

11. The relative lack of unrest in our community is in my view, especially remarkable in view of the harassment by and provoking behaviour of the police and the SA Defence Force since the consumer boycott started and especially during the past few weeks, and can only be ascribed to the restraint exercised by members of our community and the non-violent stance they have adopted.
12. As a restraint of GREYHOUND BUS LINES, which is the only bus service in Krugersdorp servicing blacks in the townships of Munsieville, Kagiso 1 and Kagiso 2, refusing to make buses available for a funeral of a person who was shot dead by a black businessman at the end of 1985, the various community organisations Munsieville, Kagiso 1 and Kagiso 2, including the Munsieville branch of the Krugersdorp Women's Organisation, all democratically at various meetings to which the whole community was invited, and which were well attended, decided to boycott the said GREYHOUND BUS LINES as from the 6th January 1986.
13. There is no high school in Munsieville and the two primary schools in Munsieville are overcrowded. As a result all the high school students and some primary school students attend school in Kagiso 2, where there is a high school and Kagiso 1.
14. Kagiso 1 and Kagiso 2 are however 9 km from Munsieville on the other side of Krugersdorp and as a result of and pursuant to the above boycott it was decided at a joint meeting held by the said branch of the Krugersdorp Women's Organisation and the Munsieville Youth Congress that the students who attended school in Kagiso 1 and Kagiso 2 would go from Munsieville to Kagiso by taxi and foot, the idea being that those who left Munsieville by foot would try to catch taxis in Krugersdorp.

15. In my capacity as President, I helped to organise the departure of the school children from Munsieville on the morning of the 28th January 1986 so as to ensure that the small children went by taxi and the bigger children went by foot.
16. The said children all left without any problems at about 7.30 am on that Tuesday morning and at 10 o'clock one of the mothers of one of the children on their way to Kagiso came to my house and told me that she had seen members of the SA Defence Force with the children at the rugby stadium next to the fire brigade and that she did not know what was going on.
17. Acting on this information I went to the houses of mothers of the children involved and asked them to come to my house so that we can decide what to do.
18. By the time we met we received some other reports from people who had been in Krugersdorp that morning to the effect that members of the SA Defence Force had ordered some children out of the taxis that they had caught in town and had escorted them by foot to the stadium referred to in paragraph 16 above (see annexure "A66").
19. At the meeting we decided that we should all go to Krugersdorp and see the Police Station Commander and ask him for an explanation as to what was going on.
20. We duly went to the Krugersdorp police station and two of us out of the sixteen women who had come to see the Station Commander saw a person I was told was the Station Commander

21. I told him that we were worried about our children as a result of what I had been told, referred to in paragraphs 16 and 18 above, and asked him to help us and to tell us what was going on. He asked us for a description of the vehicles involved and when I told him what I had been told, being that there were two big brown lorries, he told me that it must have been "railway soldiers" who had taken the action against the said children and asked me whether, if he was able to contact the "railway soldiers" I would be prepared to tell them what I had told him.
22. I thought that his referral to "railway soldiers" was rather strange as I had never heard of such soldiers, but nevertheless told him that I would be prepared to do so.
23. He told me to wait outside whilst he tried to make contact with them and after waiting about an hour he called me in again and advised me that he was unable to make contact with the said "railway soldiers" and asked me if I could leave my name and address with him and he would make sure that someone from the "railway soldiers" came to see me at my home.
24. I complied with his request and we all went back to Munsieville.
25. During my above meeting with the Station Commander he denied that police were in any way involved in the incident.
26. As it later transpired, the police was in fact very actively involved in stopping taxis taking the children to schools in Kagiso 1 and Kagiso 2, and forcing such children out of such taxis and further forcing them and other children who were still on foot into GREYHOUND buses provided by the police. In this regard I respectfully refer the Honourable Court to the affidavits of NERIAH KELOBONGYE marked "A66", CHARLOTTE MAAKE, marked "A78", LYDIA KGOSINKWE marked "A68" and DORCAS DIKANA marked "67".

27. I can only conclude that the person I was told to be the Station Commander was either not telling me the truth or he is not informed about the activities of his own force.
28. In view of, what to my mind is a blatant lie about the so-called "railway soldiers" and from what is stated below in paragraph 30 to 40 I am of the view that the former is more likely to be the case.
29. That afternoon, after my daughter had returned from school, I asked her to call other committee members of the Munsieville branch of the Krugersdorp Women's Organisation Committee so that we could discuss what had happened on that day and decide what to do.
30. Three of the committee members had scarcely arrived when two vehicles of the SA Defence Force pulled up outside my house and the soldiers in the vehicles all disembarked and I saw some running behind the house into the back yard whilst others came up to the front door.
31. The next moment there was a tremendous banging on both the front and the back doors with what must have been rifle butts, at almost the same time.
32. I asked in Afrikaans who it was and a voice outside my front door said that I should open the door.
33. I went to the door and was simultaneously angry and frightened by the unnecessary banging on my doors and opened the front door, after which, I, in my above state of mind stormed out of the front door, knocking one or two soldiers out of the way and told them to stay at my house while I go to Krugersdorp to see the Station Commander again to tell him what they were doing at my house.

