

15

10.

Ad par. 10 van die aansoek

Die antwoord verstrek t.a.v. par. 9 supra geld ook hier saamgelees met die verklaring van Majoor P KRUGER (Bylae c) en D, E en F).

IN THE SUPREME COURT OF SOUTH AFRICA

(APPELLATE DIVISION)

151
AANHANGSEL "A"
(SIEN VERAL P.20
REELS 24 & 25.)

In the matter between :-

GCINUMUZI PETRUS MALINDI	First Petitioner
TSIETSI DAVID MPHUTHI	Second Petitioner
NAPHTALI MBUTI NKOPANE	Third Petitioner
TEBELLO EPHRAIM RAMAKGULA	Fourth Petitioner
SEKWATI JOHN MOKOENA	Fifth Petitioner
SERAME JACOB HLANYANE	Sixth Petitioner
THOMAS MADIKWE MANTHATA	Seventh Petitioner —
HLABENG SAM MATLOLE	Eighth Petitioner
POPO SIMON MOLEFE	Ninth Petitioner —
MOSIUOA GERARD PATRICK LEKOTA	Tenth Petitioner —
MOSES MABOKELA CHIKANE	Eleventh Petitioner —

and

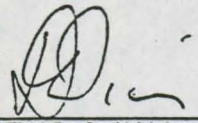
THE STATE Respondent

In re : THE STATE v PATRICK MABUYA BALEKA & OTHERS
(TPD CASE NO. 482/85)

PETITION IN TERMS OF APPELLATE DIVISION RULE 13
FOR DIRECTIONS CONCERNING THE BRINGING OF THE APPEAL

TO THE HONOURABLE THE CHIEF JUSTICE OF THE ABOVE HONOURABLE COURT

Presented for filing :


BELL DEWAR & HALL
Petitioners' Attorneys
10th floor, Aegis Insurance
House, Johannesburg
PO Box 4284, Johannesburg
Ref. Mr Dison
Tel. 833-5665

16.3.2.3. The time necessary for members of this Honourable Court to read the record.

16.4. If the appeal on the two special entries is dismissed, or if it is upheld but does not result in a decision which disposes of the appeal, there will be no prejudice to the State nor wastage of Court time by having the argument on such matters dealt with in limine at an early stage, since (10) these self-same issues would in any event have to be adjudicated upon in the main appeal. The only prejudice which could be caused if the appeal is not disposed of by dealing with these issues in limine, is that the procedure will have resulted in a delay in the hearing of the appeal on the other issues. We are aware of this possibility, but consider it to be in our interest that the issues arising out of the orders made by the trial judge concerning Professor Joubert, and the (20) application subsequently brought for the quashing of the proceedings alternatively recusal, which are referred to in this petition be dealt with in limine, and we are willing to take the risk of any delay which may be occasioned thereby, and consent thereto.

17. In the event of it being held that special entries numbered 1 and 2 be argued in limine, we request that the papers which are filed separately with this petition as (30)

Annexure 'A' stand as the record for the purposes of adjudicating the special entry. Again, it is respectfully submitted that this course is both just and expedient. It has the advantage of preventing further delay in what has already been an immensely protracted trial. It also saves the costs of having to prepare a new record.

13. Finally, and in the event of it being held that it is not competent to deal with special entries numbered 1 and 2 (10) in limine, and that it is necessary to put up the entire record for the purposes of the appeal, your Petitioners seek an exemption from the provisions of Rule 5 of the Rules of this Honourable Court concerning the time periods and formalities in respect of the preparation of the record. As has already been indicated, the record of oral evidence together with the exhibits run to over 40 000 pages and will take approximately a year or more to prepare. Some of the exhibits consist of newspapers and journals and other printed matter. The cost of (20) copying such documents and preparing a record in strict compliance with the Rules would be burdensome in the extreme. In the circumstances, it is respectfully submitted that it would be just and expedient to exempt your Petitioners from strict compliance with the requirements of Rule 5 and to allow them in the preparation of the trial record, to make use of photocopies of exhibits, provided that clear and legible copies are made.

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WHEREFORE your Petitioners humbly pray that it may please the above Honourable Court to grant an order in the following

terms:

- 1. That the special entries numbered 1 and 2 made by the trial Court be argued in limine and separately from the other issues in the main appeal.
- 2. In the event of the relief in paragraph 1 above being granted, that the papers contained in Annexure 'A' to this Petition stand as the record for the purpose of the adjudication of the two special entries mentioned above. (10)
- 3. Giving directions as to the further prosecution of the appeal and the preparation and lodging of the record in the light of the rulings made in respect of prayers 1 and 2 above, and the order made by the Honourable the Chief Justice on 27 February 1989, which order is set out in Annexure 2 hereto. (20)
- 4. Granting to your Petitioners further or alternative relief.

