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IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

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SAAKNOMMER: CC 482/85

PRETORIA

1987-10-29

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

306

NAMENS DIE VERDEDIGING:

ADV. A. CEASKALS

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

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COURT RESUMES ON 29 OCTOBER 1987.

MOSES MABOKELA CHIKANE: d.s.s.

FURTHER CROSS-EXAMINATION BY MR JACOBS: (Mr Chikane do you know or did you know that the Huhudi, people from Huhudi attended the General Council meeting of the UDF Transvaal which was held on 25 May 1983? -- That is correct. I know that at some stage Huhudi was operating under the auspices of the UDF Transvaal.

Yes, and that also happened at the meetings of the 4th of June 1983 and on 16 July 1983? -- That could be so. (10)

And after that was a sub-region formed in the Northern Cape? -- That was the intention but, to form a sub-region. I do not know whether it ultimately functioned as a fully fledged region.

Yes, but do you know when it was formed, the sub-region, in the Northern Cape? -- I cannot remember the exact date but as soon as they ceased being part of the Transvaal the idea was that they should be an independent region.

COURT: So the Transvaal was not the geographical Transvaal? The Transvaal did include a part of the Northern Cape at (20) some stage? -- At some stage, yes. I think it was a decision of the National Exec that they should try to incorporate that part of the area.

MR JACOBS: So during the, I put it to you that during the period from August 1983 up till March 1985 HUCA, I will spell it, H-U-C-A. It is the Huhudi Civic Association, and HUYO, that is H-U-Y-O, Huhudi Youth Organisation, organised in the district or in the township of Huhudi? -- I do not know. I cannot deny or confirm.

I put it to you Mr Chikane you must have known because(30)

you/....

you were discussing every month all the activities of all the affiliates of the UDF in the different areas, that is what you gave evidence yesterday about. -- No, that is incorrect. I never said we were discussing every month every activity of every affiliates.

Did not ... -- All I said yesterday was that reports were coming from different regions in the National Secretariat. We were not discussing affiliates in that meeting. That is incorrect.

(But did they not report at the meetings of the Secretariat of the activities undertaken by the different organisations in the different places? -- They report about the activities of the region. (10)

Only the region? -- That is correct.

(Do you say, is it your evidence that nothing was said about what the different organisations were doing in the regions? -- What was said in terms of the campaign was that in this particular region this is what has happened. Let us take Million Signature Campaign. They say Western Cape has collected so many signatures, Eastern Cape has collected (20) so many. They would never tell us that such and such an organisation has collected, so many organisations. That was not our responsibility. That was a regional responsibility.

Well I put it to you that they will report back that what campaigns are taken up or what issues are taken up, of work taken up by the different organisations and affiliated organisations and they were carrying it out in the districts, not in detail but in general? -- I reject that. If counsel say affiliates I reject that. I said we are talking about the regions. We did not concern ourselves with activities (30)

of each and every affiliate.

And I put it to you ...

COURT: You are now talking of National Executive Council?

-- National Secretariat meeting.

National Secretariat? -- That is correct.

Yes. -- And even in the National Executive we would not discuss what organisations, individual organisations, were doing in different regions. Those regions had the responsibility to do so. Regional structures, that is the RGC and the REC. And again they will only discuss campaigns that (10) have been agreed upon by the UDF. They would not discuss each and every activity as counsel would like to suggest.

Yes. And I put it to you Mr Chikane that what they did discuss, and I put it to you further that each region also had to send a report to the National Executive Council meetings of activities in each region? -- Regional reports they would come maybe through secretaries but it would not be, there is a difference between that and reports of affiliates.

No. And I put it to you Mr Chikane that in Huhudi the (20) [campaigns and issues that were taken up in Huhudi to mobilise and politicise the people were the Black Local Authorities, removals, education, repression, the new constitution, they were used as issues in Huhudi to mobilise and politicise the people against the government? -- By whom?

By the affiliated organisations there, HUCA, HUYO and also (30) [UDF.] -- When, we never received a report from those organisations that UDF is taking those campaigns. I cannot deny that those organisations, independent maybe of the UDF, could have taken some of those campaigns. But in as far as Black Local Authorities is concerned and in as far as the new

constitution/....

constitution campaign and Million Signature Campaign is concerned I could agree that UDF, those were campaigns of UDF and possibly they were taken up even in that area.

And I put it to you it was not taken up as individuals but it was taken up as part of the whole concept and the whole plan of UDF? -- UDF has no plan except on these four campaigns, that is new constitution, Black Local Authorities, Million Signature Campaign and campaign against Coloured Management Committees.

Mr Chikane is it correct or do you know that it was (10) arranged with the UDF that Albertina Sisulu had to go down to Huhudi and to address the people there? Do you know about that? -- I have seen an exhibit in this court. I cannot remember independent of that exhibit.

Do you know it was also arranged that accused no. 20 had / to go down to Huhudi to address the people in Huhudi? -- I think that was included, his name was included in the same exhibit that I am speaking about. But independently I could not have remembered anything of that nature.

You cannot remember that they were, at any meeting it (20) was decided that they must go? -- I cannot remember that, a decision being taken in a meeting but it could have been.

And I put it to you that as a result of the mobilising and organising and politicising of the people riots broke out and violence broke out in Huhudi during this period? -- I reject that. The connection between mobilising and politicising and violence, I reject that connection. I know that several issues and problems that were experienced by our people in different areas created reaction from the people and that had nothing to do with mobilisation or politicisation (30)

of the people but it is local conditions in most cases that created these upheavals.

And I put it to you Mr Chikane that the violence erupted only after the people were organised. It was not people on their own going around and committing violence but they were organised by the UDF and UDF affiliated organisations? -- I reject that.

And I put it to you further that the violence was mainly directed at the councillors and the property of the councillors and that in Huhudi the houses of councillors were (10) burnt down with petrol bombs. -- Are you through?