34. I went to another house around the corner from mine and from there looked to see what the said soldiers were doing.
35. I noticed that soon after I had left the house, they climbed into their hippos and left. I thereafter returned to my house.
36. The same night, in the middle of the night, long after we had all gone to sleep, there was another loud banging at one of my doors. It again sounded like a rifle butt being banged against a door.
37. I got up and stood in the doorway of my kitchen to hear from which door the banging was coming from. There was some more banging and I identified that this banging was on my front door and I asked "Wie is julle?"
38. Whoever it was said: "Maak oop", to which I replied that I would not open the door until they told me who they were. Whoever it was outside my front door said it was the police and that I should open the door. I told them in Afrikaans that I was not going to open the door under any circumstances and they can do what they want to, including throwing tear-gas into the house or whatever else as they had done to other residents.
39. Whoever it was who was standing outside the door asked me why I had gone to the police to complain that they were harassing me. I replied that they must do what they want to and if they wanted to stay in my house then they could do so and I would go to sleep in the hippo but they must leave me alone.
40. After this they left. As the person that spoke to me was obviously, judging by his accent, a white man, and know about the call at my house that afternoon by the SA Defence Force, I can only conclude that they were either policemen or soldiers.

41. As mentioned above, I had called an emergency meeting of the abovesaid women's organisation at my house on the Tuesday afternoon and after the army left my house that afternoon, we proceeded to have our meeting.
42. At this meeting it was decided that we would invite all the women of Munsieville to take part in a march to the police station to demand the withdrawal of the SA Defence Force from Munsieville and the stopping of harassment of the residents and children and the indiscriminate using of teargas against children.
43. Pursuant to our above decision word was spread in the township of the planned march and that those women who intended to participate therein must meet at Sisulu Park at 6.30 am the next morning.
44. The next morning about 300 women congregated at Sisulu Park between 6.30 and 7 am and at about 7 am the women started walking towards Krugersdorp police station.
45. I did not partake in the walk as I am a rather hefty woman and feeling tired, felt that the distance to the police station was too far for me to walk.
46. A while later I was informed of the unwarranted disruption of the march, and the subsequent killing of SHIMMY MONO, in which regard I respectfully refer to the Honourable Court to the affidavits of MARIA LETSABA marked "A77", DOROTHY SOUZAN marked "A78" and CHRISTOPHER MOTSOMOTSO marked "A3".
47. Since the night of Tuesday the 28th January 1986, my home has been subjected to the shining of a huge searchlight into my house for about three to five minute periods from time to time in the middle of the night. Up to the time of the taking of this part of this statement on the 3rd February 1986, this had happened every night since the said Tuesday night.

48. As appears from the affidavits of ELIZABETH MOLEFE, IRIS MOTSOHOE, MARTHA MAKOBA, JEANETTE MATSHABA and the said MARTHA LETSABA, marked "A7", "A64", "A74", "A75" and "A77" respectively, this method of harassment of residents has been widely practised in the recent past.
49. I can assure the Honourable Court that the above deponents are not the only persons that have been harassed in this manner.
50. On Friday night, the 31st January 1986 I attended the night vigil in honour of the deceased SHIMMY MONO at his parents' house, which vigil was unnecessarily and violently disrupted by the police. In this regard I refer the Honourable Court to the affidavits of LEONARD SEOPOSENQWE, COLIN BOOYSENS, KENNETH KGOATHISI, AARON SE INYI and STANLEY THAGE, attached hereto marked "A88", "A89", "A90", "A91" and "A21" respectively. I have read the above affidavits and confirm the contents thereof as far as they relate to the manner in which the vigil was disrupted.
51. I especially confirm that at the time when the police fired the teargas into the people attending the night vigil that night, everything was quite peaceful and there was no threat in any way to any life or property.
52. As a result of the confusion caused by the teargas being fired into the mourners, and in the attempt to escape the effects thereof, I was pushed by some of the children attending the vigil while trying to run away myself and fell, badly hurting my left leg. I can still not walk properly on it.
53. As I have stated above, there have been very few incidents of violence caused by residents in Munsieville during the past year and especially since the meeting referred to in paragraph 7 above. I see no reason why unrest should erupt in the said township, as long as things return to normal.

54. By this I mean the removal of the SA Defence Force from the township and the patrolling activities of the police being regulated in the manner which has been done prior to any unrest.
55. On the suggestion of the various community organisations, and as decided at various meetings held by various community organisations during the course of December, which in effect means almost the whole community, residents who have been subjected to harassment and violence by the SA Police and SA Defence Force have not responded by employing violence themselves. Except for the isolated incidents of violence referred to above, (which may not even have been the doing of residents of Munsieville), there has been very little violence in Munsieville.
56. I cannot, however, predict how long members of the community will remain passive in the face of continuous harassment and the application of violence against them by the SA Defence Force and the SA Police.
57. I am firmly of the view that the complete withdrawal of the SA Defence Force units and the adherence by the SA Police to their normal duties and functions can only improve the situation.

APPENDIX 16: AFFIDAVIT BY SOLOMON MATLHASE

1. I am 29 years of age and reside at 366 Munsieville.
2. The facts contained herein are within my personal knowledge, and are to the best of my knowledge and belief true and correct.
3. On Friday evening the 31st January 1986 I was on my way to attend a night vigil to be held in honour of JOSEPH SHIMMY MONO. I was accompanied by JOHANNES KOPELA.
4. As we proceeded along the road on foot, two caspirs occupied by members of the SA Defence force stopped, and a soldier in one of the caspirs asked me for a cigarette.
5. We stopped to respond to his request, and whilst we were so standing four other soldiers alighted from the same vehicle and came up to where we were standing.
6. JOHANES KOPELA ("JOHANNES") tried to run away when he saw these soldiers and I grabbed hold of him and told him not to leave, as I did not think they would harm us.
7. The next moment one of the said soldiers hit me with his fist on the right eye thereby injuring it. I fell, and JOHANNES, whom I was still holding at this stage, fell on top of me.
8. As I fell I was kicked severely on the shin of my left leg, as well as in my back, kidneys and ribs.
9. In the meantime three other said soldiers alighted from the second caspir and proceeded to where JOHANNES was lying next to me, and I saw him being kicked in his hips and in various other parts of his body.