AND YOUR PETITIONERS AS IN DUTY BOUND WILL EVER HUMBL Y PRAY

PG Malindi
GCINUMUZI PETRUS MALINDI
First Petitioner

BELL, DEWAR & HALL

ATTORNEYS, NOTARIES AND CONVEYANCERS

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Postal address P.O. Box 4284, Johannesburg, 2000

W. Lane	C. L. Green	N. J. Roodt
R. O. Gush	N. D. Carman	D. S. Dison
K. ...	A. Mitchell	G. H. Laher
M. J. Simpson	D. R. Hoffe	J. A. Sutherland
D. K. Sinclair		

Finance/Administration: M. J. F. Montocchio

Your reference

Our reference W Lane/D Dison

12 March 1987

J Brand Esq.
 Bowman Gilfillan Hayman Godfrey Inc.
 United Towers
 160 Main Street
 Johannesburg

Dear Sirs

We have been advised that you have been consulted by Professor W A Joubert in regard to the events which occurred on 10 March 1987, when he was removed as an assessor in the trial of S v Baleka and Others.

We act for the accused in that case. Our clients are aggrieved by the decision of the judge and intend taking steps to have the proceedings terminated on the grounds that the ruling constituted a material irregularity affecting the composition of the Court. Our clients are also considering applying to the Judge, in the alternative, to recuse himself or for the recusal of the other assessor.

(10)

It is important for the purposes of the application which our clients intend to bring to have accurate information concerning the circumstances relevant to the Judge's ruling. We do not consider it appropriate for us to approach Professor Joubert ourselves and we are therefore writing to you to enquire whether you will ascertain from your client whether he would be willing to provide us with information, and if so requested, would verify such information on affidavit. We seek information in regard to the following matters:

(20)

1. Professor Joubert's own background, experience and standing in the legal profession.
2. The events which gave rise to the ruling by the Judge.
3. Whether or not Professor Joubert considered that it was necessary for him to recuse himself.
4. Was Professor Joubert informed by the Judge of the ruling that he intended to make, and if so, when, in what circumstances and how long before the ruling was in fact made. If he was informed, what was his response, and in particular, did he indicate to the Judge whether

(30)

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or not he agreed with the proposed ruling.

5. Did Professor Joubert consider that the circumstances under which he signed the One Million Signature form were such as to disable him from returning a true verdict in the case? What was his purpose in signing the form, and in particular, did he intend thereby anything more than the expression of his then (well known?) public stand against apartheid, the proposed new constitution and the Koornhof Laws. Did he intend by signing the petition to indicate his support for the UDF as an organisation. Did he have any association whatsoever with the UDF. Did the Judge know his political views when he invited him to become an assessor. (10)

6. Did he consider that the fact that he had signed the One Million Signature form affected in any way his ability to give an independent judgment on the facts of the case, or to have impeded him in any way in giving effect to any direction in regard to the law that the Judge might have given to the assessors. (20)

7. Did Professor Joubert seek to place on record his attitude to the Judge's ruling. Our clients' impression is that he attempted to do so, but before he could speak, the Judge ajourned the Court. If that is so, what would Professor Joubert have said if he had been given an opportunity to speak. (30)

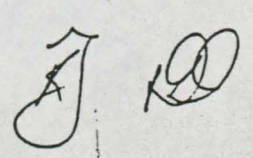
If there is any other information relevant to the application that our clients propose to bring which Professor Joubert, in the interests of justice, believes ought properly to be brought to the attention of our clients, we would be glad to receive such information.

As the matter is one of considerable urgency and it is necessary for our clients to prepare papers and launch the application without any delay, we would be glad to have a reply to this letter as soon as possible. (40)

Yours faithfully



Bell Dewar and Hall



Uylae C. 15
Uylae C!

PIETER ERNST JOHANNES KRUGER, Majoor, S.A. Polisie, Krugersdorp.

Verklaar verder onder eed:

Ek is verbonde aan die Veiligheidstak, Krugersdorp.

In die verlede het verskeie persone wat op borgtog of andersins vrygelaat is, en veral in sake van die aard die RSA onwettig verlaat en by die ANC gaan aansluit. Sien verklaring van D.B. ERASMUS wat gebruik is vir 'n vorige Borgaansoek waarvan 'n afskrif aangeheg word, bylae.

DeKuy

In baie gevalle het persone op die vlug geslaan en die RSA onwettig verlaat waar hulle deur die S.A. Polisie gesoek is weens oortredings van die Wet op Binnelandse Veiligheid. So 'n geval is waar Essau RADITSELA en Dorcas RADITSELA die land verlaat het na Botswana en by die ANC aangesluit het.

