

IN THE SUPREME COURT OF SOUTH AFRICA
(TRANVAAL PROVINCIAL DIVISION)

CASE NO:

In the matter of :

GCINUMUZI PETRUS MALINDI	First Applicant
THOMAS MADIKWE MANTHATA	Second Applicant
POPO SIMON MOLEFE	Third Applicant
MOSIUOA GERARD PATRICK LEKOTA	Fourth Applicant
MOSES MABOKELA CHIKANE	Fifth Applicant

v

THE STATE	Respondent
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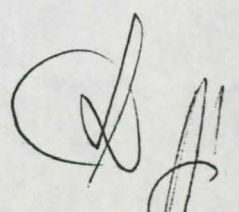
In re :

THE STATE V PATRICK MABUYA BALEKA & OTHERS

APPLICANT'S VERIFYING AFFIDAVIT

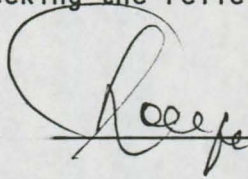
I, the undersigned, POPO SIMON MOLEFE, do hereby make oath and say that :

1. I am the third applicant, formerly accused no 19, in this matter. The facts deposed to herein are true and correct and within my personal knowledge.
2. I have previously deposed to an affidavit in the founding papers of this matter. I have read the respondent's answering papers

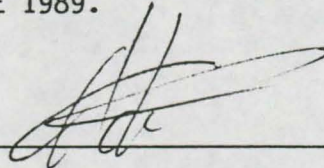


and the applicants' replying memorandum to which this affidavit is attached.

3. I confirm that the facts set out in the replying memorandum in so far as they relate to me are true and correct and confirm also that I persist in seeking the relief sought in this application.



I certify that the deponent has acknowledged that he knows and understands the contents of this affidavit signed and sworn to before me at ROBBEN ISLAND on the 14 day of JUNE 1989.



COMMISSIONER OF OATHS

FULL NAMES CHARLES HENRY
ADAMS

BUSINESS ADDRESS PRIVATE BAG
Robben Island

DESIGNATION Sergeant

IN THE SUPREME COURT OF SOUTH AFRICA
(TRANVAAL PROVINCIAL DIVISION)

CASE NO:

In the matter of :

GCINUMUZI PETRUS MALINDI	First Applicant
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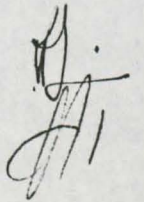
In re :

THE STATE V PATRICK MABUYA BALEKA & OTHERS

APPLICANT'S VERIFYING AFFIDAVIT

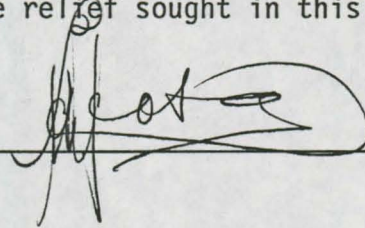
I, the undersigned, MOSIUOA GERARD PATRICK LEKOTA, do hereby make oath and say that :

1. I am the fourth applicant, formerly accused no 20, in this matter. The facts deposed to herein are true and correct and within my personal knowledge.
2. I have previously deposed to an affidavit in the founding papers of this matter. I have read the respondent's answering papers

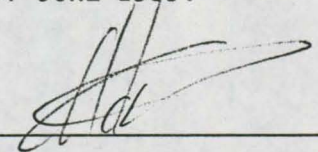


and the applicants' replying memorandum to which this affidavit is attached.

3. I confirm that the facts set out in the replying memorandum in so far as they relate to me are true and correct and confirm also that I persist in seeking the relief sought in this application.



I certify that the deponent has acknowledged that he knows and understands the contents of this affidavit signed and sworn to before me at ROBBEN ISLAND on the 1st day of JUNE 1989.



