial in the Maritzburg(10) trial in 1985 I think, but that is the only one and two of those treason trialists came from the area that we lived in and Albertina Sisulu was also on trial then.

Did your group take up a campaign against police harrassment? -- No.

You referred to EXHIBIT A1 in your evidence-in-chief the resolution on page 25 and you told the court that that was not something new. Do you agree that since the launching of the UDF on August 1983 this was taken up on a national basis ... -- I am sorry, can I see the document? (20)

COURT : What was the question?

MR JACOBS : Is it correct, do you know that after the launch of the UDF this was taken up as a national campaign, this question on women, the organisation and mobilisation of the women? -- I do not think that the UDF actually took up a national campaign on women?

You do not think? -- No.

Do you not know at all? -- No, I do not think the UDF ever took up a national campaign on women.

No, but I am not asking you what you think. I am (30)

asking/...

asking you for the facts. According to this resolution it was taken at the launch and taken as a national issue? -- Yes, this resolution on women.

COURT : Yes, but you must differentiate about an issue and a campaign.

MR JACOBS : (It was a national issue and do you know whether it was also taken up as a campaign to organise the women? -- The UDF did not take up a campaign to organise women.

Did they organise women in general? -- To the extent that women are part of the general population. I am sure (10) they had women members.

Do you know whether UDF held in the organisation of women in organisations like FEDTRAW and FEDSAW? -- As far as FEDTRAW concerned I am completely unaware of the UDF's involvement in the formation of those organisations.

Do you know whether UDF supplied speakers to the meetings of FEDTRAW interim committee - of FEDSAW interim committee in 1984? -- I recollect one such meeting, yes.

And did they assist in the organising of women? -- No, they did not assist in the organising of women. We invited (20) Terror Lekota to address us at a meeting in 1984. He was invited as a UDF person. He was not involved in the organising of that meeting at all.

Do you know whether any people from the UDF propagated the organisation of women and women to join FEDTRAW or FEDSAW? -- FEDTRAW affiliated to the UDF after its formation. The UDF itself never instructed the federation to do anything on its behalf.

This exhibit handed by you, EXHIBIT DA117 ... (Court intervenes)

(30)

COURT/...

COURT : Read to the witness the heading of that document

MR JACOBS : "Fordsburg women's group", that document. When did you draw up - let me get this clear first. You are the person who drew up this pamphlet? -- Not on my own.

Not on your own? -- No.

Who was responsible for drawing up this document? -- I worked - as far as I can remember Shereen was involved in drawing up the document. Firoza was, I was and Shiridose(?) was and Shanas.

And can you tell the court when it was drawn up? -- (10) I am not exactly sure. I know I came back to South Africa in April 1985. It was some time after April 1985, but I am not quite sure exactly when that was.

RE-EXAMINATION BY MR BIZOS : Miss Cachalia, I want you to please have a look at page 15 of EXHIBIT Vll that you were cross-examined on. You were referred to the first sentence on page 15. I would you to please go back to page 10 where Mrs Albertina Sisulu's speech is said to begin and it finishes at page 15. Have you read the speech before? -- No, I have not. (20)

Do you know what Mrs Sisulu was speaking about or when you answered the questions on the passage on page 15, did you have any idea of what the speeches in whole was about? -- No.

What is a standard pillar of a revolutionary force? -- I do not know.

As far as you understand, either as a politics major with honors or as an ordinary person, does revolutionary necessarily mean violence? -- No, not in all situations.

NO FURTHER QUESTIONS.

(30)

MIRIAM/...

MIRIAM THUSI, d.s.s. (Through interpreter).

EXAMINATION BY MR BIZOS : Mrs Thusi, are you now living at 11480 Sia Street? -- Yes, that is correct. That is where I live.

Where is that? -- It is at home.

Where is at home? -- Daveyton.

In 1984 were you living at a different address? -- Yes.

At what address were you living then? -- 8069.

COURT : Also Sia Street? -- Seme Street.

Also in Daveyton? -- Yes, that is also in Daveyton. (10)

MR BIZOS : Do you recall whether or do you recall that on a particular date in August 1984 when you were at Daveyton whether you saw someone being shot? -- Yes, I saw somebody who was shot. It was a child called Peter Phala.

I want you to please tell us in your own words what you saw and what you heard? -- I was on my way from work at about 14h00 along Kwaduba Street. I heard a shot from a gun in Kwaduba Street. After having heard that shot I met with school children along Kwaduba Street who were on their way from school. (20)

Please carry on? -- I noticed these children running away. On looking around to see what the cause was why are these children running away I noticed the police van which emerged and a second shot was fired. Immediately after the second shot that was fired I noticed this child falling. It was the second shot when they hit him. When he fell I ran up to him. When I was at him after the other children ran into different yards there, I shouted "Jô, they shot him." That I did twice. At that stage I noticed that the police van was moving slow, but immediately when I shouted (30)

that/...

that it suddenly increased speed. I noticed that there were three policemen at the back of this van.

COURT : Was it an open van? -- It is a closed van, but when I talk about it being an open van, I mean the door of the canopy was open.

The door of the back? -- The door of the back of the van, yes. Just before this van increased the speed, I heard one policeman saying "Ry, man, ry, ry." The police then pulled off and drove away. After that the children from different yards came out into the street coming to me. At that time(10) when I was standing where this child was, I did not know the name of the child but when those came out of the yards saying "This is Peter Phala" coming to where I was with this child named Peter Phala, it is only then that I knew this was Peter Phala and then asked them where he, Peter, lived.

MNR. JACOBS : My geleerde vriend het dit net betyds gestel dat hoorsê getuienis nou op die rekord geplaas gaan word.

HOF : Die naam sal ons in elk geval toelaat anders sal die saak te deurmekaar raak.

MR BIZOS : When you heard someone say "Ry, man, ry, ry" (20) where was the child? Was he still standing up or not, the injured child? -- The child had fallen already next to a gate.

COURT : Where was he shot? -- The head, right-hand side towards the back. As I indicate more to the back of the head.

To the top of the right-hand side? -- Yes.

MR BIZOS : Was he conscious or unconscious? -- He was already unconscious.

Was he bleeding? -- Yes, I noticed blood through his ears, the mouth and the nose. His head also had some blood. (30)

What/...

What did you do then? -- I then screamed at the children who came from the different yards to go and get the parents, namely the mother of the injured child.

COURT ADJOURNS TILL 14h00.

DELMAS TREASON TRIAL 1985-1989

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