Well what do you say to that? -- That may have taken place. I do not know who did that and UDF is a non-violent organisation.

And I put it to you Mr Chikane that also hand grenades were thrown into the houses of councillors in Huhudi? -- By whom?

By the people organised. -- By whom?

I am putting it to you by people organised by Huhudi, by (HUCA, HUYO and the UDF? ? (20)

MR TIP: My Lord on what basis is this being put? There has been evidence from witnesses called from that region and my recollection is that the evidence in fact does not support the proposition presently being put by counsel.

COURT: Nobody knows who threw the hand grenades.

MR TIP: That is so My Lord. On what basis can it be put that they were thrown by members of these organisations?

MR JACOBS: I am putting it on the basis of the organising by these organisations against, that is it is an inference by the organisations against the Black Local Authorities and (30) councillors./....

councillors.

COURT: Well you can say that you are going to argue that an inference has to be drawn but you cannot put it stronger than that. There is no evidence of anybody who threw that, that we know who threw the hand grenades.

MR JACOBS: I am going to, then I will put it like this, I am going to argue Mr Chikane that the inference can be drawn that the hand grenades were thrown to the houses of the councillors as a result of the organisation and politicisation in Huhudi by UDF affiliates. -- If counsel argue at the end of (10) the case in that particular form counsel has got to bear in mind that UDF remained and is still as such a non-violent organisation.

Yes. -- And secondly anybody else would have undertaken those kind of actions and it is brought to the attention of the UDF, it would have ceased by virtue of its action to be a member of a non-violent UDF.

And I put it to you further that also the houses of police officers in Huhudi were attacked and burnt down as a result of the organisation by the UDF affiliates in (20) Huhudi in accordance with the aims of the UDF? -- I deny that violence broke out because UDF organised and I deny that UDF, what was the last question? That first it organised and what was the second one?

I do not know which last question do you want, the whole question or part of it?

COURT: Neither I nor the witness nor you know what was the last part of your question.

MR JACOBS: Then I will rephrase my question, I will restate my question. I said that even the houses of police officers (30) were/....

were damaged and attacked in Huhudi by the people organised by the UDF affiliates in that area in accordance with the aims of UDF? -- UDF is a non-violent organisation. UDF has never organised violence and UDF's policies are non-violent. So I reject the suggestion.

Mr Chikane then in Mankweng in Pietersburg ...

COURT: Are you now going to take it bit by bit and get in respect of each and every occurrence and each and every place the same denial? Because I would suggest that you use a blanket phrase, deal with them altogether and get one (10) denial and shorten the proceedings.

MR JACOBS: As the Court pleases. Mr Chikane I put it to you that in the 22 places the organisations affiliated to the UDF organised, mobilised and politicised the people in those areas, is that correct? -- I am not quite sure because in some of the areas that were mentioned my memory is, relying on my memory, is that we did not have any affiliates in some of them.

And I put it to you further ... -- So I cannot say in, I cannot agree that in 22 areas mentioned by the State (20) UDF affiliates organised, mobilised and politicised.

And I put it further to you Mr Chikane that the mobilisation and organisation and politicisation by the affiliates of UDF in the different places, the 22 places, were done under the auspices and under the direction and control of the UDF? -- I reject that. UDF has no, it was not controlling the organisations. UDF had the Declaration and Working Principles of which organisations that wanted to support it subscribed to and they, in these papers it is stated very clearly that organisations retained their autonomy. So I reject the (30) suggestion/....

suggestion that they were controlled by the UDF or even all those other adjectives that are used by counsel.

(And I put it further to you it was done under the co-ordination of the UDF by its National Executive, its different General Councils of the regions and the co-ordination of the National Secretariat of the UDF? -- If counsel can refer me to a single document that mentions that those 22 areas were co-ordinated by the UDF.

They were, and I put it to you they were part of the co-ordination in respect of the whole country? -- When the (10) word "country" is used in the UDF we are speaking about areas where we have affiliates. Even there I have already stated that organisations retained their autonomy. We have only four campaigns and we did not control anybody else.

(And I put it to you further Mr Chikane that these affiliated organisations of the UDF in the different places mobilised, politicised and organised the people in accordance with the issues and campaigns of the UDF, that is the, as depicted in the resolutions adopted at the launch of the UDF in August 1983? -- I have stated yesterday that when I (20) went to Northern Transvaal for instance I did not have the resolutions. I spoke about the Declaration, I spoke about Working Principles. Those were the key documents of the United Democratic Front so I reject the suggestion that those organisations were organised on the basis of the resolutions.

(Mr Chikane I just would like to refer you on your answer / now when you referred to Pietersburg to EXHIBIT A3A.18.

COURT: Eight oh?

MR JACOBS: Eighteen, one eight.

COURT: One eight.

(30)

MR JACOBS: /...

MR JACOBS: I put it to you Mr Chikane if you have a look at this exhibit in the middle "History of the UDF" and if you read that paragraph it seems as if it is:

"Comrade Moss Chikane gave a brief history of the UDF. He pointed out that the call for a United Front was made by Dr Allan Boesak on 22 January. This was followed by the three regional launches of Natal, Transvaal and Western Cape. On 20 August 1983 more than 1 500 people from all ..."

COURT: Thousand.

(10)

MR JACOBS: Fifteen thousand, I am sorry:

"15 000 people from all (I suppose it is) over South Africa came together in Cape Town to launch UDF nationally. Since its ..."

MR TIP: My Lord I wonder if I can assist, there is the difficulty that part of the left-hand margin does not appear in the typed version. I have the handwritten original which is EXHIBIT ABA.17 which is more complete. Perhaps My Learned Friend might make reference to that. It will fill in the small gaps.

(20)

COURT: Thank you. Yes what is the point that you are making Mr Jacobs?