Ek is vertrouwd met die inhoud van die verklaring en begryp dit.

Ek het geen beswaar teen die aflegging van die voorgeskrewe eed nie.

Ek beskou die voorgeskrewe eed as bindend vir my gewete.

PRETORIA
1989-05-24

P.E.J. Kruger
..... MAJOOR
P.E.J. KRUGER

Ek sertifiseer dat die verklaarder erken dat hy vertrouwd is met die inhoud van die verklaring en dit begryp.

Hierdie verklaring is voor my beëdig en verklaarder se handtekening is in my teenwoordigheid daarop aangebring te PRETORIA op hede die 24ste dag van MEI 1989.

Botha
..... MAJOOR
R.F.R. BOTHA

VOORNAME EN VAN : Frederick Phillipus Rudolph BOTHA
BESIGHEIDSADRES : WACHTHUIS, SCHOEMANSTRAAT, PRETORIA
RANG : MAJOOR
AMPSHALWE : REPUBLIEK VAN SUID-AFRIKA

Daniel Beltsasar ERASMUS

Aanklagseel tot oortuiging

VERKLAAR

Dat die verklaring is waar na die beste van my wete en oortuiging. Ek is bewus daarvan dat indien dit as getuieenis gebruik word en daar kom iets in voor wat ek weet vals is of nie glo die waarheid is nie, ek vervolg kan word.

Ek is Nr. W69837N n Luitenant in die Suid-Afrikaanse Polisie en verbonde aan die Veiligheidstak, Vereniging.

Ek is die ondersoekbeampte van Vanderbijlpark MR. 152/10/85 waarin Swart man Tsietsi Elias MOKHELE @ Stompie MOKHELE die beskuldigde is.

Die aanklag teen MOKHELE is soos uiteengesit in die akte van beskuldiging Art. 54(1)(a)(ii) gelees met artikels 54(6), 54(7), 54(8), 67, 68, 69(1), 65(5), 69(7), 69(8) en Bylae 4 van die Wet op Binnelandse Veiligheid, Wet nr. 74 van 1982 - Terrorisme, hierby aangeheg.

Die beskuldigde was die voorsitter van die Bophelong Youth Congress en n lid van die Vaal Civic Association in Sebokeng. Die Bophelong Youth Congress was ook geaffilieer by die Vaal Civic Association.

Op 1986.04.15 is die saak uitgestel tot 1986.07.28 en is die beskuldigde vrygelaat op borg ten bedrae van R3,000.00 en borgvoorwaardes dat hy daaglik by die S.A. Polisie, Vanderbijlpark, moet rapporteer tussen 08h00 en 10h00. Op 1986.06.11 het die beskuldigde versuim om te rapporteer en verdwyn vanaf sy ouerhuis. Die beskuldigde het nooit weer gerapporteer nie en het ook nie op 1986.07.28 by die hof opgedaag nie. Die beskuldigde se borg is verbeurd verklaar en n lasbrief vir sy arrestasie is uitgereik.

Inligting is ontvang dat die beskuldigde na die buiteland uitgewyk het en n lid van die African National Congress (A.N.C.) is. Die beskuldigde se twee susters en jonger broer het gedurende Februarie 1985 die R.S.A. verlaat en aansoek gedoen om politieke asiel in Lesotho en daarna aangesluit by die A.N.C. Gedurende Augustus 1985 het die beskuldigde se ouers kennis ontvang dat hul een dogter in Tanzanië oorlede is. Die oorsake van haar dood is nie gemeld nie.

Inligting ontvang lui dat die beskuldigde se broer en suster militêre opleiding ontvang het.

Ek is vertrouwd met die inhoud van die verklaring en verstaan dit. Ek het geen beswaar teen die aflê van die voorgeskrewe eed nie. Ek beskou die eed as bindend vir my gewete.

SEBOKENG
1987.02.05

[Handwritten signature]
.....
D.B. ERASMUS

NR.W69837N
LUIT.

2. Ek sertifiseer dat die verklaarder erken dat hy/haar versind is met die inhoud van die verklaring en dit hoegoo. Hierdie verklaring is bevestigend voor my en verklaarder se handtekening is in my teenwoordigheid daarop aangebring.

2. I certify that the deponent has acknowledged that he/she knows and understands the contents of this declaration which was sworn to/affirmed before me and the deponent's signature/thumb print/mark was placed thereon in my presence.

