IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

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1986-09-16

DIE STAAT teen: PATRICK MABUYA BALEKA EN 21 ANDER

VOOR: SY EDELE REGTER VAN DIJKHORST EN
ASSESSORE: MNR. W.F. KRUGEL
PROF. W.A. JOUBERT

NAMENS DIE STAAT: ADV. P.B. JACOBS
ADV. P. FICK
ADV. W. HANEKOM

150

NAMENS DIE VERDEDIGING: ADV. A. CHASKALSON
ADV. G. BIZOS
ADV. K. TIP
ADV. Z.M. YACOOB
ADV. G.J. MARCUS

TOLK: MNR. B.S.N. SKOSANA

KLAGTE: (SIEN AKTE VAN BESKULDIGING)

PLEIT: AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS: LUBBE OPNAMES

VOLUME 150 (IN CAMERA GETUIE NR. 25)

(Bladsye 7 491 - 7 518)

HOF HERVAT OP 16 SEPTEMBER 1986.

MNR. FICK : Die volgende getuie het aangedui dat dié getuie in camera wil getuig.

MR BIZOS : My Lord,may I be of assistance and possibly cutting this part of the proceedings short. We have been informed who the witness is and although she has given evidence in open court in the inquest proceedings and members of the family have given evidence in open court, and although in the ordinary course of events we would have objected to her giving evidence in camera, in view of her concern, she is bearing a child and she has lots of difficulties, in view of that aspect of the case, we will not object to the application for her giving evidence in camera. It would be more comfortable for her.

COURT : Very well, it will be so ruled that this witness will give evidence in camera. She will be known as In Camera witness number 25.

MNR. FICK : Ek kan net aandui dat ek het 'n mediese sertifikaat van die ginekoloog ten aansien van die getuie wat aandui dat sy het bedrus nodig verskillende periodes per dag. Ek het die getuie gevra as dit moontlik is om so lank as moontlik uit te hou.

HOF : Ons kan herhaalde onderbrekings maar verduur. U moet nou nie die getuie tot op die uiterste limiet druk en dan vind dat ons glad nie meer kan aangaan nie.

IN CAMERA GETUIE NR. 25, v.o.e. (Deur tolk)

HOF : Net voordat mnr. Fick begin. Ek het gereël dat hierdie verhoor in camera is en dat u bekend sal staan as In Camera getuie nr. 25. U moes dus asseblief vry praat en nie bang wees om met die waarheid uit te kom nie.

ONDERVRAGING/...

ONDERVRAGING DEUR MNR. FICK : U is die dogter van een van die oorlede raadslede, raadslid Philemon Liphoko? -- Ja.

Watter gebied het hierdie raadslid verteenwoordig voor sy dood? -- Ward 7.

Is dit in Evaton of Sebokeng of waar is dit? -- Dit is in Evaton.,

U self het ingewoon by die oorledene waar hy in Evaton gewoon het? -- Ja.

En die woning was te Adams Road? -- Ja.

HOF : Is daar 'n nommer? -- Ja.

MNR. FICK : Gee die nommer? -- 1350.

Behalwe 'n huis, was daar nog ander geboue op die perseel gewees? -- Ja.

Wat se ander geboue is nog daar? -- Winkels.

As u sê winkels, is dit winkels van algemene handelaars of wat se winkels is dit? -- Algemene handelaar en 'n bottelstoor.

HOF : Van u vader? -- Ja.

MNR. FICK : U het vir u vader in die bottelstoor gewerk? -- Ja, dit is reg.

Net voor ons by 3 September 1984 kom, net so 'n bietjie agtergrond. Voor 3 September 1984 was daar enige dreigemente geuiter teenoor u vader wat u self gehoor het? -- Ja.

Eerstens, waar het u die dreigemente gehoor? -- Ek was by die huis gewees.

En tweedens, deur middel van wat is hulle geuiter? Is hulle in die straat geskreeu, is dit oor die radio gegee of waar? -- Dit was aankondigings met 'n Kombi.

HOF : Oor 'n luidsprekerstelsel? -- Ja.

Vanaf die straat voor die huis? -- Ja.

MNR. FICK/...

MNR. FICK : Wat was die aard van die dreigemente wat u gehoor het? -- Die persoon wat dit geuiter het, het gesê hy sal my pa doodmaak.

HOF : Het hy gesê hoekom? -- Ja, hy het gesê hulle verkoop die plek, Evaton.

Wat beteken dit? -- Ek weet nie wat dit beteken het nie.

Hoe lank was dit nou voordat jou pa doodgemaak is? -- Twee tot drie weke het verloop voor my pa se dood.

MNR. FICK : Hierdie aankondiging, het u dit net die een keer gehoor of het u dit voor 3 September weer gehoor? -- Ek het dit net daardie tyd gehoor.

HOF : Net die een keer gehoor of 'n paar keer? -- Ek het dit twee keer gehoor. 'n Paar dae voor 3 September het ek dit weer gehoor.

MNR. FICK : Was dit weer deur middel van dieselfde Kombi met dieselfde luidspreker? -- Ja.

Kon u op die eerste geleentheid toe die uitsending die eerste keer gemaak is, sien wie is die persoon wat die uitsending maak? -- Ja, ek kon.

Wie was dit? -- Thomas Nhlapo.