MR JACOBS: I am just going to point out to him Sir that he was referring the people, since its, UDF has been engaged in the struggle against forced removals, influx control and new constitution and that you are not correct when you say that you only referred them to the Working Principles and Declaration. -- I think counsel has forgotten his question. The question was that I said I did not have the resolution when I went to the Northern Transvaal. Now where is the

(30)

resolution/....

resolution here?

I put it to you ... -- Where does it say that I had the resolution?

I put it to you that you informed the people there that the struggle was also against forced removals, influx control and the new constitution, which is more than what you told us yesterday. -- That first of all even if I mentioned those issues UDF had the intention to take up those issues. Yesterday we were talking about campaigns of the UDF and I explained that there were only four. The question today (10) was I spoke to the people about the resolution and you were saying you were going to show me this paper so that we can see that, you can show that I am contradicting myself. I am saying if that is saying that I had the resolutions when I went to the Northern Transvaal?

*See 17546
215 ff.*

MR Chikane you must not put words into my mouth that it is not so. I never promised to show you any paper, so do not put that on record that I promised you to show any papers. -- Alright I will leave it for the record.

(Now, and I put it further to you Mr Chikane that as (20) a result of the organising, mobilising and politicising of the masses by the organisations at the hand of the issues or campaigns violence broke out in different places in the country of which 22 are enumerated in the Charge Sheet? -- I reject that. UDF remained a non-violent organisation and all organisations that were affiliated to it were expected to remain non-violent organisations. They had to subscribe to the Declaration and Working Principles of the UDF.

And I put it to you Mr Chikane further that the violence was directed at governmental structures like schools, (30)

Black/....

Black Local Authorities and the property of councillors
(and even the police officers and the property of the police
officers? -- If that is related to the UDF I reject that. Now
I do not know who organised violence for what purpose but in
as far as UDF goes, and its affiliates, I reject that.

And I further put it to you Mr Chikane that all this is
part of the plan to instigate the people into a violent
revolution against the State and the destruction of the
existing State in South Africa? -- UDF committed itself to a
peaceful resolution of problems in the country and that (10)
position has never changed.

Yes. -- So if what counsel is putting is in relation to
the UDF I reject that.

And I put it to you further Mr Chikane that when UDF is
always saying that it is a peaceful organisation what it
means is that it will be peaceful only after the success of
a revolution in this country. -- UDF remained peaceful
throughout. In fact up to now I know it to be a peaceful
organisation. Counsel has got minutes, has got resolutions,
has got documents of the UDF. There is not a single one (20)
that refers to violence as being the policy of the UDF.

And I put it further to you Mr Chikane that the UDF has
adopted as a policy that violence will escalate until the time
that the people have taken over the government in this country?
-- I reject that.

And I put it to you that before you achieved a government
of the people that UDF is envisaging violence in this country,
and is even propagating the violence of, not propagating but
it is enhancing the people and it is instigating the people
to go over to violence in order to achieve their aims. -- (30)

I reject that.

And in the meantime even UDF is working towards creating (no go zones where the people's organisations, as you call it, must control and govern the people in the townships? -- I reject that.

And I further put it to you Mr Chikane that this is done by the UDF in alliance with the ANC? -- I reject that. UDF has got no, UDF is a legal organisation. It has got no alliance with illegal organisations.

And it is trying to achieve the policy of the ANC by (10) getting the people in the country to confront the government of this country? -- I reject that.

And it was all along, when the UDF was started it was part of the same policy? -- Can I get the question again?

From the start of the UDF it was as a result of the policy of the ANC? -- I reject that and I refer even to this exhibit that counsel has just referred to. I have spoken in the Northern Transvaal and I spoke about the history of the UDF. Counsel has read this paragraph, the middle paragraph of ABA.13. I would not read it again. (20)

[Tell me Mr Chikane do you agree that the official documents of the ANC, Setchaba, Mayibuya, are freely available in the townships?] -- I have never seen them.

[Have you never seen these Setchabas? -- I have never seen the Setchabas. Only at one stage in 1981 I think I found a copy of a Setchaba that was sent to me by post and immediately thereafter, I think a day or so, the police came and confiscated that copy and collected me to Compol Building. When we got there, in fact when we got there the Black policeman who was with them said they knew that the copy (30)

was/....

was there, and this is what I told the police and they never followed the matter up.

Is it not so Mr Chikane that you were in possession of that specific Setchaba for three weeks? -- In as far as I can remember it was only a few days. I cannot remember how many days that that copy was there. But a few days later the police came and they claimed to know about it. So I still reject that those documents are freely available.

Is it correct, do you dispute the evidence that it is smuggled into this country and they can even send it by the (10) post, as in your instance where you, which you have just now mentioned? -- Well I do not know how they do it. I have got no contact with those people but I reject that they are freely available.

And is it correct Mr Chikane that you, being the person organising in the Northern Transvaal, that ANC posters were set up or pamphlets were set up in the Northern Transvaal? -- I have never seen any.

And even publications of the ANC were available in the Northern Transvaal? -- I have never seen any in the Northern (20) Transvaal. So I do not know what counsel is talking about.

Thank you sir.

RE-EXAMINATION BY MR TIP: Mr Chikane you were cross-examined yesterday concerning the preparations for the National General Council to be held in April 1985 and in the course of that it was suggested to you that at the NEC meeting of 12/13 January 1985 the subject of the theme and the keynote addresses were discussed in some detail and were more or less finalised. Do you recall this? -- I recall that they referred to the National Secretariat meeting, that is correct, not NEC. (30)

MNR JACOBS: Edele, jammer maar ek het nooit gesê hy is gefinalise nie. Ek het gesê hy is bespreek miskien.

MR TIP: Yes, well My Lord I said more or less finalised. That they had been discussed in some detail in relation to the content.

ASSESSOR (MR KRUGEL): Is it the NEC or the Secretariat?

COURT: 12 January was the Secretariat.

MR TIP: I beg your pardon, the National Secretariat. I would like you to have a look please at EXHIBIT T.29 in this connection. -- I have got T.29. (10)

COURT: Yes, let us just wait a while, My Assessor still has to get his out and I have not got one at all.