COMMISSIONER OF OATHS

FULL NAMES CHARLES HENRY
ADAMS

BUSINESS ADDRESS Private Bag
Robben Island

DESIGNATION Sergeant

IN THE SUPREME COURT OF SOUTH AFRICA

(TRANSVAAL PROVINCIAL DIVISION)

CASE NO: CC 482/85

In the matter of:

GCINUMUZI PETRUS MALINDI	First Applicant
THOMAS MADIKWE MANTHATA	Second Applicant
POPO SIMON MOLEFE	Third Applicant
MOSIUOA GERARD PATRICK LEKOTA	Fourth Applicant
MOSES MABOKELA CHIKANE	Fifth Applicant

v

THE STATE	Respondent
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In re:

THE STATE V PATRICK MABUYA & OTHERS

A F F I D A V I T

I, the undersigned,

MAHOMED VALLI MOOSA

an adult male residing at 31 Honeysuckle Avenue, Lenasia do hereby make oath and say that:

1. The contents of this affidavit are within my own personal knowledge and belief, and unless the context indicates otherwise, are to the best of my knowledge both true and correct.

2. I previously deposed to an affidavit which is annexed to the founding papers of this bail application on the 2nd day of May 1989. I have had occasion to read the answering papers of the Attorney General and in particular the affidavit of PIETER ERNST

[Handwritten signature]

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JOHANNES KRUGER attached thereto. I answer thereto as set out hereunder.

Ad the affidavit of Pieter Ernst Johannes Kruger

3. Ad Paragraph 2

It is generally known that the security situation in the country has improved and that is my perception of the position also.

4. Ad Paragraph 3

The import of this paragraph is that the UDF and other organisations mentioned are involved in on-going organisation, politicisation and mobilisation of the masses. Of the organisations mentioned, the African National Congress is an unlawful organisation in terms of the Internal Security Act. Of the other organisations, only the United Democratic Front, Congress of South African Trade Unions and the South African Youth Congress are subject, in various ways, to restrictions under the Emergency Regulations. The other organisations are not restricted in any way. The paragraph under reply reflects an incorrect assumption that organising, politicising and mobilising are per se unlawful, and that the other organisations are therefore involved in wrongful activities. This is not correct. As a member of the Executive of the United Democratic Front, I have no knowledge of

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that organisation acting in breach of the Emergency Regulations or the Regulations specifically pertaining to it and deny that it does so.

5. Ad Paragraph 4

I know of no secret UDF meetings that have taken place. I have not been involved in any secret meetings and I reject these allegations as untrue and unsubstantiated. If there were such meetings involving the UDF, I believe that I would have acquired knowledge of them.

6. Ad Paragraph 5

I reject Major Kruger's view of the origins and characterisation of the Mass Democratic Movement (MDM). The MDM is not the ~~creation of the ANC or a front for the ANC.~~ The MDM has no structure and no specific organisational form. It has no office bearers and no constitution. It is a descriptive concept which has gained some currency amongst journalists, political commentators and academics. It has emerged organically in South Africa over the years. Although it is true that COSATU and certain UDF affiliates are part of the Mass Democratic Movement they are certainly not the only organisations which form part of it and the UDF as such does not promote it.

7. Ad Paragraph 6

I have never seen an Inqaba publication but I have heard of the Marxist Workers Tendency. To the best of my knowledge and belief, the Marxist Workers Tendency has no standing in the ANC, which has dissociated itself publicly in numerous public statements. The views reflected in the particular pamphlet (Annexure "A") do not in any way reflect the views of the UDF. With regard to the pamphlet purporting to have been issued by "comrades in COSATU, SAYCO and UDF who support the Marxist Workers Tendency of the ANC", I state that I know of no such group within any of those organisations and state further that this pamphlet was not issued pursuant to any decision of the UDF and I verily believe that it is a bogus document.

8. Ad Paragraph 7

To the best of my knowledge I reiterate that the ANC did not plan the idea of the Mass Democratic Movement. The MDM has existed for years in South Africa and has emerged organically as I have stated above.

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9. Ad Paragraphs 8 & 9

I have no personal knowledge of these matters, other than that numerous statements were published relating to what Major Kruger refers to as the Winnie Mandela matter. None of the persons mentioned in these paragraphs acted on behalf of the UDF.

10. Ad Paragraph 10

It is correct that there was a discussion of the Mass Democratic Movement in the said issue of Sechaba. This in no sense means that the MDM was created by the ANC or that it is in any sense controlled by it. The notion of the MDM has been a current one in South African politics since well before November 1988.