En die tweede keer toe u die aankondiging gehoor het, was dit deur dieselfde persoon of deur iemand anders? -- Dit was hy in geselskap van Daniël Matlawe.

Die twee here, was hulle aan u goed bekend voor die tyd? -- Ja.

Is hulle ook van die omgewing? Woon hulle daar? -- Ja, hulle woon in Evaton.

HOF : Het u hulle geken van die skool af of waarvandaan het u hulle geken? -- Ek ken vir Daniël, want hy is ons neef. Ek ken vir Thomas van kleinsaf, toe ons nog klein was in

Evaton/...

Evaton. Ons was klein en hy was ouer as ons.

MNR. FICK : Dan nog steeds voor 3 September, die tydperk voor 3 September, het u enigsins bewus geword van wat die 3de Spetember 1984 gaan plaasvind in die Vaal Driehoek in verband met skole, besighede en vervoer? -- Ja.

Wat was u inligting, wat gaan gebeur op 3 September? -- Die inligting wat ek gehad het was dat op daardie dag is daar 'n "stay-away".

Die inligting wat u gekry het, het u maar van die mense in die straat gekry? -- Ek het van die mense gehoor dat daar papiere of pamflette was wat geskryf was wat ek self nie gesien het nie.

Nou kom ons by 3 September 1984. Die betrokke oggend, die oorledene, was hy gesond, was hy siek, waar was hy gewees vroeg die oggend? -- Hy was in die bed gewees. Ek weet nie of hy vas aan die slaap was nie, maar hy was onder die komberse en het gesê dat hy nie lekker voel nie.

Tweedens, die betrokke dag, 3 September, het enige van u besighede oopgemaak die oggend? -- Nee, ons het nie oopgemaak nie.

Daar het op 'n stadium 'n bakkie by u huis gekom? -- In die straat, nie op die perseel nie.

Ja, voor die huis? -- Ja, op die teerstraat voor die huis.

Was dit in Adamsweg gewees? -- Ja.

Hoe laat was hierdie bakkie daar in die straat voor die huis? -- Ek is nie seker van die tyd nie. Dit was nog in die môre gewees. Ek skat dit om en by 09h30.

Wat het hierdie bakkie in die straat voor die huis kom doen? Het u gesien? -- Klippe was van hierdie bakkie

afgelaai/...

afgelaai.

HOF : Groottes of kleintjies? -- Van verskillende groottes, groot en klein.

Net om duidelikheid te kry, is dit groottes waarmee ŉ mens kan gooi of waarmee ŉ mens ŉ rotstuin kan bou? Wat se soort klippe was dit? -- Die grootte daarvan was groot genoeg vir ŉ persoon om dit te gooi.

MNR. FICK : Die klippe wat afgelaai is, was dit op een hoop afgelaai in die pad, langs die pad of hoe is dit afgelaai by die huis? -- Die bakkie was nie in ŉ stilstaande posisie gewees nie. Dit het stadig beweeg. Met die stadige beweging van die bakkie, was die klippe van die bakkie afgegooi. Dit wil sê afgelaai in die sin dat dit versprei was en die klippe was net afgegooi van die stadig bewegende bakkie.

HOF : Het die bakkie ŉ kappie opgehad of was dit sonder ŉ kappie? -- Dit het nie ŉ kappie gehad nie. Dit was oop gewees.

MNR. FICK : Soos u perseel nou is langs Adamsweg, is dit die huis en die besighede langsaan. Was dit die hele breedte van die perseel afgelaai in Adamsweg of was dit hopies-hopies afgelaai soos die voertuig gery het?

HOF : Hoe bedoel u die hele breedte van die straat?

MNR. FICK : Die breedte wat die perseel langs die straat beslaan.

HOF : Is dit reg voor die hele perseel afgelaai? -- Die bakkie het in ŉ westelike rigting beweeg.

Van oos na wes? -- Van Oos na wes, ja en terwyl die bakkie beweeg het, is die klippe afgegooi vanaf die bakkie op die grond.

In die pad? -- Ja.

MNR. FICK/...

MNR. FICK : Kan u vir die Hof sê, het u gesien wie is die persoon of ken u die persoon of persone wat hierdie klippe afgelaai het terwyl die bakkie gery het? -- Ek het nie die persone so goed gesien nie, veral die persone op die bakkie, maar wat ek wel kan sê is dat die persoon op die grond aan wie die klippe gegee was deur die persone op die bakkie, het ek gesien.

Verstaan ek u reg dat persone op die bakkie het die klippe aangegee vir ŉ persoon wat langs die stadig bewegende bakkie geloop het en die persoon het dit dan neergesit op die grond? -- Ja.

HOF : Het die persoon wat op die grond was dit in hopies gepak? -- Ek het nie so goed opgelet presies wat die persoon gedoen het met die klippe wat hy neergegooi het, of dit in hopies was en of dit net op enige manier op die grond gegooi was nie.

MNR. FICK : U sê u het die persoon geken. Weet u wat sy naam is? -- Ja, ek weet.

Wat is dit? -- Daniël Matlawe.

HOF : Is dit dieselfde persoon wat u netnou genoem het? -- Ja.

U neef? -- Ja.

MNR. FICK : Nadat hierdie voertuig die klippe afgelaai het, het dit toe verdwyn, weggery? -- Ja, die voertuig het uit die oog verdwyn in die rigting van die winkel. Wat later daarvan geword het, kan ek nie sê nie.