Bezuiderhout

Commissioner of Oaths

Ampt (Rang) Republiek en Suidwes-Afrika
Designation (Rank) Ex Officio, Republic and South-West Africa

Datum 8.7.02.01 Plek Vereeniging
Date Place

*Cornelis Johannes Bezuiderhout.
S.A. Polisie Kommissaris distrikt 118,
Nuyesdorp.*

Pieter Ernst Johannes KRÜGER, Majoor, S.A. Polisie, gestasioneer te Krugersdorp verbonde aan die Veiligheidstak. Verklaar;

(1)

Uit die aard van my amp het ek insae in dokumente asook ander inligting wat ontvang is van beriggewers, welke bronne ek nie kan openbaar nie, daar dit nie op grond van die openbare beleid of met die inagneming van die openbare belang, openbaar gemaak behoort te word nie.

(2)

Uit hierdie inligting ontvang, blyk dit dat die veiligheidsituasie in die land;

Nog nie genormaliseer het nie en

Terreurgeweld nie 'n afname vir April 1989 toon nie.

(3)

Dat die organisering en verpolitisering en mobilisering van die massas nog voortgaan ongeag die Veiligheidsnoodregulasies.

Dat die volgende organisasies veral in dié verband 'n belangrike rol speel:-

1) Die African National Congress. +

2) Die United Democratic Front. *

Die Natal Indian Congress.

3) Congress of S.A. Trade Unions. +

Die South African Health Workers Congress.

Die Johannesburg Democratic Action Committee.

4) S.A. Youth Congress. X

U.D.F. Womens Congress.

National Association of Democratic Lawyers. |

(4)

Dat daar gedurende 1989 verskeie geheime nasionale Uitvoerende Bestuurdersvergaderings, Werkskomiteevergaderings en United Democratic Front Filiale Streeksorganiseerdersvergaderings gehou is, nie teenstaande die beperkings op die organisasies en dat Sidney MAFUMADI (COSATU) en Vali MOOSA, aktief betrokke is. Die United Democratic Front vanweë beperkings in 'n alliansie is met onder andere die Congress of S.A. Trade Unions, ten einde beter ko-ordinering op Nasionale vlak te bewerkstellig en ten einde bestaande stukture instand te hou en hul aktiwiteite uit te brei en nuwe organisasies daar te stel. Sidney MAFUMADI (COSATU) en Vali MOOSA, ook bekend as Mohammed Vali (UDF) speel tans 'n belangrike rol in die verband.

(5)

Dat die gedagte van die "Mass Democratic Movement" wat deur die ANC daargestel is, deur onder andere COSATU en die UDF onder die massas bevorder word.

(6)

Gedurende Januarie kom ek in besit van 'n dokument getiteld "INQABA - Free Palestinian Socialist Mohammed MASARWA!" Op die bladsy verskyn die volgende "How can you support the campaign Get your Trade Unions Branch, COSATU Local Youth Congress to send letters of protest, resolutions to the Israeli Embassy, and the Prime Minister's Office, 3 Koplun Street, Jerusalem, Israel 91919"

Onder aan die bladsy kom die volgende voor "Extract from Inqaba ya Basebenzi, Journal of the Marxist Workers Tendency of the ANC Issue No. 27, November 1988."

Op die agterkant van die dokument kom die volgende voor "To all COSATU and UDF affiliates" en word die inhoud afgesluit met die volgende "Yours fraternally, Comrades in COSATU, SAYCO and UDF who support the Marxist Workers Tendency of the ANC."

Hierdie dokument is wel volgens inligting van bronne versprei. Uit die betrokke dokument is dit duidelik dat die Congress of S.A. Trade Unions, South African Youth Congress en die United Democratic Front die kampanje geloots het. Aanhangsel A.

(7)

Inligting dui ook daarop dat die ANC die gedagte van die Mass Democratic Movement beplan het. Dat die United Democratic Front en COSATU in opdrag van die ANC die gedagte en doelstelling van die Mass Democratic Movement binnelands moet bevorder. Dit vind tans plaas en neem die ander organisasies na wie verwys word in paragaaf 3 supra aktief deel aan die opdrag.

(8)

Inligting wat vanuit Lusaka ontvang is dui daarop dat daar op 1989-02-26 'n gesamentlike vergadering van die "National Working Committee" van die African National Congress en lede van die United Democratic Front gehou is. Dat die vergadering onder voorsitterskap van Oliver TAMBO plaasgevind het en die vergadering in opdrag van die ANC plaasgevind het, na aanleiding van die Winnie MANDELA aangeleentheid. Dat Murfison MOROBI van die UDF en Sydney MAFUMADI namens UDF en COSATU gepraat het. Dat onder andere die volgende item op die agenda ernstige aandag geniet het:-

Die Mass Democratic Movement se betrokkenheid by die Winnie MANDELA aangeleentheid. Dat volledige verslag gelewer is aan die ANC deur Sidney MAFUMADI oor die toedrag van sake rakende mev. Winnie MANDELA.