11. Ad Paragraph 11

I am aware of the document headed "Report of meeting between COSATU and community based organisations". I submit that this document cannot possibly be construed, as Major Kruger does, as a document of the ANC or having been prepared on the instructions of the ANC. I deny that the UDF distributed this document. The conclusion drawn by Major Kruger in the last paragraph of paragraph 11 is entirely unwarranted and is in fact negatived by

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the paragraph he refers to, namely paragraph 1.3 on page 2 of the report.

12. Ad Paragraph 12

With regard to the meeting on 3 April 1989 referred to in this paragraph which was organised by "JODAC", I confirm that I spoke at such meeting which was open to the public. It was well advertised beforehand. There was nothing secretive or conspiratorial about this meeting or about what I had to say. I gave my views on a broad range of issues including the MDM, the State of Emergency and the 'Anti Apartheid Coalition' (which is not a campaign). I deny that I made reference to the ANC as being part of the Mass Democratic Movement. It is not. Similarly, the UDF is not although several of its affiliates are. Before it was restricted, the UDF did form part of the Mass Democratic Movement.

13. Ad Paragraph 14

I am aware that a meeting of Media representatives was held on 22 April 1989, although I personally was not present at it. Nobody was delegated to represent the UDF and, in particular, Morobe was not thus delegated. No liaison committee comprising UDF and COSATU has been established and I know of no intention that this should be done.

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14. Ad Paragraphs 15, 16 & 17

Insofar as the ANC publications referred to in these paragraphs make reference to the MDM, I reiterate what I have said previously, namely that the ANC was not the originator of the MDM and plays no controlling or directing role in regard to it.

*Was Democratic Movement Meeting
P 497 para 6*

15. Ad Paragraph 18

The UDF played no role in organising the meeting of 17 April 1989 referred to in this paragraph. I know of no ANC instruction as alleged in this paragraph, nor have I any knowledge of any instruction from the UDF or any office bearer acting on its behalf, to Krish Mackerdujh.

16. Ad Paragraphs 19, 20, 21 & 22

I am not pertinently aware of the details relating to the formation of the South African Health Workers Congress or its activities. I do not dispute that COSATU and the Health Workers Association and the Health Workers Organisation played an important role in the launch of the South African Health Workers Congress, but aver that neither the United Democratic Front nor any of its office bearers acting on its behalf had anything to do with it.

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17. Ad Paragraph 23

I deny that the UDF or any of its office bearers acting on its behalf played any role whatsoever in relation to hunger strike campaigns. I similarly deny that the UDF or any of its office bearers acting on its behalf played any role in relation to the alleged campaign that persons released from detention under the Emergency Regulations should ignore their conditions of release.

18. Ad Paragraph 24

I deny that the United Democratic Front or any of its office bearers acting on its behalf are involved in a campaign for the release of political prisoners or any of the other further acts alleged.

19. Ad Paragraph 27

I have noted what Major Kruger has to say in this paragraph and have read a copy of an article which appeared in the Washington Post by William Claiborne dated May 10th, 1989 which is annexed to these papers. I note that the article does not state that the UDF has received instructions from the ANC to challenge the emergency nor does it say that the UDF will co-ordinate the challenge to the State of Emergency. I reiterate that no such relationship exists

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WW.

between the ANC and the UDF. I am not aware of the nature of the discussions which took place between the Washington Post and Mr Mbeki, but I state that the UDF is not co-ordinating any challenge against the State of Emergency.

20. Ad the Affidavit of Johannes Pieter Van Der Merwe

It is correct that I was present at the funeral of Dr David Webster. A number of people present were wearing T-shirts of various organisations including the UDF. Before 24 February 1988, when the UDF was declared a restricted organisation under the Emergency Regulations, thousands of such T-shirts were sold to members of the public. The UDF is in no position to control when and where such persons wear such T-shirts. Neither the UDF nor any of its office bearers acting on its behalf made any ~~arrangements for such T-shirts or banners of the United Democratic Front to be present or displayed at this funeral.~~

W. M. van der Merwe

I CERTIFY THAT THE DEPONENT HAS ACKNOWLEDGED THAT HE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS DECLARATION WHICH HAS BEEN SIGNED AND SWORN TO BEFORE ME AT JOHANNESBURG ON THE 2ND DAY OF JUNE 1989.