10. There was absolutely no reason for the assaults on us and we were not given any reasons.
11. After the incident we proceeded on our way to the night vigil.
12. I have read the affidavit of SOLOMON MASALA, who was assaulted in a similar manner. I was present when the assault on him took place, together with my friend JOHANNES. I confirm the contents of the affidavit insofar as they refer to me. In particular I confirm the manner in which the assault took place and that there was no apparent reason therefore.

APPENDIX 17

STATEMENT BY MR MAPITSO MALEPA, Director of the Entokozweni Early Learning Centre, Soweto (Star 12/11/85)

"At three years old, Fikile can recognise the sound of a police armoured car rumbling down her street and be quick enough to hide under a table before it passes.

"At 3½, Thato can give step-by-step directions for making a petrol bomb.

"At four, Mapu says unhesitatingly that when he sees a white man he wants to kill him, and that, as soon as he is a year or two older, he will.

"What this unrest is doing to our children is horrible, absolutely terrifying.

"We have a generation of children who do not want to play, but to wage war, real war.

"At an age when a child should be innocence itself, he is caught up in some of the worst violence imaginable and it deforms him cruelly.

"At an age when he is totally impressionable, he sees anger, bitterness, and hatred all around him in the most frightening way".

CASE HISTORY - LUCKY SIBEKO (Sowetan, 18/10/85)

Lucky Sibeko was six years old. He was drowned at about 3.30 pm on Wednesday October 15 1985. Eye witnesses said Lucky was playing with other children near the swamp when soldiers travelling in three Casspirs stopped nearby.

"Three armed soldiers jumped from one of the vehicles and chased the group of children who ran into the reeds of the swamp, said the eye-witnesses.

"The three soldiers, said the eye-witnesses, gave up the chase when the screaming children ran deeper into the reeds of the swamp.

"I tried to save Lucky when I saw him drown, but I released my grip when I almost followed," said Sibusiso Dlamini, also six. He said he and the other children screamed for help when they saw Lucky "sink and vanish".

"The soldiers are the cause of my son's death", said Mr Koos Sibeko, who added, "I accuse them and this is what I told the police at Moroka Police Station".

STATE OF EMERGENCY - THE STORY THE HEADLINES TELL

- * "Army storms Soweto pupils" (City Press, 18.8.85)
- * "Soldiers chase pupils across veld" (Star 21.8.85)
- * "Police, Army raid homes on East Rand" (Sowetan, 23.8.85)
- * "Four soldiers accused of beating man to death" (Star 24.8.85)
- * "Students arrested as SADF besieges school" (City Press, 25.8.85)
- * "Benoni youth dies and his family says the 'SADF beat him'" (Sowetan 28.8.85)
- * "Helicopter aids SADF in township" (Star, 11.9.85)
- * "Police, SADF act to stamp out Cape violence" (Citizen 4.10.85)
- * "Soweto church services disrupted by SADF" (Star 10.10.85)
- * "Man 'beaten with soldiers' helmets' dies" (Cape Times 10.12.85)
- * "SADF demolishes shacks" (Cape Times 12.10.85)
- * "Two soldiers convicted of stealing in township" (Star 16.10.85)
- * "Newsmen claim they were held by army after 'nightcap'" (Citizen 30.10.85)
- * "Children into reeds as they fled soldiers" (Sowetan 18.10.85)
- * "Troops, armoured vehicles now a part of township life..." (Star 21.11.85)
- * "Soldiers ruined toddlers party - claim" (Sowetan 26.11.85)
- * "SADF move angers rent defaulters" (Star 5.12.85)
- * "I saw man being beaten to death by soldiers - claim" (Star 10.12.85)
- * "SADF help mass arrest of youths in pre-dawn raid" (Business Day 14.2.86)

APPENDIX 20IN THE SUPREME COURT OF SOUTH AFRICA
(WITWATERSRAND LOCAL DIVISION)

In the matter between:

<u>KRUGERSDORP RESIDENTS' ORGANISATION</u>	First Applicant
<u>DIKEME JOSHUA MAGOTLA</u>	Second Applicant
<u>BETHUEL MONGWAKETSI</u>	Third Applicant
<u>JACOB SAFATSA</u>	Fourth Applicant
<u>SAMSON MAHATANE KATAKA</u>	Fifth Applicant

and

<u>THE MINISTER OF LAW AND ORDER</u>	First Respondent
<u>THE DIVISIONAL COMMISSIONER OF POLICE, WEST RAND</u>	Second Respondent
<u>THE MINISTER OF DEFENCE</u>	Third Respondent

A F F I D A V I T

I, the undersigned,

B F NOBELA

hereby make oath and state that:

1 I am a 37 year old adult male businessman,

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and owner of a fleet of four taxis, residing at 805 Dalinyebo Street, Munsieville.

2 The facts herein contained are both true and correct and are within my personal knowledge.

3 In the course of my business, I also drive the taxis in my fleet.

4 On Monday the 27th January 1986 at about 2.30 pm. I was conveying eight passengers from Munsieville into Krugersdorp when, at the exit of the township, I was stopped by a group of soldiers.

