

Legal documents from State v. Ndukwana + 4 Others
LIST OF EXHIBITS [1976] (Healdtown SASM)

- A. Type-written document allegedly typed on ACC 2's type-written and headed "Whites in S.A. as oppressors".
- B. A handwritten list of names which Baleni said he got from Acc 5.
- C. A pamphlet of SASM for the months May/June 1975 which Baleni said he got from ACC 3.
- D. SASM Constitution.
- E. A letter written in English from Stanley Gqajela to the witness.
- F. Certificate from Secretary of foreign affairs in terms of Section 263 of Act. 56 of 1955 stating that exhibit "E" is of foreign origin.
- ✓ G. A letter in the Vernacular written by Stanley Gqajela to witness Yako ending with words "... Russia so nweyr.
- H. A certificate certifying exhibit "G".
- ✗ I. A letter from Acc 5 to witness Yako about arrangements - mf.
- J. A continuation of exhibition "G" (i.e letter from Gqajela to Yako) which was apparently not posted by Gqajela at the same time as exhibit "G".

A translation of exhibit "K".
- ✗ L Telegram from Acc 5 to Vuyo Bodein asking Baleni, asking Baleni, Acc 3 and apparently Ngcolá to get to East London immediately.
- ✗ M A telegram from Acc 5. to his father in Port Elizabeth stating that he (Acc 5) arrived safely in East London.
- M. Affidavit of Acc. 2's mother.
- N. Affidavit of Acc. 1's father.
- O. Affidavit of relative of Acc. 1 relating to both Acc 1 and Acc. 2.
- P. Letter from Nade Nkabinde written to Acc 3 in which saws, tools are mentioned.
- Q. A document found in Acc. 4's possession mentioning various items like "skip business".
- R. Register of Attendance and payments found in Acc 4's possession.
- S. A letter from Acc 4 Iyma on the same type of type writer as exhibit A" to members of SASM.
- T. A letter from Acc. 4 to his girl friend.
- U. A newspaper cutting on the arrest of a student leader of Zwelitsha found in Acc 4's possession.

A F F I D A V I T

I, the undersigned,

MICHAEL GORDON HEATH

do hereby make oath and say :

1. That I am and was during December 1974 a Senior Medical Officer at Frere Hospital, East London.
2. That on 16th December 1974, Vuyo Jack was brought to Casualty at Frere Hospital by his mother, and I attended to him.
3. My findings were as follows :
 - (a) HISTORY : The patient was unable to give a history. His mother informed us that he had been assaulted at 6.00 a.m. on the previous day, i.e. 15th December 1974, and she noticed that he had become drowsy and unco-operative and was unable to move his left arm and left leg.
 - (b) PAST HISTORY : The patient had no previous illnesses of note.
 - (c) EXAMINATION :

General - A well built young Bantu male. Haemoglobin 16 grams %. 3 cm Laceration on right side of head. No other signs of external injury.

Cardiovascular system - Pulse 66 per minute. Blood pressure 120/70. Heart sounds normal.

Respiratory system - No sign of disease.

Abdomen - Soft, non-tender. No masses, no visceromegaly. Hernial sites intact.

Central nervous system -

General - Disorientated for time and place. Responds to painful stimuli on right side of body. No neck stiffness.

Cranial nerves - Left-sided upper motor neuron facial palsy. Pupils reacting equally to light and of equal size. Papilloedema not evident.

Motor - Complete left hemiplegia.

Sensory - No response to pain on the left side of the body.

Reflexes - Left-sided hyperreflexia. Plantar responses were equal.

Ear, Nose and Throat - No sign of disease and no blood in the external auditory meatus.

- (d) SPECIAL INVESTIGATIONS : X-Ray of skull showed a crack fracture of the right parietal region.
- (e) DIAGNOSIS : Fracture of the skull was extradural haematoma.
- (f) MANAGEMENT : The patient was taken to theatre immediately and a craniotomy was performed in the right parietal region.

My findings were as follows :

There was a large extradural haematoma in the right parietal region, extending both anteriorly and posteriorly towards the frontal and occipital areas of the brain. A tear in the middle meningeal artery was identified and cauterised. The haematoma was exposed with bone nibblers and was evacuated. A drain was left in situ and the overlying tissues were sutured in layers.

(g) POST-OPERATIVE / ...