(9)

Wat betref die Mass Democratic Movement, is besluit dat die beweging nl. die Mass Democratic Movement waarvan die United Democratic Front en sy filiale asook COSATU en ander organisasies wat die ideale van die MDM nastreef, 'n belangrike rol speel, dit onder die mases moet bevorder en uitdra.

Wat betref die Winnie MANDELA aangeleentheid is besluit dat 'n "Human Rights Lawyer" haar sal verdedig sou dit nodig word. Dat haar beeld herbou moet word. Oliver TAMBO namens die "National Executive Committee" gepraat het. Hy beklemtoon het dat Archie GUMEDE deur hul (die ANC) opdrag gegee is om met Winnie MANDALA te praat. Hy, GUMEDE, nie die opdrag kan uitvoer nie. Hulle (die ANC) toe vir Frank CHIKANE en Dr. Beyers NAUDÉ opdrag gegee het om met haar te gaan praat.

Lusaka

Ignace
P. R. ...

(10)

Reeds in November 1988 se uitgawe van die Sechaba, amptelike mondstuk van die ANC, en op bladsy 19, word die Mass Democratic Movement onder die opskrif "Strength of the Mass Democratic Movement" bespreek. Sien aanhangsel B, kolom twee.

(11)

Op 1989-04-18 kom 'n dokument getiteld "Report of Meeting between COSATU and Community Based Organisations" in my besit, gemerk aanhangsel C.

Hierdie dokument is deur UDF en COSATU versprei na hul onderskeie filiale. Dit is 'n verslag en word die opdrag van die ANC uitgevoer met betrekking tot die "Mass Democratic Movement". Hierdie opdrag van die ANC realiseer binnelands en word dit deur die UDF en sy filiale bevorder, asook COSATU en sy filiale sowel as jeug studente en vroue organisasies in die onderskeie gemeenskappe wat onderskeidelik aan die UDF en COSATU geaffilieer is of saam werk. Dit wat in die dokument uiteengesit word wat gedoen moet word op bl. 2 paragraaf 1.3. onder die opskrif "We Should" is wat tans gebeur.

Organisering, mobilisering, politisering word nog steeds voortgesit om die huidige owerheidstrukture onwerkbaar te maak of te vernietig en word alle groep in die gemeenskappe betrek.

(12)

Op 1989-04-03 woon Vali MOOSA ook bekend as Mohammed Vali, 'n politieke besprekingsaand by wat gereel en georganiseer is deur die Johannesburg Democratic Action Committee (JODAC) in De Kortestraat, JHB. Tydens die bespreking beklemtoon hy dat die African National Congress (ANC) Congress of S.A. Trade Unions (COSATU), die United Democratic Front (UDF) deel is van die "Movement" nl. die "Mass Democratic Movement". Vali laat hom uit dat druk op die huidige bestel uitgeoefen word en dat die massas die kwessie van die vrylating van Politieke aangehoudenes, aanhoudings ingevolge Veiligheidsnoodregulasies en die onderwys krisis moet uitbuit, sodat ook internasionale druk op die huidige bestel geplaas kan word. Vali laat hom ook uit oor die kampanjes wat aan die gang is en dit is.

JODAC

Petisie vir die onvoorwaardelike vrylating van alle Politieke gevangenes, die "Anti-Apartheid Kampanje" die vrylating van alle Veiligheidsnoodregulasie aangehoudenes, die opheffing van die Veiligheidsnoodtoestand en die opheffing van die verbod op verbanne organisasies.

Op 1989-04-18 word 'n verdere byeenkoms by dieselfde adres gehou, en word dit weereens deur "JODAC" gereel. Hier word aanvaar dat Jodac die idiale van die "Mass Democratic Movement" deur middel van Kampanjes na die blanke gemeenskap geneem moet word.

Dat die blankes bewus gemaak moet word van 16 Junie, dat blankes die leiding moet neem in wegbly-aksies soos bv. die beplande 16 Junie wegbly-aksies. Dat die konstitusionele riglyne "Constitutional Guide lines" van die African National Congress onder "Mass Based" organisasies gepropageer moet word. Dit word deur o.a. COSATU gedoen, op bladsy 8 van "Cosatu News no. 2, March 1989".

AANHANGSEL D.

Dat blankes meer betrokke moet raak by Vakbondaangeleenthede

... /4

P. K. ...

Op bladsy 5 van die "Jodac News Official Bulletin of the Johannesburg Democratic Action Committee no. 1, 1989", onder die opskrif "Advance and Develop" word 'n uiteensetting gegee van die MDM, en vorm Jodac deel van die MDM. Bo en behalwe die res van die artikel kom die volgende voor in die artikel "But it is not good enough for us in the M.D.M. just to take advantage of these favourable conditions. We need to turn them into an offensive, to regain the political initiative and push forward for victory. The key prerequisite to regain the offensive in the rebuilding and re-organising of the structures of the M.D.M. This is of necessity a slow process, but it has begun in places all over the country." Aangeheg dokument gemerk aanhangsel E. Uit die dokument blyk dit dat Jodac deel neem aan 'n verskeidenheid kampanjes onder die gemeenskap.