5 I opened my door and as I did so one of the soldiers tried to grab my car keys. I told him that he could not do so and he then pulled me out of the driver's seat and told me to stand up against my Isuzu taxi with my arms above my head. The passengers were also ordered to alight from the vehicle.

6 As I was lifting my arms above my head he punched me in my back twice. I dropped my

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arms more as a reflex action than anything else and as I did so he punched me in my back two more times. Thereafter, as I was still standing in this position, with my arms raised again, he told me to open my legs and proceeded to kick my legs apart from each other.

7 Thereafter he searched me and after he had done so he pulled me away from my Isuzu and told me to stand to the side.

8 The same person then proceeded to harass one of ~~the~~ passengers who was ~~standing~~ at the side of the Isuzu with all the other passengers, having disembarked as ordered, by pushing him into the chassis of the Isuzu. He was pushed with such violence that, as he knocked his head against the chassis of my vehicle he dented it.

9 This soldier thereafter proceeded to search for the ~~passengers~~ after which he ordered them to get into the taxi again.

10 I went up to this said member and asked him what he was going to do about the dent he had

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caused in the side of my taxi. He told me not to talk to him and to be on my way, otherwise he would hit me again.

11 I thereafter got into my taxi and left.

[Handwritten Signature]

DEPONENT

I HEREBY CERTIFY THAT THE DEPONENT HAS ACKNOWLEDGED THAT HE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT WHICH WAS SIGNED AND SWORN TO BEFORE ME AT ~~KILKILICK~~ ON THIS 15TH DAY OF FEBRUARY 1986 THE REQUIREMENTS CONTAINED IN GOVERNMENT NOTICE NO. R1258 OF 21ST JULY 1972 AND R1648 OF 19 AUGUST 1977 HAVING BEEN COMPLIED WITH.

[Handwritten Signature]

COMMISSIONER OF OATHS

E. C. POWER

ATTORNEY

4 SPADIE STREET

WINNIPEG OLIVE

RAYMOND

IN THE SUPREME COURT OF SOUTH AFRICA
(WITWATERSRAND LOCAL DIVISION)

In the matter between:

<u>KRUGERSDORP RESIDENTS' ORGANISATION</u>	First Applicant
<u>DIXEME JOSHUA MAGOTLA</u>	Second Applicant
<u>BETHUEL MONGWAKETSI</u>	Third Applicant
<u>JACOB SAFATSA</u>	Fourth Applicant
<u>SAMSON MAHATANE KATAKA</u>	Fifth Applicant

and

<u>THE MINISTER OF LAW AND ORDER</u>	First Respondent
<u>THE DIVISIONAL COMMISSIONER OF POLICE, WEST RAND</u>	Second Respondent
<u>THE MINISTER OF DEFENCE</u>	Third Respondent

A F F I D A V I T

I, the undersigned,

MARTHA MOKOBA

hereby make oath and state that:

1 I am a 58 year old adult female residing at
219 Together Street, Munsieville.

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2 The facts herein contained are true and cor-
rect and within my personal knowledge.

3 I am not working at the moment as I am look-
ing after my grandchildren, whose mothers
work during the day.

4 My daughter, her son, her daughter-in-law and
her three children and my brother's son, his
wife and their two children all live in the
house with me. There is also a lodger living
in an outside room.

5 On Tuesday evening the 28th January 1936 at
about 10 pm. I was woken up by the shining of
lights and the smell of teargas. As soon as
I got up I grabbed a nappy that was in my
room and tied it round my head covering my
nose and my mouth.

6 I thereafter proceeded from my bedroom into
the passage where I found a soldier standing
in the dining room door which leads onto the
passage from the opposite side to that of my
bedroom, as well as a policeman in the

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kitchen at the far end of the passage from where I was standing, spraying teargas into the house with aerosol sprays. They both wore gas masks.

7 My daughter and daughter-in-law were trying to get out of the house through the outside kitchen door but they were prevented to do so by the said policeman standing in the kitchen.

8 I might just mention at this stage that my house is situated on a corner and that there are open spaces both ~~BEHIND~~ and to the side of my house not adjacent to the road and that I noticed that the whole house was lit up by the headlights of vehicles belonging to the police and/or army, facing my house from all four sides. There were four vehicles in total.

9 Friends' children were sleeping over at our house that night, in the children's room, adjacent to mine, with its door also leading into the passage, on the kitchen side of my

MM MM

bedroom and in which room my daughter and daughter-in-law also slept.

10 As one of the said children was only three years old I was concerned about the effect of the teargas on this child, who was too young to know what to do, and my intention was to fetch this said child from the said children's room and put it into my room, the door of which I closed and in which room there appeared to be the least amount of teargas.

11 As I was going past the dining room on my way to the said children's bedroom I saw the ~~said~~ soldier standing in the diningroom door pointing a rifle at my brother's son, who was sleeping on the floor of the dining room.

12 I heard him ask my nephew why he had closed the dining room door to which my said brother's son replied that it was not he who had closed the door.