Na hierdie bakkie, het daar nog ŉ voertuig gekom? -- Ja, daar het.

Wat se voertuig was dit? -- Dit was ŉ Kombi gewees, groen en wit van kleur.

Was/...

Was dit dieselfde Kombi as die een van vroeër die aankondigings gemaak het? -- Ja.

Het u gesien wie is in hierdie Kombi? -- Ja.

Wie was dit? -- Thomas Nhlapo het die Kombi bestuur. Ek kon nie die res van die mense sien wie in die Kombi was nie.

Is dit dieselfde Thomas Nhlapo wat u vroeër van getuig het? -- Ja.

Wat het die Kombi daar kom maak voor die perseel? -- Ek weet nie wat die Kombi daar kom maak het nie. Dit het vir ʼn baie kort rukkie gestop en toe weer beweeg.

HOF : Waar het hy gestop? -- Voor die winkel.

MNR. FICK : En dit ry toe weg? -- Ja.

Daar het toe daarna ʼn klein seuntjie aangehardloop gekom? -- Ja.

Hoe lang tyd het verloop vandat die Kombi daar weg is totdat die klein seuntjie daar opgedaag het? -- Dit was ʼn lang rukkie gewees.

Meer as ʼn uur, ʼn halfuur? -- Omtrent 30 minute.

Hy het toe ʼn rapport aan u gemaak? Net ja of nee? -- Ja.

As gevolg van wat u gehoor het by die seuntjie is u toe in die huis in? -- Ja.

U is na u vader toe? -- Ja.

U en u vader is toe uit die huis uit? -- Ja.

Toe u en u vader uit die huis uitgegaan het, het u vuurwapens by u gehad? -- Ja.

Elkeen van u ʼn vuurwapen? -- Ja.

Toe u buite die perseel kom - het die perseel ʼn heining? -- Ja.

ʼn Gewone/...

ʼn Gewone vyf voet heining of een van hierdie hoë veiligheidsheinings? -- Dit was ʼn hoë omheining.

HOF : Is dit ʼn veiligheidsheining of ʼn betonheining of wat is dit? -- Dit is ʼn gewone draadheining gemaak van draad.

Ogiesdraad? Wat hulle noem "diamond mesh"? -- Ja.

MNR. FICK : Is daar hekke in hierdie heining? -- Ja.

Meer as een? -- Ses hekke.

Hierdie hekke, was hulle almal toe gewees ... (Hof kom tussenbei)

HOF : Praat u nou van die openinge of praat u van goed wat oop en toe swaai as u sê daar was ses hekke? -- Ek praat van hekke wat toegemaak kan word.

So, daar is eintlik drie openinge. Is dit reg? -- Ek praat van ses openinge met hekke.

MNR. FICK : Toe u nou daar uitgaan met u vader ...(Mnr. Joubert kom tussenbei)

ASSESSOR (MNR. JOUBERT) : Loop hierdie draadheining om die hele perseel en ook om die winkel en bottelstoor? -- Ja.

MNR. FICK : Toe u daar uitgegaan het saam met u vader, was al die hekke oop of was hulle toe of wat is die posisie? -- Net een was oop gewees.

Was dit die hek in Adamsweg of was dit ʼn ander hek? -- Dit was die hek in McCabeweg wat oop was.

Staan u perseel op die hoek van Adamsweg en McCabeweg? -- Ja.

Hierdie hek, het u hom toegemaak? -- My broer het die hek gaan toemaak.

HOF : As u praat van toemaak, bedoel u net toemaak of bedoel u sluit met ʼn slot en ketting? -- Nee, hy het dit net toegemaak, nie gesluit nie.

MNR. FICK/...

MNR. FICK : Wat het u toe gesien? -- Ek het opgemerk dat daar 'n klomp persone aangehardloop kom en hulle was besig om te sing.

Het hulle in die pad gehardloop? -- Ja.

In watter straat? -- Adams Road.

Het hulle gehardloop van oos na wes of van wes na oos? -- Van wes na oos het hulle gehardloop.

Kan u vir die Hof 'n aanduiding gee van hoeveel mense hulle was? -- Hulle was baie. Ek vind dit moeilik 'n skatting te gee. Ek sal nie kan sê hoeveel hulle omtrent was nie.

HOF : 'n Straat vol? -- Ja.

MNR. FICK : U sê hulle het gesing en geskreeu. Kon u hoor wat hulle gesing en geskreeu het? -- Amandla Awethu izwe Alethu.

Het hulle enige tekens gegee toe hulle so aankom? -- (Getuie dui aan)

HOF : Regtervuis in die lug gesteek.

MNR. FICK : Wat gebeur toe? -- Hulle het op die hoek gaan staan, dit wil sê op die hoek van die winkel. Een persoon het uit hierdie klomp gekom en na vore gekom. Die persoon wat voor die groep gestaan het, het gesê "Ons kom hierdie plek breek, doodmaak en vat." Wat hy daarmee bedoel het dat hulle kom vat en wegneem, kan ek nie sê nie.

Het die persoon wat en wie kom hulle doodmaak en hoekom? -- Nee, hy het nie redes verstrek nie. Hy het net gesê dat hulle dit kom doen.

Wat gebeur toe? -- Die persone het toe die winkel met klippe begin bestook en ons is ook met klippe deur dieselfde persone aangeval.

HOF : Dit is nou die huis of was u buite die huis? --

As/...