(13)

Op 1989-05-06 is 'n Natal Indian Congress vergadering gehou te Chatsworth. Die aanwesiges het bestaan uit lede van verskillende takke van die National Indian Congress. Onder die aanwesiges was onder andere 'n advokaat, Zac JACOOB, Yunas MOHAMED en Mewa RAMGOBIN. Daar was onder andere op die vergadering besluit dat die gemeenskapsorganisasies in natal direk onder die beheer van die Natal Indian Congress moet resorteer, sodat laasgenoemde die Politieke rigting kan bepaal en terselfdertyd die doelstellings van die Natal Indian Congress en die United Democratic Front kan propageer.

Uit 'n dokument wat gedurende Mei 1989 in my besit gekom het met die opskrif "Workshop Circular to all Branches, The Democratic Party (DP) and the N.I.C./ Mass Democratic Movement blyk dit dat die doelstellings van die Mass Democratic Movement deur die Natal Indian Congress 'n filiaal van die U.D.F. na alle takke versprek is. Dat Cosatu en UDF in 'n aliansie is. Op bladsy 1 van die betrokke dokument onder die opskrif "The approach of the "Mass Democratic Movement (MDM)" paragraaf 2, die derde reël kom die volgende voor "Cosatu, UDF is an alliance, which implies considerable agreement on goals and strategies and tactics" en "The M.D.M. has made it clear that it is aiming to create the broadest coalition against apartheid that is possible but will not fail as every endeavor is made to build the broadest opposition to apartheid". Sien aanhangsel .

Uit die dokument kom die volgende punte navore:-

- (i) 'n Massa mobilisasie en organisasie.
- (ii) COSATU en U.D.F. in 'n aliansie is.
- (iii) Dat die "M.D.M. is fully committed to a profound transformation of society and government in S.A. and the total elimination of apartheid.
- (iv) N.I.C. se standpunt van "Non-participation / Anti-collaboration" veral onder die Indiër gemeenskap.

Dokument gemerk aanhangsel. F.

(14)

Op 1989-04-22 reel die Congress of S.A. Trade Unions en die United Democratic Front 'n Media vergadering te Wits, Johannesburg. Naas die verteenwoordigdes van U.D.F. en COSATU was die volgende organisasies verteenwoordig:-

COSATU filiale.

Southern Transvaal Youth Congress.

Johannesburg Democratic Action Committee.

En die South African Health Workers Congress (S.A.H.W.O.).

Murfison MOROBE (U.D.F.) laat hom aldaar volgens betrokke inligting soos volg uit, dat;

Media werkers moet belangrike dae soos "May Day" en "June 16" in die "Mass Democratic Movement", populariseer, dat 'n skakel-komitee deur U.D.F. en COSATU in die vooruitsig gestel word teneinde media aangeleenthede te ko-ordineer. Die strategie volgens MOROBE, geïmplimenteer moet word ten einde die doelstellings van die M.D.M. deur middel van die alternatiewe media onder die massas te bevorder.

(15)

In die "Mayibuye" nr. 1, 1989, "Journal of the African National Congress" bladsy 3, onder die aanhef "Broad Front still on the agenda" tweede kolom agtiende reel kom die volgende voor "In the past few years the ANC has met many groups with different political views on the solution of the South African problem. Through most of these contacts it has widened the social base of the South African liberation movement and narrow that of the enemy. The process of coming together in action must be accelerated. Those organisations and institutions which agreed to form part of this coalition must co-ordinate their actions on the basis of the minimum demandes agreed upon."

Dokument gemerk aanhangsel G.

Op bladsy 12, van dieselfde Mayibuye, met die opskrif "Youth Action for People's Power" antwoord Jackie SELEBI, Head of the ANC Youth Section and member of the N.E.C. of the ANC eerste kolom 2de paragraaf, "As students we should advance more on the campaigns for a people education, creating and building viable structures for better organisation and co-ordination. In our community organisations, be they youth clubs, sports, civics, we must take the offensive to the regime in an organised and disciplined fashion" en verder, derde kolom onder "Answer" "We have discovered and use new methods of organisation and operation. Indeed the youth and other sectors have been extremely resourceful hence at local and regional levels the organisational formations remain, in most of the areas intact, continue to go strong".

Inligting dui daarop dat daar oor die land "Soccer Clubs" gestig en beplan word om gestig te word, dat "Activists" wat uit aanhouding vrygelaat is die afrigters en/of die bestuurders is van die klubs. Die doel van die "Soccer Clubs" is om die jeug te politiseer.