Commissioner of Oaths
ex officio as Administrative Manager of the
Standard Bank of S.A. Ltd. BRAAMFONTEIN
Johannesburg
ARTHUR MARTIN NORRIS FULL NAME:
76 Jorissen Street, Braamfontein

Arthur Martin Norris
COMMISSIONER OF OATHS

A F F I D A V I T

I,

FAROUK MOOSA MEER

male medical practitioner residing at Howell Road, Sydhenham, do hereby, make oath and say :-

1.

I am the Secretary of the Natal Indian Congress (NIC).

2.

My attention has been directed to the allegations contained in paragraph 13 of the Affidavit of Major Kruger which has been filed in the this bail application and to annexure "F" to this affidavit. The contents of the paragraph has been interpreted to me from Afrikaans to English.

3.

There was no meeting of the NIC on the 6 May 1989.

4.

However, a meeting of the working committee of the NIC was held at Chatsworth on the 4 May 1989.

5.

I was present throughout the meeting.

6.

Mr Ramgobin was present throughout the meeting while Messrs Yacoob and Mahomed were present only for part of the meeting.

7./.....

[Handwritten signature]

- 2 -

7.

I deny that there were any discussions about or any decisions concerning community organisations falling under the control of the NIC for any purpose whatsoever. Such a discussion or a decision would have run contrary to the general spirit of the NIC and the way it functions. The NIC does not seek to control anybody or organisation. We consider that the NIC is part of the mass democratic movement and that it is our duty to work towards the achievement of a democratic South Africa.

8.

Broadly speaking, the matters discussed at the meeting of the Working Committee were :-

- 8.1 What the attitude of the NIC to the Democratic Party should be ?
- 8.2 How the NIC could meaningfully oppose the elections, lawfully in the context of the emergency regulations prohibiting boycott of elections ?
- 8.3 The matters concerning the delegations of the TIC and NIC which had left for India that very morning, and
- 8.4 General organisational matters.

9.

Annexure "F" was sent to all the branches after this meeting as reference material to help branches come to a decision about what the NIC attitude to the Democratic Party should be. This became necessary because no conclusion could be arrived in regard to this matter at the meeting of the the 4 May 1989.

10.

There was no reference to nor any decision concerning the propagation of the United Democratic Front at this meeting.

11.

I know nothing of any NIC delegation having attended any meeting on the ~~17~~ April 1989 as deposed to by Major Kruger in paragraph 18 of his affidavit.

J.H.H.
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J. M. ...

DEPONENT

I HEREBY CERTIFY that the Deponent has acknowledged that he knows and understands the contents of this Affidavit which was sworn to and signed before me at DURBAN on this 18th day of June 1989, the Regulations contained in Government Notice No : R 1258 dated 21 July 1972 having been duly complied with.

Dhayanithie Pillay

COMMISSIONER OF OATHS

DHAYANITHIE PILLAY
209 DINVIR CENTRE
123 FIELD STREET
DURBAN 4001
COMMISSIONER OF OATHS
PRACTISING ATTORNEY - R'S.A.

He says!
sol

ANC Urges Civil Disobedience in South

By William Claiborne
Washington Post Foreign Service

LUSAKA, Zambia—The African National Congress, the main guerilla force battling white minority rule in South Africa, has begun urging black activists there to more actively challenge the almost three-year-old nationwide state of emergency with a coordinated campaign of defiance.

Encouraged by the success of a hunger strike in the prisons in January that resulted in the release of most of the nearly 1,000 political prisoners detained without trial under emergency laws, the ANC is attempting to broaden the defiance campaign to challenge restrictions imposed on individuals and anti-apartheid organizations.

It also wants to encourage blacks to defy government curbs on the press and prohibitions against black nationalist meetings, and school and consumer boycotts.