As ek daarvan praat dat hulle ons ook met klippe aangeval het, praat ek van myself, my vader en die ander kinders wat buite was, nie in die huis nie.

Het julle voor die huis gestaan of voor die winkel? -- In die nabyheid van die winkel net agter die winkel het ons gestaan.

MNR. FICK : U sê hulle gooi klippe na u en u vader en die ander kinders. Wat gebeur toe? -- As gevolg daarvan het ek twee waarskuwingskote gevuur met die oog daarop dat die persone moet skrik.

Het u die skote in die grond geskiet of in die lug of waarheen het u geskiet? -- In die lug geskiet.

En wat gebeur? -- Die persone het net aangegaan met aanval deur gebruik te maak van klippe.

Laat ons nou net een ding duidelik kry op hierdie stadium. Was u en u vader langs mekaar op daardie stadium? -- Toe hulle ons met klippe begin aanval, het ek en my vader bymekaar gestaan.

En gedurende hierdie klipaanval het u bymekaar gebly of uitmekaar uit gegaan? -- Toe ons gesien het dat die aanmekaar aanval met die klippe, is ons toe uitmekaar uit. Hy het 'n ander koers gevat na 'n ander hoek toe en ek het ook na 'n ander hoek toe gegaan.

Was u by die hoek van die huis of by die hoek van die besighede? -- Ek was op die hoek van die winkel.

Kon u sien na watter plek ... (Hof kom tussenbei)

HOF : Ek kry die indruk dat julle half agter die winkel weggekruip het en om die hoek gekyk het. Is dit reg? -- Ja, dit is reg.

MNR. FICK : Kon u sien waar u vader toe was van die posisie

waar/...

waar u toe was? -- Nee, ek kon hom nie sien nie.

Hierdie klipgooiery gaan toe nou aan en wat gebeur? -- Terwyl hulle so besig was met klippe om te gooi, het ons ook probeer om onsself te verdedig deur middel van te skiet met die vuurwapens. Op ŉ stadium het ek opgemerk dat daar ŉ opening deurgesny was in hierdie omheining se sifdraad en opgelet dat die persone deur die opening die perseel binnetree.

Het u en u vader altwee geskiet of het net u geskiet? -- Ons het altwee geskiet.

Daar waar u geskiet het, het u toe nog steeds waarskuwingskote geskiet of het u toe al begin om die mense te skiet? -- Nee, ek het op die mense geskiet, want hulle was besig om ons met klippe aan te val.

U sê u het gesien daar kom mense deur ŉ gat wat in die draad gesny is op die perseel. Wat gebeur toe? -- ŉ Kort rukkie daarna het ek ŉ geraas gehoor en tydens die geraas was die volgende woorde gebesig dat ŉ leeu geval het.

Gaan voort? -- As gevolg waarvan ek toe omgehardloop het om die gebou, dit wil sê om ondersoek te gaan instel by die ander kant waar my pa was. Met my aankoms daar het ek gevind dat my pa daar op sy knieë staan teen die omheiningsdraad. Dit wil sê hy het teen die draad geleun.

Wat sien u toe verder? -- Toe ek by hom kom, het ek gevind dat daar persone was wat besig was om op hierdie stadium met klippe daar aan te val. Ek het toe my pa gehelp deur hom op te tel of op te help van waar hy was.

Was hy beseer? -- Hy was beseer gewees, ja, want hy het ŉ bellaclava opgehad en ek het bloed op die bellaclava opgemerk.

Terwyl/...

Terwyl u u vader gehelp het, is u ook beseer? -- Ja, ek het "bruises" gehad aan my lyf.

Is dit van klippe wat u getref het of waar het u die beserings gekry? -- Dit was as gevolg van die klippe.

U sê u het u vader opgehelp en wat maak u toe? -- Ons het my vader weggehelp aangesien hy nog kon loop saam met die kinders en hom in die huis geneem. Ek is toe daarna uit om die polisie te ontbied.

Terwyl u besig was om u vader weg te help, het die gooiery nog steeds aangegaan? -- Ja, dit het nog aangegaan.met die aanval deur gebruik te maak van klippe. Op ŉ stadium terwyl ek besig was om my vader weg te neem waar ek hom gehelp het, is daar ŉ soort van ŉ poeier gebruik of ŉ "spray" wat ons affekteer het vir ŉ rukkie deur dieselfde persone. As gevolg van hierdie poeier of "spray" waarna ek verwys wat gebruik was teenoor ons, dit wil sê ek en my vader, het ek en my vader geval, maar ek het later daarin geslaag om hom verder weg te help.

HOF : Wat is die aard van die poeier? Watter effek het dit? Maak dit jou blind of maak dit jou nies of wat maak dit? -- Dit het gemaak dat ek nie kan sien nie. Dit verblind ŉ persoon.

MNR. FICK : U het nie gesien waar kom die poeier of "spray" wat u van praat vandaan nie? -- Ek kon nie sien nie, alhoewel ek in staat is om vir die Hof te sê dat dit van die klomp persone af gekom het wat daar was.

U sê u het u vader weggehelp na ŉ huis toe. Is dit die huis waar u woon of is dit ŉ ander huis? -- Dit is ŉ huis op ons perseel. Dit behoort aan ons maar dit gebruik ons gewoonlik nie. Die huis is geleë aan die agterkant van die

perseel/...

perseel. Dit is die huis waarheen ek my vader geneem het.