- (g) POST-OPERATIVE COURSE : The patient recovered well after his operation and on the morning of 17th December 1974, he was conscious and well orientated to person and place. He was able to move his left arm and left leg but there was still residual paralysis in the left hand. Sensation on the left side of the body had returned. Physiotherapy was ordered and by 27th December 1974, the patient was able to walk and move the left arm although this was weak. He was discharged on 28th December 1974, and was to return daily for physiotherapy. He was last seen in the Surgical Out-Patients Department of Frere Hospital on 3rd February 1975, when he was given an appointment to return in August 1975 for plating of the skull.
- (h) SUMMARY : This 18 year old Bantu male was admitted to the hospital in a semi-conscious state and with a paralysis of the left side of his body. After an operation to remove a blood clot, which was compressing his brain, he regained reasonable function in the left side of his body and when last seen had about 60 per cent function in the left hand.

Signed and sworn to before me at East London this 9th day of September 1976 by the Deponent who has acknowledged that he knows and understands the contents of this Affidavit and he has declared that he has no objection to taking oath, that he regards the oath as binding on his conscience and he has uttered the following words "I swear that the contents of this Affidavit are true, so help me God."

STATES:

1

I am an adult Bantu male of Nqolongolo Location, P.O. St. Matthews, Keiskammahoek district.

2

I am in the employ of the Ciskei Department of Agriculture and stationed at Peddie, but I am based at No.16 lot, Ward 1, Peddie district.

3

I know both Sotomela NDUKWANA and Vuyo JACK. They were both students at Healdtown High School, district Fort Beaufort during 1975. They often visited me at Fort Cox Agricultural College during the first half of 1975.

4

Their last visit to me was before schools closed for the June, 1975 holidays. Sotomela NDUKWANA and Vuyo JACK arrived at Fort Cox Agricultural College in the late afternoon and paid me a visit. They were carrying a large travelling bag which had a broken handle. They asked me to lend them a smaller travelling bag which I did. They transferred their belongings into this smaller travelling bag and left a radio (small transistor), a tape recorder with about 3 cassettes and some clothing which did not fit into the smaller travelling case. They then left for St. Matthews by bus, leaving the radio, recorder and some clothing in my dormitory. Neither Sotomela NDUKWANA or Vuyo JACK said anything about these articles or my travelling bag. I automatically accepted that they would call on me that Sunday on their return to Healdtown and collect same, and, at the same time return my travelling bag since schools were due to close the following week.

5

I did not see either of them since that day. I made enquiries from Healdtown students and was informed that both Sotomela NDUKWANA and Vuyo JACK left Healdtown before even completing the June 1975 exams. I enquired about Sotomela's belongings and was informed that these were still at Healdtown. I asked Sonwabo MKIVA to look after these belongings of Sotomela NDUKWANA at Healdtown until I come to fetch them.

2/.....

After the end of August, 1975 I went to Healdtown where I found a trunk belonging to Sotomela NDUKWANA and a typewriter belonging to Vuyo JACK in the dormitory at Healdtown. I took the typewriter and handed same to Vuyo JACK's mother at Burnshill - the tin trunk I took to Sotomela NDUKWANA's home. This trunk contained clothing, a blanket and school books.

This radio I hand over to the police. The tape recorder is in the possession of my sister Ntombam Violet NDUKWANA at No.1268 Zone 6, Zwelitsha.

PEDDIE DISTRICT: 23.3.76. (SGD.) P.N. NDUKWANA

Above statement taken by me:- NO.32196M: H.P. NICHOLSON: SERGT. (SGD.)

WITNESS: (SGD.) R.M. ELS: SERGT.

1. I certify that before administering the oath I asked the deponent the following questions and wrote down his answers in his presence:

- (1) Do you know and understand the contents of the declaration?
Answer: Yes
- (2) Do you have any objection to taking the prescribed oath?
Answer: No
- (3) Do you consider the prescribed oath to be binding on your conscience?
Answer: Yes

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

(SGD.) H.P. NICHOLSON
COMMISSIONER OF OATHS

DESIGNATION (RANK): NO.32196M SERGT. EX OFFICIO REPUBLIC AND SOUTH-WEST AFRICA

DATE: 23.3.76 PLACE: PEDDIE DISTRICT

Collins Monde NDUKWANA

STATES:

1

I am the Principal of the NGOBOZANA Primary School, district Keiskammahok.