"The time has come to challenge the state of emergency more forcefully—not to take the emergency as an act of God that there is nothing we can do about. We have come to the position where we can't accept being restricted, or where we can't accept a meeting being banned and we just fold our arms and accept that," said Thabo Mbeki, the ANC's director of international affairs, who is widely regarded as the most likely successor to the movement's 71-year-old president, Oliver Tambo.

Mbeki also said he believes that the South African government is preparing a campaign of assassinations of senior ANC leaders in exile which it will attribute to rivalries between radical and moderate factions within the outlawed organization. Mbeki said his fears are based on an increased number of public statements by Pretoria officials recently that there are divisions within the ANC between members of the governing National Executive Committee who favor an escalation of bombing attacks on "soft" civilian targets in South Africa and those who favor a negotiated settlement.

A campaign to challenge the emergency regulations may encourage such assassinations, Mbeki said.

He said that the highly publicized prisons hunger strike—which led

South Africa's minister of law and order, Adriaan Vlok, to order the release of more than 800 political detainees—showed blacks' growing resentment toward the June 12, 1986, declaration of a state of emergency.

The emergency expanded the government's powers to detain political activists indefinitely without charge and broadened the definition of subversive activities for which individuals and organizations may be restricted.

"The fact that the emergency hasn't been lifted says something. It hasn't broken the spirit of people opposed to apartheid," Mbeki said. He noted that, since the government banned dozens of anti-apartheid groups, church leaders have more actively defied the law by calling for boycotts and economic sanctions against South Africa.

"It is time to escalate that defiance of the emergency. To simply refuse to accept, for instance, that the police have issued a ban on a

meeting and to go ahead with the meeting anyway," Mbeki said.

He said that restricted organizations like the United Democratic Front, operating underground, would be expected to coordinate the defiance campaign until it reached the point where the emergency decrees are unenforceable because of the sheer numbers of people the police would have to arrest.

John K. Nkadameng, another member of the ANC executive committee and the secretary general of the South African Congress of Trade Unions (SACTU), said the labor movement would be encouraged to lead the defiance of emergency laws. SACTU operates in exile, and its successor within South Africa, the Congress of South African Trade Unions, was last year prohibited under the emergency from engaging in any political activities.

"Of course we will defy them [the restrictions]. We will defy all of the

The ANC supports

South Africa, Says It Fears Assassinations

emergency laws until they can no longer enforce them," Nkadimeng said. "The people have already unbanned the ANC, in effect. They speak about the ANC openly. They hoist the ANC flag at funerals. Why shouldn't they defy other restrictions?"

Mbeki's statements about a possible assassination campaign against exiled ANC leaders followed the killing in Johannesburg last week of David Webster, a well-known white antiapartheid activist. Webster specialized in research and writing about the assassinations and abductions of ANC leaders and other black nationalists by what he termed "death squads" that he said may have links with government security agencies.

In a report written for the South African Human Rights Commission just before he was gunned down in

front of his house, Webster said, "Assassinations are used as one of the methods of controlling government opposition when all other methods, such as detention or intimidation, have failed. It is a very rare event indeed when such assassinations are ever solved."

He noted that there were a number of assassinations of ANC leaders abroad last year, including the movement's representative in Paris, Dulcie September, and in Brussels, Godfrey Motsepe. ANC legal specialist Albie Sachs lost a hand in a car-bombing in Maputo last year.

Mbeki said a renewed campaign of such killings could be indicated by recent attempts by government spokesmen to portray factional disputes within the ANC between "militants," led by Martin (Chris) Hani, political commissar of the group's

military wing, and "moderates," who favor a negotiated settlement.

He said the ANC had recently uncovered pamphlets published in London under the name of the "ANC Support Group," which he said is unknown to the ANC. The pamphlets, Mbeki said, sought to promote divisions in the ANC by declaring that the movement's advocates of a negotiated solution were undermining the efforts of Hani's military wing, Spear of the Nation.

Mbeki said that earlier this year he received a death threat in the mail after a London newspaper published a report of such divisions within the ANC leadership, and after Vlok, the South African law and order minister, made a speech in Parliament quoting Mbeki incorrectly as saying that the Spear of the Nation should be demobilized.

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