U sê vir die Hof u het daarna gaan hulp soek by die polisie? -- Ja.

Hoe is u daar weg? -- Ek is met die agterste uitgang uit die perseel uit in die straat in, waar ek 'n persoon gevra het wat aan my bekend was om my te vervoer na die polisie toe. Ek is na De Deur polisiestasie toe waar ek om hulp gaan vra het.

Toe u weg is van die perseel af om die polisie te gaan ontbied, was daar enige skade aangerig al aan die perseel, aan die geboue of enigiets anders? -- Die vensters was alreeds gebreek gewees en hulle was besig om te probeer om toegang te verkry. Ek het dus nie gestaan en kyk wat verder gebeur nie.

U sê hulle het probeer toegang verkry. Is dit tot die perseel of tot die geboue? -- Hulle was alreeds op die perseel gewees na die sifdraad oopgesny was. As ek praat van die toegang wat hulle probeer kry het, was dit tot die geboue.

HOF : Al die geboue? -- Toe ek weg is, was hulle nog by die winkels gewees.

ASSESSOR (MNR. JOUBERT) : Mnr. Fick, die vraag was miskien verkeerd gewees. Dit is wat sy gesien het op die oomblik toe sy vertrek het na die polisie, nie terwyl sy weg was nie.

MNR. FICK : Toe sy weggegaan het. U het toe by die polisie gekom en u is later dieselfde dag terug na die perseel toe? -- Ja.

Toe u daar terugkom by die perseel ... (Hof kom tussenbei)

HOF : Het u teruggekom met die polisie? -- Nee, die polisie is per radio ontbied.

MNR. FICK/...

MNR. FICK : U is op u eie stoom terug na die perseel? -- Ja.

Toe u by die perseel terugkom, was u vader reeds verwyder van die perseel, hy was nie meer daar nie? -- Hy was al hospitaal toe.

Was die polisie reeds daar toe u daar kom? -- Ja.

En met betrekking tot skade daar, wat het u gevind? -- Met my aankoms daar het ek die volgende skade opgemerk. Die kasregisters het daar buite gelê. Die kos, die voedsel wat daar in die winkel verkoop word, het ook daar buite op die grond versprei gelê. Dieselfde geld wat die drank betref. Daar was gebreekte bottels gewees wat buite op die grond versprei was.

Was daar enige voertuie op die perseel van ... -- Sowel as voertuie wat beskadig was.

HOF : Hoe was hulle beskadig? -- Die vensters van die voertuie was stukkend gewees.

MNR. FICK : Was daar enige duike aan die bakwerk? -- Ja.

Hoeveel voertuie is beskadig? -- Ek kan nie meer goed onthou wat die aantal was wat beskadig was nie. Daar was verskeie voertuie gewees, bakkies, groot trokke en ligte voertuie wat daar geparkeer was.

Was al die voertuie op die perseel beskadig? -- Ek sal liewer sê die meeste van hulle was beskadig, want ek het nie so goed opgelet of hulle almal beskadig was nie.

HOF : Was die geboue beskadig? -- Ja.

Al die geboue? -- Ja.

Hoe? -- Die vensters was gebreek van die winkel. Toegang was verkry deur die dak, sowel as die bottelstoor wat ook beskadig was.

<u>MNR. FICK</u> : Was daar 'n gat in die dak of was van die dakplate verwyder? -- Daar was sinkplate wat verwyder was.

<u>HOF</u> : En by die bottelstoor? -- Daar ook. Die deure was oop gewees.

<u>MNR. FICK</u> : Terwyl u al hierdie waarnemings gemaak het en die polisie daar op die toneel was, was daar enige mense nog buite in die strate wat met klippe gegooi het of 'n lawaai gemaak het of wat oproerig was? -- Daar was mense gewees wat in klompies gestaan het wat niks gedoen het nie. Hulle het net daar gestaan.

Is u huis weer daarna aangeval daardie selfde dag? -- Ja, die nag was die huis aangeval gewees.

Was dit weer klipgooiery of wat se aanval was dit? -- Weer klipgooiery.

Het u die polisie ontbied in die nag? -- Nee, net ons die inwoners van die huis was daar tuis gewees met hierdie aanval alhoewel die polisie af en toe kom kyk het wat gebeur.

Hierdie nag, was daar net een so 'n aanval? -- Ek het nie die hele nag daar deurgebring nie. Ek is op 'n stadium weg iewers heen. My broers het dus agtergebly die huis.

<u>HOF</u> : U is nie wel nie. Ons het nou 'n uur en tien minute gehad. Indien u wil hê dat on 'n kort onderbreking moet neem, is u welkom om dit te vra. Indien u dit wil vra te enige tyd gedurende kruisverhoor later is u ook welkom om dit te vra. -- Ek vra reeds al om 'n bietjie te gaan rus.

<u>GETUIE STAAN AF.</u>

<u>HOF VERDAAG.</u> <u>HOF HERVAT.</u>

<u>IN CAMERA GETUIE NR. 25,</u> nog onder eed

<u>ONDERVRAGING DEUR MNR. FICK</u> (vervolg) : Die res van die week, hierdie voorval was op 3 September, 'n Maandag, was

sporadiese/...

sporadiese aanvalle - was daar weer sporadiese aanvalle op die huis? -- Ja.