11 I rushed into the children's bedroom and found another soldier in this bedroom, also wearing a gas mask.

X 10 11

- 12 I grabbed our friends' said child and immediately took him to my bedroom.
- 13 On the way to my bedroom I heard a bang and on turning around saw a teargas cannister going off in the kitchen. My daughter and daughter-in-law were still being prevented from going outside and still in the kitchen.
- 14 My daughter and daughter-in-law's four children were sleeping in my bedroom that night and when I returned there with our friends' said child they had all climbed underneath my bed, evidently terrified by what was going on.
- 15 After I had put the said child down in my bedroom, I went out again, closed the door and rushed to the dining room to fetch my said nephew's one year old son who was also sleeping in the dining room together with my nephew, his wife and their daughter who is 15 years old.
- 16 The soldier referred to in paragraph 16 above was still pointing a rifle at my nephew's said son. I heard the said soldier say to my


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nephew that he was lucky that his children were with him otherwise he would have been shot. I grabbed my nephew's said son and rushed out again to my bedroom where I put him on my bed.

17 I again left my bedroom, closing the door behind me, and proceeded to the kitchen to open the window so that the teargas could escape from the house.

18 I might just mention at this stage that the nappy that I had on around my head to cover my nose and mouth only helped to a very limited extent and while I was rushing around the house as described above, my chest was closing up, I was coughing and my eyes watering.

19 As I got to the kitchen window I heard the breaking of glass and another loud noise coming from the children's bedroom and subsequently discovered that another teargas cannister had either been thrown or fired into that room.



20 I opened the one small window in the kitchen which can open (the other bigger window cannot) as well as the kitchen door and then went through to the dining room where I opened the windows and the dining room door which also leads to the outside.

21 The said soldiers and policeman made attempts to prevent me from opening the windows and doors but I nevertheless managed to do so.

22 After I had started opening the doors of the ~~house~~ all the other inhabitants of the house except the small children ran out of the house to the said outside room.

23 After opening the dining room door I opened the front door and then went through to my bedroom to fetch the two children whom I had placed on my bed. I took them to the said outside room where the others had fled to.

24 After I had done so, the said soldiers and policeman left the house and they, together with other policemen and soldiers who were outside the house got into their vehicles

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referred to in paragraph 8 above and drove off.

25 I then went back into the house and lit a newspaper in order to try and get rid of the smell and teargas still floating about.

26 I discovered that food that we had left in the oven for the lodger, who had not yet returned from visiting some neighbours, was no longer in the oven where I had put it.

27 I can only conclude that one of the soldiers or policeman who were inside the house had eaten or stolen the food on leaving the house.

28 The said lodger told me that it was not he who had taken or eaten it.

29 I believe him when he tells me this because it has always been the practice, that if we went to sleep before the lodger had had his food, we would leave the door open for him and that once he had had his food, he would

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wake one of us up so that such a person could lock the door on him leaving the house.

30 As none of the locks on any of the doors were broken I can only conclude that the said soldiers and policeman must have obtained entry into the house through the front door we had left unlocked so as to enable the said lodger to collect his food.

31 I do not know what prompted the soldiers and policeman to come to my house and to act in the manner they did. No one was arrested.

32 I can only conclude that they were acting maliciously and without any regard or respect for our privacy and basic rights as human beings.

33 I still have the teargas cannisters that were let off inside my house and my house still smells of teargas.

34 On Thursday evening the 30th January 1986 members of both the police and SA Defence Force again came to my house, this time at

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about 8 pm. and again parked vehicles around the house facing the house with their headlights shining into the house.

35 They remained so parked with their headlights on for about half and hour.

36 My grand-children, who were visibly shaken and upset by the events of the previous Tuesday night all started crying and expressing fear of what the police and soldiers might do to them. I tried to console them but this did not help very much.

37 Since the arrival of the SA Defence Force in the township and especially more recently, residents in Munsieville have been harassed without any provocation and their rights and privacy have been violated on many occasions without any apparent reason.

38 I fear that if the actions of the respondents or members of the respondents are not stopped, great harm will come to the residents of Munsieville and that our children

17/11/73

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and grand-children will grow up in perpetual fear of the police and Defence Force.

39 At this stage there is great uncertainty as a result of the actions of the police and Defence Force in Munsieville with a result that we do not know when we are safe and when we are not, and what we can do and what we can not.

40 When I refer to the actions of the police and Defence Force I mean, besides the actions I have set out above, other actions which I have been told about by other residents, some accounts of which I understand are to be set out in affidavits to be filed in support of the application to which this affidavit is annexed.

M. A. T. A. M. 250 R. A.

DEPONENT

I HEREBY CERTIFY THAT THE DEPONENT HAS ACKNOWLEDGED THAT SHE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT WHICH WAS SIGNED AND SWORN TO BEFORE ME AT

MINISTER ON THIS ^{11th} DAY OF FEBRUARY 1986 THE
REGULATIONS CONTAINED IN GOVERNMENT NOTICE NO. R1258
OF 21ST JULY 1972 AND R1648 OF 19 AUGUST 1977 HAVING
BEEN COMPLIED WITH.



COMMISSIONER OF OATHS

AMANDA CHORN
2500 Panamastadium
210 Jeppe Street
Johannesburg 2001
Commissioner of Oaths
Ex-Officio/Practising Attorney R.S.A.

MM

IN THE SUPREME COURT OF SOUTH AFRICA
(WITWATERSRAND LOCAL DIVISION)

In the matter between:

<u>KRUGERSDORP RESIDENTS' ORGANISATION</u>	First Applicant
<u>DIKEME JOSHUA MAGOTLA</u>	Second Applicant
<u>BETHUEL MONGWAKETSI</u>	Third Applicant
<u>JACOB SAFATSA</u>	Fourth Applicant
<u>SAMSON MAHATANE KATAKA</u>	Fifth Applicant

and

<u>THE MINISTER OF LAW AND ORDER</u>	First Respondent
<u>THE DIVISIONAL COMMISSIONER OF POLICE, WEST RAND</u>	Second Respondent
<u>THE MINISTER OF DEFENCE</u>	Third Respondent

A F F I D A V I T

I, the undersigned,

MAPULA MARIA LETSHABA

do hereby make oath and say:

1 I am 28 years of age and I reside at 343 Munsieville. The facts contained herein are



within my personal knowledge, and are true and correct.