Op bladsy 14 van dieselfde dokument onder die opskrif "Mayibuye Series Mass Organisation under the State of Emergency Combine all forms of Organisation and Struggle". Hierdie dokument word ondergronds na die organisasies en die massas in die R.S.A. versprei vanuit die buiteland. Uit die inhoud van dié bladsy word leiding en opdragte gegee. Bo en behalwe die res van die inhoud in die betrokke bladsy kom 'n paar aspekte navore nl. in die tweede kolom die dertiende reël "U.D.F. Area Committees, COSATU Shop Stewards, Local Structures of the Church, have to come together on a representative basis at township, regional or national level. But account would have to be taken of the state of repression. In other words, we have to balance between democratic representation and accountability on the one hand, and restriction of operational information on the the other. It is not necessary, for instance, for each and everyone to know the actual constitution of the intergrated leadership body, when and where they hold their meeting and so on" en in die derde kolom die 15 de reël "Certainly, a mass

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organisation has to maintain as public a profile as possible. It cannot as organisation operate underground (like the ANC) which is illegal. All means must be used to spread the message of the "Mass Democratic Movement". The media - such as pamphlets, leaflets and stickers, videos ordinary cassetts and so on should be used " en verder " Where there are other democratic structures which have not been restricted, we should skillfully employ them in selected tasks.

(16)

Op bladsy 6 van die Februarie 1989 uitgawe van die Sechaba, amptelike mondstuk van die African National Congress, kom die volgende voor onder die aanhef "Destroy Apartheid Structures vanaf reël 16, "Those of our white compatriots who count themselves as part of the Anti-Apartheid forces and participate in this racist parliament which has no mandate from the majority of the people, must address, together with the Mass Democratic Movement, the question of the most effective means of replacing this institution with a peoples parliament". Aanhangsel H.

(17)

Op bladsy 2 en 3 van die April 1989 uitgawe van die Sechaba, amptelike mondstuk van die African National Congress laat die ANC hom op 18 Februarie 1989 onder die opskrif "ANC statements, the MANDELA Football Club" uit. Uit hierdie verklaring blyk dit dat die ANC op hoogte is met die inisiatiewe van " leading personalities" in die "Mass Democratic Movement". Uit die verklaring van die ANC is dit duidelik dat die Mass Democratic Movement hul geledere vir mev. Winnie MANDELA moet open en word daar riglyne neergelê deur die ANC. Aanhangsel I.

(18)

Op 1989-04-17 vind 'n vergadering plaas te Durban. Die vergadering is gereël deur U.D.F. en COSATU. Die vergadering was goed verteenwoordig deur die Natal Indian Congress (N.I.C.). Die doel van die vergadering was om uitvoering aan 'n ANC opdrag te gee, vir die stigting van 'n "National Sport Congress (N.S.C.).

Vanwee die "Black Consiouness" groepering veral in die kaap in die "South African Council of Sport" (SACOS)" is Krish MACKERDUJH van SACOS twee maande tyd gegun om die aangeleentheid reg te stel, waarna indien dit nie reg gestel is nie die U.D.F./

N.I.C. en COSATU die inisiatief sal neem vir die stigting van 'n "National Sport Congress" wat onder die disiplineêre kode van die U.D.F. sal resorteer.

Die U.D.F. het Krish MACKERDUJH ook opdrag gegee dat hy binne twee maande moet toesien dat SACOS "became mass based in the black townships".

(19)

Gedurende Januarie 1989 kom ek in besit van 'n dokument getiteld "Health Worker Association affiliate to the United Democratic Front" Aanhangsel J

Hierdie organisasie beywer hom vir 'n alternatiewe gesondheidsdiens Sien aanhangsel. J.J.

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Uit hierdie dokument word die loodsing van 'n nuwe organisasie in die vooruitsig gestel nl. die S.A. Health Workers Congress (S.A.H.W.C.O.). Die Health Workers Organisation en die Health Workers Assosiation sal saamsnoer om die South African Health Workers Congress te loods. In paragraaf 2 onder die aanhef; "The Heath Wokers Assosiation and Health Workers Organisation over the years been emphasizing" kom daar vier punte voor waarvan (d) aangehaal word nl. "Adequate Health for all can only be realised with eradication of apartheid and capitalism and the redistribution of the land and wealth in the country.