Het dit elke keer die vorm aangeneem van klipgooiery? -- Ja.

HOF : U het nou oor die mense met die Kombi gepraat en oor die mense by die bakkie, maar wat die aanvallers self betref, was die aanvallers mense uit die buurt of mense wat u glad nie geken het nie? -- Ek het niemand geken van die aanvallers nie. Verskoon my, daar is van hulle wat ek geken het.

Wie was dit? -- Tom Nhlapo was een van die aanvallers. Great Moremi, Daniël Matlawe, Tsotsetsi. Die res van die mense wat ek daar gesien het, is net aan my bekend van sien. Ek weet nie wat hulle name is nie.

Die mense wat u aangeval het, is die mense uit die buurt of is dit mense wat van ver af gekom het? -- Die meeste van die mense was nie aan my bekend nie. Dus sal ek nie kan sê of hulle van die buurt af gekom het nie.

Maar u is 'n persoon wat altyd in die winkel werk? -- Ja.

CROSS-EXAMINATION BY MR BIZOS : Threats against your father started way back in 1982? -- That is so.

Primarily by this person Oupa Ishmail Tsotsetsi? -- By Thomas Nhlapo.

I beg your pardon. You are quite right. I missed the first name. It is Mbocho Thomas Nhlapo? -- Yes.

And he is a man in his 40's? -- I do not know what his age could be, but he is a grown-up person.

Is he a person who is the regional - if or was - the regional chairman of Inkatha? -- I did not know him to be a member of Inkatha. I only knew him as a person who takes part in the rate payers.

I/...

I suppose you mean the Rate Payers' Association? -- Yes, that is so.

COURT : Is he on the committee? -- I am not sure what his position was there. All I know is, he belongs to the Rate Payers' Association now. Whether he was serving in the committee or not, I do not know.

MR BIZOS : Do you know how long ago he was in the Rate Payers' Association and whether he resigned or whether he was asked to leave or do you know anything? -- No, I do not know.

You do not know whether or not he was actually expelled from the Rate Payers' Association on an allegation of misappropriating the association's funds? -- I do not know about that.

And when you say that you knew him to be in the Rate Payers' Association, you do not know what his position was in 1983 or 1984? -- I did not know what his position was.

Would it be correct to say that this Mr Mocho Nhlapo and your late father had a quarrel? -- What I know is that this person was once involved in an accident and he was admitted to hospital, as a result of which they wanted to amputate one of his legs on which he requested my father to come to the hospital. This he did by sending his wife to my father, who came and took him away to Baragwanath Hospital, after it had been said that he refused hospital treatment. This is assisting him to getting him to Baragwanath Hospital by refusing him hospital treatment where he was admitted before.

What you are telling us really is that he should really be thankful to your late father rather than having any

grudge/...

grudge against him? -- Yes.

Daniël Matlawe, your cousin-brother, had he quarrelled with your family and more particularly with your father? -- Yes, in the sense that my father brought him up and took him to school. That is he paid for whatever is supposed to be paid for at school for him and he was staying with us. He had some friends who influenced him not to go to school and my father came to know about that. Then there was a meeting between my father and him, because my father was accusing him of absenting himself from school, as a result of which then Daniël left our home, because he did not want to be at school as expected by my father from him.

And was there a bad relationship between Daniël and your late father after that? -- Yes, after that he never ever came to my parents' home. Instead he stayed with my grandfather.

When there were threats about three weeks before the 3rd of September to kill your father over the loudspeaker of the Combi, was Daniël Matlawe together with Mr Thomas Nhlapo? -- Yes, they were together.

Was this a matter of bitterness, did it cause bitterness in your father that the two people that he had tried to do good to were broadcasting from a moving Combi that he should be killed? -- I used to hear him remarking as follows after the threats, that is my father "I am surprised why these people must go about saying or uttering such threats about me. I doubt if they will carry out the threats, because as far as I am concerned one good turn deserves another good turn."

I am given to understand that your father was a

person/...

person who would take revenge if anything was done wrong to him. Is that the correct description? -- In what way? I do not understand the question.

Did you ever feel or ever say that your father was a person who would take his own revenge? Did you express it in that way? -- I knew my father to be this kind of a person. Say for instance a person has done something wrong at home or to any of his properties, then he would like to hit you or make you feel the pain for what you have done. I do not know whether that is the kind of revenge that is being referred to here.

I think that you have put it fairly. Would you agree that your father, I am sorry to put it this way and I put it at its minimum because first of all one should not judge people who have been departed and certainly one cannot ask a daughter to judge her father, but would you agree that he was a controversial man? He was not a man who kept quiet about his views, about what he wanted to happen? -- I find it difficult to answer the question the way it has been put to me.

Alright, we will leave it at that. Was there a problem in Evaton and were there fears ... (Court intervenes)

COURT : That is a very wide question. There may have been illness around.

MR BIZOS : I had not finished. Were there fears that Evaton would become like Sebokeng, in the sense that the freehold rights that people had in Evaton would be lost? -- I do not know. I have not heard of it.

COURT : Did you have freehold rights? -- We still have them up to now.

MR BIZOS/...

MR BIZOS : Were there fears among the people living in Evaton that they may lose those freehold rights and that their ground may become like Sebokeng and that it should belong to the council or the development board? -- I had not heard about that. I do not know.