MR TIP: Yes I am sorry, we have not prepared a list. There will be very few documents. We thought the cross-examination would run a little longer My Lord.

COURT: So did Mr Jacobs. T.29?

MR TIP: T.29.

COURT: Is it the small bundle?

MR TIP: It is the last document at the end, I will identify it, it is the, headed "Memorandum to Regional Secretaries" (20) dated 15 January 1985. Three pages.

COURT: Yes, thank you we have got it now.

MR TIP: Shall I continue with the document?

COURT: Yes go ahead.

MR TIP: Mr Chikane do you recall whether in the period that you were still in office whether that circular was received by the Transvaal Region? -- I do not specifically remember because I was not in the office.

I would like to draw your attention to one or two aspects of it. On the front page in the second paragraph, (30)

the/....

the second sentence reads:

"The NEC will have to agree on matters ..."

Sorry I should read the whole paragraph to put it in context:

"Key date for these agreements are the NEC meeting (East London 23/24 February) and National Secretariat (Johannesburg 23/24 March). The NEC will have to agree on matters like keynote addresses and allocation thereof, representation at NGC, the agenda, amendments to structure and Working Principles. The Secretariat would finalise the keynote addresses, secretarial report (10) and logistics."

Does that accord with your understanding of the arrangements that were made in relation to the keynote address? -- That is correct.

And over the page there is, I will identify it for the record, a document called "Programme" and it sets out a schedule by which various dates, various matters were intended to be completed. -- That is correct.

I want to draw your attention, and the attention of the Court to just two items there. The second one under the (20) preliminary week ending 26 January and the activities to be completed by then are recorded as follows:

"National office to prepare proposals for representation, themes, structure and amendments."

-- That is correct.

And the entry thereafter, week ending 2 February:

"Above proposals and topics for keynote sent to regions."

-- That is correct.

Now you made mention yesterday of proposals for amongst others the themes to be sent from the head office to the (30) regions/....

regions for further consideration? -- That is correct.

And does this entry correspond with what you told His Lordship yesterday at that time? -- That is correct.

Thank you My Lord, that is all on that document. Then also in the course of yesterday in relation to document C.110, that is in volume 7. I do not know if Your Lordship has it.

COURT: You are lucky this time. Thank you.

MR TIP: It was put to you in relation to this document by My Learned Friend rather strangely that you were being (10) evasive in your testimony that you had never seen this document prior to your going out of office on 9 March 1985. -- That is correct.

Now just to try to clarify the period when, during which this document C.110 appears to have been prepared would you please look at the page, for the record it is a document headed "UDF and the Black Local Authorities", it has a numbered series of pages going up to 12 and then thereafter follow a series of schedules with different headings. I wonder if we might number them just to ... (20)

COURT: We have numbered all the pages right through to the end.

MR TIP: Then, I beg your pardon mine was not, it will be page 16.

ASSESSOR (MR KRUGEL): Is this regards the date of this documentation?

MR TIP: The date on which this document was apparently prepared.

ASSESSOR (MR KRUGEL): One supposes that you did notice that the date February 1985 appears on the first page? (30)

MR TIP:/.....

MR TIP: Indeed. Indeed so. It is to give slightly more depth to that. On page 16 there is a schedule headed "Resignation of Councillors". Do you have that page? -- That is correct.

And this document, the last entry there has a date of 20 February 1985 and then the names of some persons? -- That is correct.

And we will submit in due course that that would indicate that the document was prepared after that date.

COURT: Are you asking the witness a question? (10)

MR TIP: My Lord no.

COURT: Or are you informing the witness of something?

MR TIP: My Lord no, it is really just to inform Your Lordship.

COURT: Yes well I thought as much Mr Tip.

MR TIP: But it goes without saying. Then you were asked in relation to the seminar held at Daleside in 1984, that would, if I might refer the witness to the EXHIBIT U.4(b) for Bertie, that is the report on the education programme for civics held at Daleside. -- I have got it.

Page 8 of that report. -- I have got page 3. (20)

Now you will recall that when you were cross-examined in relation to this report it was put to you by counsel for the State that this workshop had been organised by your Education and Training Committee as part of an ongoing campaign against the Black Local Authorities? -- That is correct.

I want to refer you to page 8, Session 6, headed "Where do we go from here" and then follows the sub-heading "Aim" and the following sentence:

"A general brainstorming session to get ideas on what civics could do now that the campaign is over." (30)

Can/....

Can you tell His Lordship what campaign is referred to in that sentence? -- The campaign that is referred to is the campaign against BLA, the boycott campaign against the elections under BLA.

Thank you My Lord that is all on that, in relation to that document.

You were asked this morning Mr Chikane in relation to organisations in Mhudi, the Mhudi Civic Association and the Mhudi Youth Organisation, and it was put to you by counsel for the State that you must have known about the activities (10) because they reported every month? -- That is what was put to me.

Now would the occasions at which those organisations were present or represented at meetings of the UDF and/or when they submitted reports be reflected in the Minutes of the UDF meetings and the register EXHIBIT 26 of UDF General Council Meetings? -- No. In as far as I can remember organisations, affiliates of the UDF were not supposed to give reports to the UDF but regions were supposed to give their reports to the UDF and reports given by regions would appear. (20)

That is related to meetings of the National Executive Committee? -- That is correct.

Yes, I should have made clear initially in respect of my question the, insofar as those organisations were present at or reported to meetings of the Transvaal would their presence be reflected in the EXHIBIT 26, that is the register of attendances? -- That is correct.

And insofar as they submitted reports to the Transvaal would those be reflected in the Minutes of the Transvaal?

-- That is correct, when they still formed part of the (30)
Transvaal/....

Transvaal structure that would be reflected, if they reported to the Transvaal.

That concludes the re-examination.