2

I know Sotomela NDUKWANA, he is my only son.

3

I last saw Sotomela NDUKWANA over a weekend during either April or May, 1975 when he visited my home. He was a student at Healdtown High School, Fort Beaufort as from the beginning of 1975.

4

When schools closed for the June, 1975 holidays I went to Healdtown to fetch Sotomela but he was not there I was under the impression that he had gone to my brother in East London for the holidays, so I returned home taking with two tin trunks and blankets belonging to Sotomela NDUKWANA and Vuyo JACK.

5

I delivered Vuyo JACK's belongings to his mother at Burnshill and took Sotomela's property home.

6

I went through his belongings which consisted of clothing and books. (school books). I found nothing of interest among his property.

7

All along during the June 1975 holidays I was expecting him to come home but did not turn up. I then realised that he was not around. I later learnt that Vuyo JACK was also missing from his home.

8

At no stage did Sotomela NDUKWANA mention that he was leaving school for some or other destination.

9

I have not received any correspondence from him. I don't know where he is except that I read in the Newspapers that he was arrested at Durban.

NGOBOZANA LOCATION.
23.3.76.

(SGD.) C.M. NDUKWANA

Above statement taken by me:- NO.32196M: H.P. NICHOLSON: SGT.

WITNESS: R.M. ELS: SGT.

1. I certify that before administering the oath I asked the deponent the following questions and wrote down his answers in his presence:

(1) Do you know and understand the contents of the declaration?

Answer: Yes

(2) Do you have any objection to taking the prescribed oath?

Answer: No

(3) Do you consider the prescribed oath to be binding on your conscience?

Answer: Yes

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

(SGD.) H.P. NICHOLSON
COMMISSIONER OF OATHS

DESIGNATION: RANK: NO.32196M SERGT. EX-OFFICIO R.S.A.
DATE: 23.3.76. PLACE: NGOBOZANA LOCATION, KEISKAMMAHOEK

"M"

Myrilda Sindiswa JACK

STATES:

I am a Nursing Sister at Burns Hill Clinic.

2

Vuyo Mpumelelo JACK is my son. He was a student at Healdtown High School, Fort Beaufort during 1975.

3

I last saw him during the first or second week in June 1975 before schools closed for the June holidays. I did not notice anything unusual about him and he did not say anything about leaving school.

4

That was the last I saw him and he has not contacted me nor corresponded with me since.

ST. MATTHEWS: 23.3.76. (SGD.) M.S. JACK

Above statement taken by me: NO.32196M: H.P. NICHOLSON: SERGT.

WITNESS: SERGT. R.M. ELS (SGD.)

1. I certify that before administering the oath I asked the deponent the following questions and wrote down her answers in her presence:

(1) Do you know and understand the contents of the declaration?
Answer: Yes

(2) Do you have any objection to taking the prescribed oath?
Answer: No

(3) Do you consider the prescribed oath to be binding on your conscience?
Answer: Yes

2. I certify that the deponent has acknowledged that she knows and understands the contents of this declaration which was sworn to ~~by her~~ before me and the deponent's signature was placed thereon in my presence.

(SGT.) H.P. NICHOLSON
.....
COMMISSIONER OF OATHS

DESIGNATION (RANK): NO. 2196M SERGT. EX OFFICIO REPUBLIC AND
SOUTH-WEST AFRICA

DATE: 23.3.76 PLACE: ST. MATTHEWS

No 2 Vuyo M. JACK

FRERE HOSPITAL, EAST LONDON.

On the 16th December, 1974 I was admitted at Frere Hospital in East London.

I was operated by Dr Heath.

I attended daily physiotherapy and trained by an Indian woman (Mr Mora).