And do you know what your father's views were on that subject? -- As I have already said I had not heard anything about that, and I am therefore not in a position to tell the Court as to what my father's views were about that.

Let us come to the threats that were made two or three weeks before 3 September. What day of the week was it that this Combi moved about telling people over the loudspeaker system that your father should be killed? -- I cannot quite remember.

But you are absolutely sure that it was Mr Nhlapo and Mr Matlawe that were in the Combi? -- Yes, because I saw them.

You do not know whether these two gentlemen at that stage belonged to any organisation or not? -- I knew them to be in the Rate Payers' Association. I did not know them to belong to any other organisation.

Because I am going to put to you that Mr Nhlapo was expelled from the Rate Payers' Association in mid 1982 and except for Inkatha for which he held a high office in the area, he was not a member of any other organisation? -- I do not know as it is being put to me, but what I know is, he was a member of the Rate Payers'. That he was a high ranking officer of Inkatha, that I do not know.

Do you know whether your father before 3 September, two or three weeks before 3 September, reported these threats

to/...

to the police? -- No, I do not know.

Do you know whether your father took any steps to protect himself or any member of his family as a result of these threats? -- Yes, because on the 2nd he sent me to the police station to go and tell them that there are threats which are being made against him.

Were there threats made on the 2nd against him?

COURT : The second occasion or the second day of the month? -- On the second day of the month.

MR BIZOS : Were there threats on the second day of the month, on 2 September? -- As a result of some information which was brought to us at home by a certain person, that the councillors' houses are going to be set alight or burnt down that night, my father then sent me to the police to convey the message of the threats.

Were any steps taken on the evening of the 2nd or the night or the morning of the 3rd to protect you or your father or members of your family? Any special steps? -- Not that I was aware of.

But you stayed in the house and if any special steps had been taken you would have known about it? -- Yes, I did not notice anything.

Let us now please turn to the morning of the 3rd. Was the first untoward thing that you saw this bakkie that was full of stones which came in front of your house and business? -- Yes.

Did you consider - this was also done by at least Daniël Matlawe? -- Yes.

Was Nhlapo there? -- I do not know whether Nhlapo was there or not, but the only person I saw and was able to

identify/...

identify was Daniël.

What time more or less was it when you saw these stones being put on the side of the road? -- I did make mention that I cannot be exact on times except to say that it was during the morning session.

Could you give us some idea of the time? How long after you had woken up, if you remember at what time you woke up? Not absolute, but some idea. -- Approximately 09h30.

K463 And the bakkie was moving along the road. Was it the only vehicle or were there other vehicles on the road as well? -- On that day there were no other vehicles.

Was there anything preventing the bakkie from driving along? -- No.

And the stones, were they put on the side - which were small or big enough to be thrown as you told us - of the road, on the shoulder of the road? -- No, although I did not pay particular attention or concentrate to see exactly what was happening to the stones, some of the stones were on the side and some were on the road itself.

And this was done by Daniël? -- Yes.

How long before the first attack on your house was the van there? How long after the van put the stones there was the first attack with stones? -- It was some time. I cannot be exact, but it was some time.

More or less, could you give us an idea? -- Approximately one and a half hours.

Would it be correct to say that your shops selling food and liquor were really plundered by this group of people? -- Yes.

And were large quantities of food and liquor taken

out/...

out the roof thatwas - the roof that had these corrugated iron sheets removed. Do you when that happened or dit you not see it? -- This happened on the 3rd.

Yes, but you do not know whether it was before the attack on the house or at the same time or anything like that? -- At the stage when we were taking my father away some people were already on the roof. I should think that happened during that time.

You and members of your family, I want to put the names on record, have identified - tried to identify six persons that took part according to you in the attack against your father and your property. I will read out the names: Mbocho Thomas Nhlapo, Oupa Ishmail Tsotsetsi, Oupa Johannes Moremi, Molefe Edward Mosebi, Oupa William Sondi and Simon Mira. Would you agree that these persons were known to you and members of your family, your brothers and people staying with you? -- Those known to me were the three that I have mentioned.

You saw the six persons in Court, did you not? -- Yes.

And are they what one would describe as local people, people of the neighbourhood? -- Yes.

COURT : Do all of them live in Evaton? -- I am not quite sure as to where the others live, but there are some of them who live in Evaton.

You must listen to the questions closely. The question was whether all six are local people and you say yes? -- I understood locally to include Evaton and Sebokeng. Thatis why I answered the question in that way.

I want to know specifically as far as Evaton is concerned? -- Yes, those that I know live in Evaton. I am

not/...

not sure about the others.

The three that you know live in Evaton. You yourself have no personal knowledge about the rate payers? -- No, I do not have a good knowledge about that.

And you would not know who in 1984 for instance was a member of Rate Payers and who was not? -- No, I would not.

HERONDERVRAGING DEUR MNR. FICK : Geen vrae.

COURT : As far as the rate payers are concerned, you mentioned that these two persons were members of the Rate Payers. On what do you base that allegation? -- As a result of their announcement, while making these announcements they said they are announcing a meeting of the Rate Payers. Therefore I took them to be members of the Rate Payers.

Was that announcement made simultaneously with the threats to your father when they were driving round in the Combi? -- Yes.

RE-CROSS-EXAMINATION BY MR BIZOS : Do you know what Rate Payers they were referring to? -- No.

Do you know whether there are small splinter groups in Evaton or not? -- Splinter groups? I do not understand.