COURT: I put to you yesterday that a report, I think it is called "Budget Proposals" and I think it was W.53, or at least it is 53, or C.53. -- C.53.

C.53, could possibly have been a report submitted by Mr Valli when he went overseas. I think it is not Mr Valli who went overseas, it was Mr Cassim Saloojee who went overseas. Is that correct? -- Valli went overseas at some (10) stage.

Did he also go overseas? -- Yes.

Now Mr Saloojee went overseas after January 1984. When did Mr Valli go overseas, before or after Mr Saloojee? -- I think it was before. I cannot remember independent of these minutes, but I think it was before.

Any questions arising from those put by the Court Mr Jacobs?

MR JACOBS: No thank you sir.

COURT: Mr Tip?

(20)

MR TIP: No My Lord.

NO FURTHER QUESTIONS.

MR BIZOS: My Lord that was the last of the accused that were to give evidence as presently advised. The others will not, as presently advised, be giving evidence. We intend calling a number of witnesses for the defence. We will start with the Vaal Triangle.

COURT: What has happened to the gentleman who stood down?

MR BIZOS: We were told that this cross-examination would last until the end of the week. We have arranged for Monday, (30)

for/....

for Mr Harris to be cross-examined. He is available and I am assured that he will be here and Mr Jacobs has informed me that he will inform his side of the people advising him to be here so that we can deal with him on Monday or so soon thereafter as we may finish with the witness or witnesses that we are about to call. There is also one other aspect that I want to mention to Your Lordship because that too has to be taken into consideration. Now that accused no. 19, 20 and 21 have given evidence we intend renewing their application for bail on their behalf. Some while ago we gave notice of (10) this to the Attorney General. We did not want to do it before their evidence was completed nor did we want to consult with Mr Chikane whilst he was being cross-examined in order to prepare papers but we will try by early next week to have papers before Your Lordship and served on the State in that regard. The other matter is just a logistical matter in relation to the arrangement of the court. Whilst one of the accused has been in the witness box the eighteen remaining accused were barely comfortable in the dock. When there are nineteen of them there they have to sit very tightly to- (20) gether and although this may have been easier during the winter months it may be a little more difficult now. We would suggest, in order not to show any favouritism in relation to anyone that Your Lordship should perhaps allow us to solve this problem by allowing accused no. 21 and 22 to sit in front of the dock in order to alleviate the pressure that the accused are in whilst they are sitting in that dock.

COURT: If two are removed would that alleviate the problem?

MR BIZOS: Yes My Lord. Eighteen is ...

COURT: Adequately?

(30)

MR BIZOS:/.....

MR BIZOS: Adequately. Eighteen is bearable. If we make it seventeen it will be as comfortable as one could possibly...

COURT: Yes we are prepared to grant permission to nos. 1 and 2 to sit in front of the dock.

MR BIZOS: As Your Lordship pleases.

COURT: That can be arranged at the tea adjournment.

MR BIZOS: Mindful of the possibility of the cross-examination being short and before the weekend we do have a witness in the immediate vicinity of the court, so I was told before 10h00 but the young clerk that has been in court has not been (10) able to find the attorney and the witness at the appointed place. They may have gone out temporarily and could ...

COURT: Do you want to adjourn in the meantime?

MR BIZOS: Could we have a short adjournment.

COURT: Yes well we may take the, it would be better to take the tea adjournment now and start a little earlier.

MR BIZOS: If that suits Your Lordship.

COURT: I have a difficulty. I do not see the interpreter in court, will you need the interpreter?

MR BIZOS: Yes My Lord. He has been told. He must also be (20) in the immediate vicinity.

COURT: Does he know that he has to be ...

MR BIZOS: Yes I did tell him ...

COURT: I know that he had a meeting at head office, at his head office at 10h00 so just check on that please.

MR BIZOS: We will check on it.

COURT ADJOURNS UNTIL 11h15. COURT RESUMES

MR BIZOS: We call Mr Pitso Ratibisi. May I indicate to Your Lordship very briefly the matters on which he will be giving evidence. He is the caretaker of the church complex(30)

that/....

that Your Lordship has heard evidence about in Small Farms. He will speak about the, very briefly about the two meetings that were held there on 26 August 1984, the meeting of 2 September 1984, the meeting in the hall prior to the march on the morning of 3 September 1984 and he will also tell Your Lordship that he took part in the initial stages of the march.

PITSO RATIBISI: d.s.s. (Through Interpreter)

EXAMINATION BY MR BIZOS: Mr Ratibisi are you the caretaker of the Roman Catholic Church, Small Farms? -- Yes. (10)

For how long have you held that job? -- Since the year 1966.

Do you have a family? -- Yes I do.

Do you and your family live in a house on the church premises? -- Yes that is so.

Yes. Now you were the caretaker there, but was that a full time job or do you do something else? -- I am not full time caretaker there. I also have a job as a furniture salesman.

By whom are you employed as a furniture salesman? -- (20) Faulks Furnishers which is a part of Ellerines Holdings.

And where are you employed? -- No. 32 Voortrekker Street, Vereeniging.

What did you duties as a caretaker include? -- I must see to it that the church building is closed in the evenings and is being opened in the mornings and I am also responsible for the condition of the hall and if somebody wants to make use of that hall then I am the person who must arrange that with whoever.

Yes. Now you recall the unfortunate day 3 September (30)

1984/....

1984 when there was a lot of trouble in the Vaal? -- I quite recall that, yes.

Now before, a little time before that day did anyone approach you to hire the hall of the church? On a Sunday, or for a Sunday? -- Yes I was approached by a young lady whose name I cannot remember.

Did she ask you for the hall? -- No she approached me about a room, a small room which they could occupy, being a few people with whom she was going to hold a discussion.

Now for which Sunday was that in relation to the day (10) on which there was trouble? -- This was the Sunday of the 2nd, that is the 2nd, just a day before this day of the incident. That is the day, the Sunday, on which she and this small group of people wanted to make use of the room.