~~10A~~

- 1, TAKEN ON THE 2/21/76 IN THE EARLY HOURS OF THE MORNING.
- 2, BY CAPT. SCHOEMAN, ~~U/~~ NAUDE, Seng Nick & Lon MEYER.
- 3, ~~BY~~ THROTTLED BY NICHOLSON WHILE STILL IN THE CAR AND PUNCHED BY JAN MEYER IN THE CAR.
- 4, AT POLICE STATION (CAMBRIDGE) WITHOUT HANDCUFFS TOLD TO GET ON THE FLOOR - ~~BY~~ KICKED BY NAUDE, MEYER AND NICHOLSON. NICHOLSON THROTTLED ME WHILE NAUDE & MEYER WERE BUSY PUNCHING.
- 5, NICHOLSON PRESSED MY BALLS WITH HIS FOOT WHILE ~~SPINNING MY~~ TWISTING MY ANKLES.
- 6, WHILE MOVING IN THE CAR, ~~MEYER~~ MEYER WAS DRIVING AT FOUR OCCASIONS STOPPED THE CAR GIVING THE MACHINE
- 7, WHILE TREATING ME NAUDE TOLD ME THAT THEY ARE 3 AGAINST ME SO MY WORD WILL ~~HAVE~~ NOTHING. ~~IF~~ THEY CAN DO ANYTHING TO ME AND GET AWAY WITH IT.
- 8, THEY TOLD TO MAKE A STATEMENT ON ALL WHAT WE DID AT HEALD TOWN. THEY THEN WENT AND LEFT WITH ~~ONE~~ OF PAPER AND PEN.
- 9, ~~THEY~~ LATER THEY TOLD ME THEY HAVE BEEN TO MY HOME IN PE, AND IN JANSENVILLE AND THEY DID NOT SEE MY BOOKS.
- 10, ~~THEY~~ THEY TOOK THE KEYS THAT WERE WITH ME.
- 11, I TOLD THEM THAT MY BOOKS IN PE.
- 12, ~~AT~~ AT ABOUT 5 AM, SCHOEMAN, NICHOLSON, NAUDE. TOOK ME TO PE, AND VARIOUS OTHER PLACES.

Arrested on the 31st December 1975.

FEZEKILE GOODWIN M.D.A.

Mohapi Mapeta is dead but during December holidays I and Stanley visited him in Zwelitsha well I do not know what Stanley Gqajela had to say to him because, I was asked to ~~remain~~ wait in the Car of Mr. Mohapi.

I am also alleging assaults by the Special Branch. My Lumberjacket was torn by Mr. or Serg. Nicholson. I was made to agree to the things they say. All the time during this assault I was made to stand on one leg holding the lap of my ^{trousers} with my hand. Capt. Schoeman also ~~assaulted~~ assaulted ^{me} in fact he was the one who said he was ~~leaving~~ leaving ^{me} to be assaulted by his men, whom I ~~do~~ recognised as Mr. Fourie s/w/O with golden teeth W/O ^{Naude} was also there. Well I do not recognise the others but there was quite a number of them. I made three statements in all. They took the third one which was written by them (Mr. Nicholson) and later by Mr. Nel ~~suggesting~~ suggesting and supplying ^{some} words. ~~and~~ to

ACCUSED NOI.

1. I was in the bathroom when my friend (girl) Thanyisa came to tell that the police were arresting Ujoy Jack and Phantsi. When I went to the house I found three police. Warrant officer Khumalo said "this is another one!" They showed me a warrant of arrest. They said we were going for interrogation, we were going to come back. They took us to Fischer street in the security offices. We found warrant officer Van Dyk who order them to take us to different offices. Immediately I entered the office I was asked Azimkhulu Ntshabathi. I was handed to African Police, one of them is serg. Ngobese, three minutes later Captain De Loet came and told me sit in the imaginary chair, because he said that I was a terrorist. The assaulter me and stripped leaving me with my underwear and interrogation.

2. ON THE SEVENTH OF OCTOBER ¹⁹⁷⁵ I STARTED WRITING. I SAID THAT I KNOW BRIDGETTE MABANDLA AND HER HUSBAND VAN DYK, SERG TUALA IN ROSSBURGH CHARGE OFFICE. WHO ARE NOW WERE GOING TO ASSAULT ME BECAUSE THERE WAS NOTHING IN THE STATEMENT I SHOULD WRITE THAT I WAS GOING FOR MILITARY TRAINING. HE THREATENED TO ASSAULT ME I WROTE.

3. WITNESSES:
1. Ishmael Zureu.
 2. DR Maas DORP
 3. MRS MPATA
 4. Jeff Magethuka
 5. KOLEKILE TATA
 6. STANLEY STANLEY Rayisa
 7. ZWELAKHE NTSHEPHE
 8. BANNILE KETELO

} Fort Ghamoza
E.L. PRISON

In presence of Sgt. Dykes :

fits; on body

M.I

Sit in imaginary chair

Taylor: hit me

merent: Sgt. Khumalo

Van Dyk merent