Do you know whether there are splinter groups, small groups of people purporting to represent the Rate Payers? -- Yes, I used to hear about that that there are certain people who are saying that they are representing the Rate Payers.

Do you know whether there was more than one group that represented the Rate Payers? -- No.

You do not know? -- No,

Whether there was one group or more than one group? -- No, I do not know.

COURT : This meeting that was being advertised by means

of/...

of the loudspeaker system of the Combi, where was it to be held? Can you remember? -- They said at the Roman Catholic Church.

Which Roman Catholic Church? -- I do not know. I am sure whether it was in Evaton or not, but I take it it would have been in Evaton, because it was a meeting for the residents of Evaton.

MR BIZOS : You do not remember whether it was two or three weeks or what day of the week it was? -- It was about two to three weeks.

And also, just for the purposes of the record, you know that the one person that is on trial denies that he drove the van ... (Court intervenes)

COURT : On trial?

MR BIZOS:Elsewhere.

COURT : In another court?

MR BIZOS : In another court. That he denies that he did anything of the sort? -- I am not clear with that question. On trial where?

COURT : Would this witness necessarily know that? She was not in the case from the beginning to end. She merely came to give her evidence.

MR BIZOS : It was put to her.

COURT : Very well.

MR BIZOS : It was put to you by counsel on behalf of Mr Nhlapo that he would deny that anything like that happened? -- Yes, that is what he says. He denies any knowledge, but I saw him, he was there.

And also it was put to you that insofar as Mr Nhlapo advertised any meetings, he advertised Inkatha meetings?

Well/...

-- Well, I to not know. I only hear them saying that, but that was the position about him, but I did not know whether he was a member of the Inkatha. He may have been, but I was not aware.

You see, in view of this last bit of evidence of yours, what I must put to you is that you yourself have made numerous statements, have you not, in relation to inquests? -- We made a lot of statements, quite a number of them to different policemen.

And do you agree, I do not want to go into detail in this trial, I want to avoid that in view of your condition, that it was put to you that these statements are completely contradictory?

COURT : On this particular point?

MR BIZOS : On a number of points?

COURT : On this particular point?

MR BIZOS : I would have to check that. Let me put it in general terms. Do you agree that it was put to you and you were shown statements which were contradictory with your evidence? -- I explained this. The position is as follows. The police would come there, different policemen in fact. They would ask you to relate the story as to what happened. Then they will let you relate the whole story without writing. After having done that, then they will start writing what you had related to them. They did not write while you were talking, relating the story.

COURT : Would they then read back the statement to you or just make you sign it or did you not sign it? -- They would come back to you and say now you must sign and make you sign. At times they would come there and say "Look, we

have/...

have made a duplicate of your statement." Which one would not be read to you to know exactly what the contents were. They would just make you sign.

Do you agree that you signed statements not consistent with each other and not consistent with your evidence? -- I do not know. We did find statement as I say. We were signing statements being confused not knowing what is happening. All I am prepared to say is, I did sign statements.

I just want to ask you this. Was your house attacked with stones ... (Court intervenes)

COURT : Are you going to go through the statements? Because if you are going to go through the statements I am going to take an adjournment now. We have had another hour. I am not going to have this witness sit in this box for another hour.without a break in the meantime. We have had exactly a further hour now.

MR BIZOS : Could we have a short adjournment. Perhaps we can formulate some sort of admission between ourselves which may make it unnecessary to put them or may have to put a small portion of it.

WITNESS STANDS DOWN.

COURT ADJOURNS. COURT RESUMES.

IN CAMERA GETUIE NR. 25, still under oath

CROSS-EXAMINATION BY MR BIZOS (continued) : Neither Mr Nhlapo nor your cousin Daniël did anything or had a right to do anything on behalf of the Evaton Rate Payers' Association after the middle of 1982? -- No comment.

Did you know that there was actually pamphleteering of accusations and counter-accusations between Mr Nhlapo on the one hand and the Evaton Rate Payaers Association from

the/...

the middle of 1982 onwards? You would not know about that? -- No, I would not know about that.

Or threats and counter-threats and legal actions? -- No, I would not know about that.

HERONDERVRAGING DEUR MNR. FICK : Geen vrae.

GEEN VERDERE VRAE.

- - - - - - - - - - - - - -

MR BIZOS : I do not know whether Your Lordship wants to keep Your Lordship's court in camera. It was in IN CAMERA witness, but I can handle it in a manner in which the identity of the witness is not ...(Court intervenes)

COURT : If you can handle it without the identity of the witness becoming known, then it is better that we have this in open court.

MR BIZOS : I may just mention that the application is for the recall of I.C. 8 if my memory serves me correctly. He is the young man who deposed to matters relating to AZAPO, the march ... (Court intervenes)

COURT : He was a poet, I think?

MR BIZOS : Yes, the poet.

ASSESSOR (MNR. KRÜGEL) : Writers' Association.

MR BIZOS : I can give Your Lordship the assurance that I will not say anything that will disclose his identity.

HOF : Sal u die aansoek kan opponeer sonder om die getuie se identiteit te openbaar?

MNR. FICK : Afhangende van wat My Geleerde Vriend sê. Ek weet nie wat hy gaan sê nie.

HOF : In elk geval, die aansoek gaan in ope hof aangehoor word.

DELMAS TREASON TRIAL 1985-1989

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