I see. Now the Sunday previous to the 2nd, did anyone approach you for the hall then? -- Yes the same young lady approached me for the use of the hall.

We know that the Sunday before the 2nd was the 26th. Did you give her permission to use the hall for the 26th of August? -- Yes that is the Sunday. (20)

That is the Sunday.

COURT: So did she get the permission? -- Yes.

MR BIZOS: Did she tell you where she came from, for whom she wanted the hall? -- Yes what I remember she said was that she was there on behalf of an organisation called VCA which organisation has to do with the community there and that is why then she was there to acquire permission.

Yes. Did you know the organisation VCA? Did you have any dealings with it before this date, before this young woman approached you? -- There was a lot that was being (30) said/...

said about this organisation in the area there, in that sense yes I knew about its existence although I do not know in finer details as to what was it all about.

Did you ever attend its launch or any of its previous meetings? -- Not at all.

COURT: This was the first meeting that it held in the Roman Catholic Church hall, Small Farms? -- Yes.

MR BIZOS: On 26 August 1984 was there to be only one meeting at your hall or more than one? -- There was supposed to have been two different meetings. (10)

Did anyone approach you other than this young lady for the other meeting? -- Yes I was approached.

Who were you approached by? -- This happened some time ago. It is quite a long time that this happened and therefore I am not quite certain but it could be a Kabi or Mokoena.

COURT: A Kabi? -- A Kabi, a person called Kabi.

A person called Kabi? -- Yes.

MR BIZOS: Now let us start with Mr Mokoena first, do you see him in this court? -- Yes I do.

Would you like to point him out to His Lordship? -- (20)
The third person in the accused dock from my left.

COURT: Accused no. 6.

MR BIZOS: Accused no. 6, yes. And did you know Mr Kabi?
-- Yes I knew him as an inhabitant of the township.

Had either Mr Kabi or Mr Mokoena, accused no. 6, or one or other of them approached you for the use of your hall before? -- Yes.

Do you recall whose meeting was going to be first and whose meeting was going to be afterwards? -- Yes I do. The first meeting to be held there was Kabi and Mokoena's meeting (30)
and/....

and the second one was going to be this one of the VCA.

Did you know whether Mr Kabi and Mr Mokoena belonged to any organisation? -- I knew them to be members of the rate-payers.

Is that how you knew their organisations? -- Yes.

COURT: Sebokeng Ratepayers or Evaton Ratepayers? -- Evaton.

MR BIZOS: Did you go to the Evaton Ratepayers Association meeting on the morning of the 26th? -- No I did not.

And did the meeting take place? -- Yes it did.

Was there any reason why you did not go to this meeting? (10)
-- Yes I had a reason as to why I did not attend that meeting. This meeting was taking place during the time when I had some other duties pertaining to my church service.

In addition to the hall and the church building are there any other structures there or rooms used for, used by the community for any other purpose Mr Ratibisi? -- Yes quite a number of activities are taking place there. For instance the karate group, boxing group and the soccer team which are also making use of the facilities there.

And who is in charge ... (20)

COURT: Do they each have a room, a club room? -- Each is occupying a room.

MR BIZOS: Permanently or do you have to give them permission?
-- These that are there for gymnasium purposes like the karate people and the boxing are there occupying the premises without having to get permission daily. There are those from the soccer teams who at times want to hold their activities there, then they have to get permission each time they come there.

I see. And who allots those rooms? -- I do. (30)

On/....

On a Sunday is there only a church service there or is there any other religious instructino taking place? -- A lot of other religious activities are taking place there besides the church service. For instance you find that there is a church denomination which requires an accommodation for holding their church serves there. Then these are given permission and at times you find that you have some other activities related to the religion which are taking place.

Does Sunday School take place there on a Sunday? -- Yes.

Do you play any role in that? -- Yes. For instance (10) after the church service at 12h00 for an hour at least I hold a class for catechism.

Catechism. -- Catechism yes.

You told us you did not go to the morning meeting. Did you go to the afternoon meeting of 26 August 1984? -- Yes I did.

Did you stay there all the time or only part of the time? -- I was not there all the time. What happened is that I would come in for instance and be there for some time and then again walk out and later come back. So therefore (20) I was not there continuously.

Why did you have to leave the meeting? -- On Sundays I have a lot of other duties to do and therefore I must always go and check time and again about the duties as to whether they are running smooth.

Yes. Now why did you go to the meeting in the first place? -- What drove me to go to this meeting was the number of people being so many that I saw for the first time attending a meeting. That is what in fact made me curious to attend.

During the time that you were there at the meeting (30)

did/....

did you get some idea of what the meeting was about? -- Yes.

What was it about? -- People were complaining very much about the question of rental, which was added. That is the addition on rent.

Well refer to it as the increase of rent. -- Yes.

And tell us did you recognise anybody there among the speakers? -- Nkopane.

Do you see him in court? -- Yes he is here.

Who is he? -- The fifth person in the accused dock from my left. (10)

Accused no. 8. Where did you know him from? -- He was one time my co-worker.

How long before this meeting took place had he been your co-worker? -- It was quite a long time, about eight to ten years.

Before the meeting? -- Yes.

And had you remained friends or did you see each other regularly or had you lost touch after this stint of working together for the same employer? -- We did not see each other during this period. (20)

Did you see anyone else at the meeting that you knew? -- No I do not quite remember. The only person I remember seeing there was Nkopane. Otherwise I do not remember seeing any other person.

Yes. Would you please have a look through the accused and tell us which of the other accused you know? Whether you saw them at the meeting or not?

COURT: And remember to remind the witness that the gentlemen sitting in front are also accused.

MR BIZOS: Yes those two are also accused, in the high (30)
chairs./.....

chairs. -- Some of the people I see here before the court are people who are known to me by sight, meaning that people I know by seeing in the township. Otherwise I cannot remember pertinently seeing them there at that meeting. For instance the fifth person in the accused dock from my right is known to me as a dry cleaning collector. So that is how I know him.