2 I am a mother of children, and as such I am concerned about the welfare of my children and those of other children in my area. I am a member of the Munsieville Branch of the Krugersdorp Women's Organisation which has taken upon itself, inter alia, the task of looking after the welfare of the children in our community.

3 As a result of Greyhound Bus Lines, the only bus line operating between the townships around Krugersdorp, namely Munsieville, Kagiso 1 and Kagiso 2 and Krugersdorp refusing to make buses available for a funeral in respect of which a restriction had been placed that mourners could only move from the church to the graveyard by mechanical means, the various organisations in the above townships democratically decided to boycott the said Greyhound Bus Lines as from the 6th January 1986.

4 On the 28th January 1986, in accordance with a decision taken by the Soweto Parents Crisis

Committee, the children of our community were to go back to school.

5 As a result of the above boycott, the said branch of the said Women's Organisation helped to organise and supervise transport arrangements for the children in Munsieville who attend school in Kagiso 1 and Kagiso 2.

6 In this regard and in regard to the interference thereof by the police and the SA Defence Force and the subsequent march that was decided upon by the said branch of the said Women's Organisation I respectfully refer the Honourable Court to paragraphs 15 to 19 and 41 to 44 of the affidavit of JOHANNA MOKOWE, marked "A5" and the affidavits referred to therein.

7 As decided, a large number of women from Munsieville gathered at the civic park near the Krugersdorp exit of Munsieville between 6.30 and 7am. on the 29th January 1986. I estimate that we were about 300 in number.

8 At about 7 am. we proceeded into Krugersdorp until we came to an open space opposite a



petrol station, about half a kilometre from the exit of Munsieville.

9 Here, a relatively large number of soldiers carrying sjamboks formed up on the opposite side to Munsieville in relation to where we were. A policeman who appeared to be in charge came up to us and on the suggestion of a black policeman accompanying him, we were asked what we intended doing.

10 Before we could even formulate an answer, and without being asked to disperse, the said soldiers ~~stormed~~ us and we all fled back towards Munsieville.

11 Once we got to Munsieville, we again gathered near the exit thereof and discussed what we would do.


12 It was decided that we would send a four woman delegation to the police authorities in Krugersdorp, which delegation would be chosen by those present.

13 We never completed the meeting. While the meeting was in progress, we saw two army

M. L.

hippos carrying soldiers arrive and soon thereafter approximately two police land-rovers and two vans with policemen arrived. A bus carrying policemen also arrived on the scene.

- 14 Nothing was said to us, and we were not told to disperse by members of either the police or the SADF.
- 15 Soon after their arrival police, and possibly also soldiers, commenced to shoot teargas into the people gathered there, and the crowd started dispensing.
- 16 My eyes burnt severely as a result of the spreading teargas and I fell.
- 17 A man dressed in private clothes, who identified himself as a policeman, arrived on the scene. I had the impression that he was in a position of authority over the other policemen there.
- 18 A young boy aged 16, known to me as JOSEPH

 M. 2.


SHIMMY MONO ("SHIMMY") was standing next to a fence close by.

21 It seemed to me as if SHIMMY was dizzy as a result of the teargas in the vicinity, and I saw that he had set alight a piece of newspaper in an apparent attempt to diminish the effect of the teargas.

22 The aforesaid plain clothes policeman asked him who had explained to him that setting alight paper would diminish the effect of teargas. Before SHIMMY could reply the member of the first respondent raised his pistol and aimed it at SHIMMY.

23 In an attempt to avoid a shooting incident I grabbed the said policeman from behind and pinned his arms to his body. He did not struggle, but only told me to let go, since he would not shoot. Trusting that he would keep his word, I let go of him and saw him raising his pistol and aiming it at SHIMMY again.

24 This time I could not stop him in time, ~~and~~ he managed to fire five times in the direc-

 17. L.

ting of the boy. SHIMMY immediately screamed, turned about and limped into the house where he had been standing.

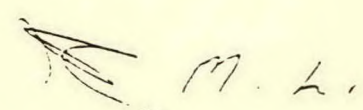
25 A number of other police vehicles arrived and some of the policemen spoke to me. I was told to instruct the children not to throw stones, to which I replied that I did not know any such children.

26 I also said to certain of the policemen that they had shot a boy and that he would die, whereupon they replied that he would not die.

27 At this stage approximately three of the policemen accompanied me as I went into the house into which SHIMMY had fled.

28 I was told by the said policemen to say that SHIMMY had been throwing stones when he was shot by the police, to which I replied that I refused to say any such thing.

29 When we arrived inside the house I could see that SHIMMY had collapsed as a result of the

 M. L.


gunwounds and he died soon afterwards while I was holding him.

30 SHIMMY had received five wounds: one in the left chest, one in the left shoulder, two in the left arm, and one in the head. The body was removed soon afterwards.

31 I was requested by the police to make a statement at the charge office, but since I suspected that they required me to state that SHIMMY had been throwing stones prior to him being shot, I declined. I soon departed.