In die derde paragraaf onder die aanhef H.W.A./H.W.O. are presently involved in the following programmes:

- (1) Establishment of Communittee Clinics in deprived areas. We are also involved in the progressive primary Health Care Network.
- (2) Provision and establishment of emergency Health Teams for treatment of unrest related victims. Our involvment in the emergency service groups is geared towards the training in first aid of "Non medical" activists in the community.
- (3) Initiating the Health Charter Campaign in order to further crystallise the concept of "Peoples Health". Our slogan in this regard is "Every street Committee a Health Worker". To facilitate this, we are setting up Community Health Committees (C.H.C's.), made up of representatives of progressive community structure (Civic) Youth, women, students and workers.
- (4) Unionising of heath workers (especcially non classified health workers) into N.E.H.A.W.U. which is a COSATU affiliate.
- (5) Media/Publication - to expose apartheid health and looking at alternative health model , e.g. Mozambique, Zimbabwe, Cuba and Nicaraqua.

Uit inligting waaroor ek beskik word die massas wat insluit gemeenskaporganisasies, jeug, vroue, studente en werkers daagliks gemobiliseer, georganiseer en gepolitiseer oral in die land. "People Health Clinics" bestaan op verskeie plekke in die land en word dié modelle van o.a. Nicaraqua, Cuba, Zimbabwe en Mozambique aan die gemeenskap tydens besoeke oorgedra en gepropageer,

(20)

Gedurende Februarie 1989 kom ek in besit van 'n dokument getiteld "The Health Worker a Publication of Health Workers Assosiation Health Workers Association January, - February 1989. Towards Unity for better health." In hierdie publikasie word ook na die nuwe organisasie verwys wat be-oog word gestig te word nl. (S.A.H.W.C.O.) "South African Health Workers Congress". Paragraaf 2 onder die opskrif ""H.W.A./H.W.O. are presently involved in the following programmes," "Provision and establishment of Emergency Health Teams for treatment of unrest related victims. Our involvement in the Emergency Services Group is geared toward the training in first aid and "Non-Racial people in the community". Onder paragraaf drie, eerste reël "To facilitate this, community Health Committees are being formed.- AANHANGSEL K.

Onder die opskrif "Presidents Message" en behalwe die res van sy toespraak laat hy hom in kolom drie onder die aanhef "What are our task for 1989" "We need to organise, organise and get more organised".

Handwritten signature: P. K. ...

Op 5 Maart 1989 word die South African Health Workers Congress geloods. Die United Democratic Front en sy filiale, COSATU en sy filiale, Health Workers Association en Health Workers Organisation, het 'n belangrike rol in die loodsing gespeel.

Uit 'n dokument getiteld "S.A.H.W.C.O." News April 1989 South African Health Workers Congress. Aanhangsel *L.* blyk dit dat die gemeenskappe moet werk na 'n alternatiewe gesondheidsdiens en word die spreker in kolom twee reël 15 soos volg aangehaal, "As health workers, we must challenge this inequality, discrimination and domination at every turn, and we must also place our energies in creating democratic alternatives".

(22)

Op 13-04-1989 kom ek in besit van 'n dokument getiteld the "South African Health Workers Congress History". Aanhangsel. *M.*

Uit die dokument kom die volgende onder andere voor op bladsy twee onder die aanhef "Aims and Objects" paragraaf 2 "Emphasise and encourage Community participation" en "Empower Communities to foster self-sufficiency" en paragraaf 7 "To promote communication, co-ordination and mutual understanding between health workers, community organisation and union with similar interests"

Op bladsy 6 van die dokument onder paragraaf 4 met die aanhef "Emergency Health Teams" word die volgende aangehaal. "Torture, detentions without trial and the indiscriminate use of violence by the State to try and halt the march of our people is evident to all. These unfortunate victims of apartheid are afraid to make use of the State services, because of harassment and possible arrest. H.W.A. was one of the first organisations to respond to this challenge and hence the provision of emergency health teams. This is now being backed up by the training of our communities to be able to deal with injuries, counselling and crises management through the Emergency Service Group training

Op bladsy 7 onder die aanhef "Future plans and visions" 4de reël "Therefore the primary task of S.A.H.W.C.O. whilst tackling the health issues, is to get actively involved in the national Democratic struggle". "It is the task of everyone of us to conscientise, mobilise and organise all health workers into the mainstream political struggle."

Op bladsy genommer nr. 9 onder paragraaf 4 onder opskrif "Are there any other important issues that lead up to the merger?"

"Yes. Whilst the approach to organising on the basis of the health worker concept is relatively new in South Africa, by no means was it new in other countries, e.g. Nicaragua, Guatemala, Phillipines, Mozambique, etc. These countries have also waged bitter struggles for political independence. They also have a long term socialist outlook". Uit inligting tot my beskikking blyk dit dat die South African Health Workers Congress, by alle stukture in die gemeenskap betrokke is en die massas mobiliseer, organiseer en politiseer om bestaande owerheids stukture te vernietig of om dit onwerkbaar te maak.

... /9

Robert Kung'u

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