COURT: 17.

MR BIZOS: No. 17. Anyone else that you know by sight? -- The fourth person from my left in the accused dock, Mr Mphuthi.

That is accused no. 7. -- That one is known to me (10) because if I were to tell the Court how I happen to know him we are members of that same congregation.

Yes. Do you know any of the others? -- The sixth person again from my left is known to me by sight. If my memory serves me well I once sold some furniture at the house where he lives.

That is accused no. 9, Ramagula, accused no. 9. Do you know any of the other accused? -- Yes the third person from my left, that is Mokoena, he is known to me, he is quite well known to me but I did not see him at this meeting. (20)

The Mokoena referred to is accused no. 6. At the meeting of 26 August 1984, the afternoon meeting that you went into, did you see and hear Mr Nkopane speaking? -- If I remember well he was chairing the meeting.

COURT: That is accused no. 3.

MR BIZOS: That is accused no. 3, yes. Can you remember what he said? -- I cannot remember his exact words quite.

Do you remember what he spoke about? -- Yes I do remember that what was discussed there was with reference to the rent, that is the increase on rent. (30)

And/....

And was he the only person that you heard speaking about the rent or were there others as well? -- There were other people who also had something to say about rent at this meeting because this meeting was a meeting at which it appeared was to discuss this rent.

Can you remember how many persons you heard speaking? -- Not quite. It could be three or four people that I heard speaking.

The people that you heard speaking were they speaking from the platform or were they speaking from the floor or (10) from both the platform and the floor? -- This was a well organised meeting. What happened there was if a person had something to say this person was asked to come forward in order to speak and address the meeting.

And I want to ask you whether you heard any person that you heard speaking there saying that councillors must be killed or their houses must be burned or that any violence must be used against the councillors? Did you hear anybody say that? -- Not at all. I did not hear such words being uttered. (20)

Do you recall whether any decisions were taken at this meeting whilst you were there? -- Yes I do.

C.992 Can you remember what the decisions were, or some of them? -- If I still remember well these are some of them. That on the 3rd there will be a stayaway and there is going to be a march to Houtkop to take grievances. And there is going to be a request that buses and taxis are not going to operate and there was a decision that there is going to be a call that people must not buy from the shops owned by the councillors. That is briefly what I still remember from (30) what/....

what I heard being said on decisions there.

Yes. Was any reason given as far as you can remember as to why people must not buy at the councillor's shops? -- The reason given was that that was with a view of compelling them to resign as councillors.

Was any reason given why they should resign as councillors, the way you understood it? -- Because it was being said that they were just there as puppets doing practically nothing, puppets of the government.

You told us that it was the biggest meeting that ever (10) been held at your hall? -- Yes.

Now was it a riotous meeting, a meeting at which there was disorder and people were behaving wildly? -- According to my judgment of that meeting the people there were well behaving people and who were well organised, with a good human behaviour.

Do you remember whether or not there was any singing at this meeting? -- There was some singing.

And can you remember what songs were being sung? -- Slightly yes, Siyaya is one of the songs.

Yes, any other song that you can remember? -- Sizo (20) Mlandela uMandela.

Any other song? -- And some other songs that I cannot remember at the present moment.

Was this the first time that you had heard these songs? -- No it was not the first time.

Were these songs sung before at the hall that you caretakered over? -- Yes.

Over what period would you say that these songs were sung in your hall? How many, just weeks, or months or years?

-- These are common songs which are usually sung there. (30)

Did/....

Did anyone approach you at any time before this meeting to tell you that it was wrong to sing these songs in your hall? -- No nobody ever did that.

Do you recall whether any slogans were used at this meeting? -- For instance like which one?

Well there will probably be an objection if I tell you. -- Well I do remember some of them, for instance each time when a person spoke then you would hear someone shouting Amandla.

Yes. Was this the first time that you had heard this slogan? -- No it was not the first time because it happened(10) there commonly with people. You come across a happy man for something else then this person will say to you Amandla, you know, indicating his happy mood.

COURT: Do you mean by happy that he concurs with what is being said or when he is just happy listening to a song? -- What I mean by that is a person concurring what had been said will say Amandla and a person who has won something wherever he or she have won something would say Amandla.

You mean when you have won a race for example? -- Yes you raise your arm and say Matla. (20)

MR BIZOS: Is that the Sotho form of Amandla? -- Yes.

Did your church have a general policy in relation to the use of the hall by the community? -- Yes. Namely that for instance we would ask for a donation from whoever is going to make use of it, that is varying between R3 and R10.

COURT: That is the financial policy. Was there any other policy in respect of that hall? -- Yes another policy was that whenever a person is coming there with a request to make use of the hall the policy was that this hall must be made available to the people who want to use it and then after (30) having/....

having used it we must always check and see to the cleanliness of the place.

MR BIZOS: What sort of organisations used your hall? -- Church organisations for instance, for music purposes at times, soccer organisations would also make use of it, including the unions.

Is that the trade unions? -- They were also making use of it. Yes.

And these songs that you said that you heard before were they sung at union meetings? -- I am not going to pin (10) it down to the unions only. Different organisations were holding meetings there and I used to hear these songs. Now I am not able to say specific which organisation sung the songs.

Did you stay at the meeting of 26 August 1984 right to the end or did you leave before it finished? -- No I did not, I left the meeting before the closing.

Did you know Mr Esau Raditsela? - - Yes I came to know him. This is how I came to know him. He came to ask for a room to be used by women in manufacturing candles which (20) room was on the premises there. That is how I came to know him.

When was this in relation to the meeting of 26 August 1984? -- I am not quite certain, approximately a year before this meeting.

Other than making available to him one of the rooms for women to make candles in did you have any other dealings with Mr Raditsela? -- I saw him, that is during the meeting of the 3rd, that morning he was present.

I see. Did you....