32 After the Executive of the first applicant had decided that the interests of the community would be best served by bringing the application to which this affidavit is annexed, advocates came out from Johannesburg to take statements from us.

33 I offered to make my home available to them for the purposes of taking down affidavits and on Sunday, the 2nd February 1986, statements from witnesses were duly taken at my home.

 M. L.

34 The two advocates, who are white, were seen by members of the SA Defence Force standing outside my home and immediately the hippo carrying them came up to my house, apparently to investigate the presence of the two said advocates.

35 Soldiers immediately disembarked, brandishing their rifles and stood in a semi-circle around the front of my home, where there were quite a number of witnesses waiting for their statements to be taken, facing my home.

36 After the person apparently in charge had spoken to the advocates and contacted someone apparently of higher rank by radio, they left.

37 The said advocates commenced with the taking down of statements but shortly afterwards they were called outside by a policeman.

38 This time there were several high ranking army officers outside, as well as a hippo with soldiers in it and a police van.

 M.L.

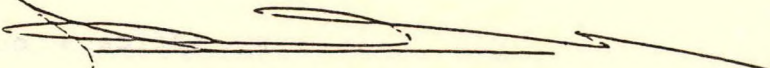
39 After talking to the two said advocates and again contacting someone by radio, they all left.

40 That night, after we had all gone to sleep, a searchlight was beamed into my house for about half an hour by members of the SA Defence Force. This practice continued ~~until~~ *for two days thereafter, M. L.*

M. L. L. L.

DEPONENT

I HEREBY CERTIFY THAT THE DEPONENT HAS ACKNOWLEDGED THAT HE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT WHICH WAS SIGNED AND SWORN TO BEFORE ME AT ~~IN WITNESS WHEREOF~~ ON THIS *17th* DAY OF FEBRUARY 1986 THE REGULATIONS CONTAINED IN GOVERNMENT NOTICE NO. R1258 OF 21ST JULY 1972 AND R1648 OF 19 AUGUST 1977 HAVING BEEN COMPLIED WITH.


COMMISSIONER OF OATHS

AMANDA CHORN
2500 Santlamsentrum
210 Jeece Street
Johannesburg 2001
Commissioner of Oaths
E-Office, Practising Attorney R.S.A.

21

IN THE SUPREME COURT OF SOUTH AFRICA
(WITWATERSRAND LOCAL DIVISION)

In the matter between:

<u>KRUGERSDORP RESIDENTS' ORGANISATION</u>	First Applicant
<u>DIKEME JOSHUA MAGOTLA</u>	Second Applicant
<u>BETHUEL MONGWAKETSI</u>	Third Applicant
<u>JACOB SAFATSA</u>	Fourth Applicant
<u>SAMSON MAHATANE KATAKA</u>	Fifth Applicant

and

<u>THE MINISTER OF LAW AND ORDER</u>	First Respondent
<u>THE DIVISIONAL COMMISSIONER OF POLICE, WEST RAND</u>	Second Respondent
<u>THE MINISTER OF DEFENCE</u>	Third Respondent

A F F I D A V I T

I, the undersigned,

JAMES MATOME

do hereby make oath and say:

1 I am 70 years of age and I reside at 123
Munsieville.

2 The facts hereinafter stated are within my
personal knowledge and are true and cor-
rect.

3 At approximately 8.30 in the evening on the
29th January 1936 I was lying asleep in my
bedroom at home.

4 I woke up as a young man known to me as NKULA
SEBETWANE came running into my bedroom. I
could see that he was very frightened since
he was unable to reply to any inquiries di-
rected by me to him.

5 I thereupon left my bedroom and entered the
dining room where I saw a second man, known
to me as KHASI MOLOI standing in the dining
room. I also saw several soldiers in the
dining room. I could recognise them as such
by the uniforms that they wore.

6 As I entered the dining room the said sol-
diers were assaulting KHASI MOLOI by hitting
him with the open hand.

7 When I asked the soldiers what the problem was, they proceeded to assault me, both by hitting my cheeks with the open hand.

8 In an attempt to flee from this assault I went back into my bedroom, where I was followed by one of the said soldiers. As we entered the bedroom the other man, NKOLA SEBETWANE was observed by him and after first being taken to the dining room the said MOLOI and SEBETWANE were taken outside.

9 I followed the soldiers as the two boys were taken from the house. I stopped in the doorway of the house and saw the two men being arraigned against the wall with their arms outstretched.

10 The two men were searched for weapons and thereafter they were assaulted by various members of the Defence Force.

11 Soon thereafter the soldiers

DEPONENT

H122(a)

IN THE SUPREME COURT OF SOUTH AFRICA
(WITWATERSRAND LOCAL DIVISION)

In the matter between:

<u>KRUGERSDORP RESIDENTS' ORGANISATION</u>	First Applicant
<u>DIKENE JOSHUA MAGOTLA</u>	Second Applicant
<u>BETHUEL MONGWAKETSI</u>	Third Applicant
<u>JACOB SAFATSA</u>	Fourth Applicant
<u>SAMSON MAHATANE KATAKA</u>	Fifth Applicant

and

<u>THE MINISTER OF LAW AND ORDER</u>	First Respondent
<u>THE DIVISIONAL COMMISSIONER OF POLICE, WEST RAND</u>	Second Respondent
<u>THE MINISTER OF DEFENCE</u>	Third Respondent

A F F I D A V I T

I, the undersigned,

ISRAEL SEBETWANE

do hereby make oath and say:

I am 35 years of age and I reside at 124A
Munsieville.

2 The facts hereinafter stated are within my
personal knowledge and belief.

3 My house is situated next to that of JAMES
MATOME on the one side, whereas DAVID MOLOI
lives on the other side of JAMES MATOME'S
house.

4 During the evening of the 29th January 1986 I
was visited by my friend DAVID MOLOI. At
approximately ten minutes past eight we de-
cided to leave my house to buy cigarettes at
a nearby shop. As we came out into the
street we encountered two trucks occupied by
members of the Defence Force.

5 These two vehicles stopped and a number of
members of the Defence Force, which we recog-
nised by their uniforms, jumped from the
trucks.

6 Because I had heard of incidents involving
assaults on members of the public by sol-
diers, I was scared of them and attempted to
flee by running into JAMES MATOME'S house. I

entered JAMES' bedroom and encountered him as he was waking up from his sleep.

7 A little while later I was discovered in my hiding place in the bedroom and dragged outside into the dining room, where I saw DAVID as well as certain of the members of the Defence Force.

8 I was assaulted in the dining room by members of the Defence Force who hit me with the open hand.

9 At this time some of the soldiers removed DAVID MCLOI from the dining room and took him into the yard outside. I soon had to follow.

10 As I came outside I saw that DAVID had been forced to stand against the wall with his arms spread wide, and was being searched, apparently for weapons. I also saw that he was assaulted in the back by the members of the Defence Force who hit him with their fists and the butts of their rifles. I saw

him falling and being kicked by these soldiers.

11 As DAVID was being pulled into the house again, some of the members of the Defence Force turned their attention towards me and proceeded to assault me by hitting me with the open hand. I was similarly told by them to stand with my hands spread wide against the wall, and searched for weapons.

12 One of the soldiers removed some money from my pocket as well as a weekly train ticket.

13 I was assaulted by the members of the Defence Force similarly by their hitting me with their fists and the butts of their rifles.

14 I was also pushed back into the house, whereafter these members of the Defence Force departed.

15 I can positively state that I have no idea as to the reason for these assaults being perpetrated upon DAVID and myself, except that I

might have aroused suspicion by fleeing from them when I was scared.

16 I can further state that I have not been involved in any subversive activities which could threaten State security and I certainly have not been informed by the abovementioned members of the Defence Force as to why they treated me in the manner that they did. In fact, I do not even recall having seen them before this incident.

DEPONENT

I HEREBY CERTIFY THAT THE DEPONENT HAS ACKNOWLEDGED THAT HE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT WHICH WAS SIGNED AND SWORN TO BEFORE ME AT JOHANNESBURG ON THIS DAY OF FEBRUARY 1986 THE REGULATIONS CONTAINED IN GOVERNMENT NOTICE NO. R1258 OF 21ST JULY 1972 AND R1648 OF 19 AUGUST 1977 HAVING BEEN COMPLIED WITH.

COMMISSIONER OF OATHS

AFFIDAVIT BY F MOLEFE

Page 2

Page 1 of this affidavit missing.

2 The facts contained herein are within my personal knowledge and are to the best of my knowledge and belief both true and correct.

3 I am employed by my mother, MRS ROSINA MOLEFE as a truck driver for the purposes of selling coal to the public.

4 In January, the precise day I have forgotten, I was driving along Mhlopekaze Street in Munsieville accompanied by my co-employee VITUS MASEKO.

5 While driving along Mhlopekaze Street, I was forced to stop the truck because it had run of petrol.

6 While parked in the street I arranged for ABRAHAM RAMMUSI, my brother-in-law to bring some petrol to enable us to continue with our task of delivering coal.

7 He soon came with a 25 litre can of petrol which he left with me and then departed.

8 I proceeded with the help of VITUS MASEKO to

~~_____~~ F MM

pour the petrol from the 25 litre can into the truck.

9 As we were busy working in this fashion, four
armoured vehicles occupied by members of the
Defence Force arrived and stopped close by.

10 Two members of the Defence Force alighted
from the one vehicle and asked me as to where
I had obtained the petrol. I replied that,
as they could see, I was refilling my truck
with the petrol.

11 In the meantime two of the four vehicles had
departed and soon thereafter returned again.

12 The same soldier who had spoken to me earlier
pointed a rifle at me and told me to remove
the hose from the tank of the truck and to
drink the petrol left in the 25 litre can.

13 Since I was afraid that I would be injured I
had not choice but to start sipping the
petrol. After I had swallowed two mouthfuls
of petrol, the soldiers who were still there
got back onto the vehicles and drove off.

F M

14 As they left one of these members said that they never wanted to see me with petrol in my possession again.

15 I know of no apparent reason why I should have been treated in this fashion. In particular I can state that I did not intend to use the petrol for any subversive purpose. As appears from my explanation above, I intended to use the petrol to refill the truck in order to go about my legitimate business.

F. Malapa
DEPONENT

I HEREBY CERTIFY THAT THE DEPONENT HAS ACKNOWLEDGED THAT HE KNOWS AND UNDERSTANDS THE CONTENTS OF THIS AFFIDAVIT WHICH WAS SIGNED AND SWORN TO BEFORE ME AT ~~MUNICIPAL~~ ON THIS 11th DAY OF FEBRUARY 1986 THE REGULATIONS CONTAINED IN GOVERNMENT NOTICE NO. R1258 OF 21ST JULY 1972 AND R1648 OF 19 AUGUST 1977 HAVING BEEN COMPLIED WITH.

[Signature]
COMMISSIONER OF OATHS

AMANDA CHORN
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