(30)

COURT: /....

COURT: The 3rd being what? -- The Monday of the march.

MR BIZOS: That is 3 September 1984? -- Yes.

Did you not see him in the hall on 26 August 1984? -- No I do not remember seeing him.

When the meeting finished and the people dispersed from the hall were you around to see them going off?

ASSESSOR (MR KRUGEL): Is that now on the 26th again?

MR BIZOS: The 26th? -- Yes I was at my residence now. From there I could see them leaving.

Were they leaving in a disorderly fashion? -- They (10) were leaving in a normal order as I have already indicated to His Lordship that this was an orderly meeting.

After you heard these decisions being taken, more particularly the one that there would be a stayaway on the 3rd and a march to Houtkop, can you tell us whether or not this decision taken at the meeting about the stayaway and the march whether that was kept secret or not? -- No it was never said that this was going to be a secret. It was being discuss all over, anywhere. For instance at the taxi rank, the transport points, you would find people talking about (20) that for the whole of that week, that there will be a stayaway on that day. So it was no secret at all.

And the fact that there was going to be march was that kept a secret in any way? -- No, everything was being dis- cussed and in fact nothing was being hid.

I now want to turn to the morning of 2 September 1984, which was the Sunday, the day before the 3rd when the trouble arose. You have already told us that a young woman whose name you do not know approached you for a place to meet on that Sunday morning. -- Yes.

(30)

Was that the same woman that had approached you for the meeting of the 26th? -- Yes that was the same person.

What sort of place were you asked to make available on the morning of 2 September 1984?

COURT: It was a small discussion room she wanted for a few people.

MR BIZOS: Oh I am sorry, we dealt with that. Did you give her a small room for discussion? -- No I could not give her a small room because there was none available. It was already taken by the soccer team which was also having an activity (19) there. I therefore gave her a bigger room than the one she had suggested.

Where did you suggest that they might meet? -- I gave them the use of the hall which was not being occupied at that time.

Can you remember how many people there were at this meeting on 2 September 1984? -- I do not quite remember exactly how many in number were there but if I were to estimate it is between 10 and 15 people.

Did you at any stage go into the hall to see what they (20) were doing? -- Yes I did go to see for a short while as to what was happening there.

Did they stop talking when you came in or did they continue? -- They continued with their discussions, in fact they even invited me to remain with them there during the discussions.

Did you accept their invitation? -- No I could not because in the morning I have a lot of other duties to perform at my church.

What were they talking about? -- From their discussions(30) there/....

there I understood them to be busy preparing what they were going to have written as grievances to be submitted at Houtkop the following day and also discussing their movement as to how it was going to take place.

Can you recall what they said about these matters? -- Yes what I do recall about the rent issue was that the objection here was about the increase which was to be added on the present rent, that that should not be done and that is what they are going to present to the authorities, persuading them not to increase the rent. That is what I remember having (10) been said.

Did you recognise any of the people present in the hall on that morning? -- Yes, Naphtali Nkopane.

COURT: Accused number?

MR BIZOS: 8 My Lord. -- And Raditsela.

Did you know any of the other persons there present? -- No I do not remember them.

COURT: And the young lady who had booked the hall? -- She was not present at this discussion, I did not see her. Not knowing of course whether she arrived later because I went (20) to church.

MR BIZOS: Were they just talking or was one or other of them doing anything else there? -- They were seated there discussing and there was some paper on which some writing was being done.

Now on the morning of 3 September 1984 did people start gathering in the courtyard of your church? -- Yes.

At what time more or less did they start coming? -- If I am not mistaken from at about 08h00.

Do you know why they started coming there? -- Well (30) they/....

they were not going to work.

And what were they going to do? -- Their aim was to go to Houtkop, taking their grievances there.

You yourself, had you decided what you were going to do on that day? -- Yes I had decided.

What was your decision? -- That I was also going to stay away from work and go with them to Houtkop.

COURT: Had there been an increase in your rent as well? -- No I am not paying any rent but this I was doing in sympathy with the people with whom I lived and therefore in sympathy (10) with them I had to be involved in whatever they are involved in.

MR BIZOS: And was anything happening there other than people just coming there? Was any person doing anything there other than just standing around? -- Yes something was happening there. If my memory serves me well I remember seeing Naphtali Nkopane, no. 8, busy with some boards there, he was busy making some boards of some kind.

COURT: When you speak of boards to you mean placards? -- Yes.

MR BIZOS: Do you know what they were writing, or what was (20) on these placards or boards? -- Slightly, yes. I did have a look.

What did you see? -- If I remember well there was some writing there indicating that the increase on the present rent should not be paid.

Did you see anything written on any of those boards or placards suggesting that violence should be used against any councillor or councillors as a whole? -- I do not remember seeing that.

What would you have done if anybody was writing, you (30)

saw/....

saw placards being written advocating violence on your church property? -- I was going to take a strong step against that person because otherwise it would have caused problems for me even with the church authorities that I was allowing such things on the premises of the church and it was also going to get me, as a person, into some problems and therefore I was bound to act on that.

Did the hall remain, was the hall on the morning of the 3rd open or locked? -- It was locked.

Did it remain locked? -- No, at some stage I was (10) approached by Mr Raditsela about the opening of the hall because he wanted to address the people who were there in the hall because of the fact that outside meetings were not permissible. He was therefore going to talk to the people present there about the manner in which they are going to take part on the march.

And did he ask you to do anything, did you do anything as a result of that statement of his? -- Yes I then unlocked the hall.

And what happened when the hall was unlocked? -- He, (20) Raditsela, got into the hall followed by those who were present on the premises. I also went in with them.

Why did you go in? -- That was because I wanted to hear the arrangement and the explanation as to how the march was going to take place.

How many people got into the hall, more or less? -- Approximately between two and three hundred people got into that hall.

How many does that hall take? -- 500.

Yes I ...

(30)

COURT: Seated or standing? -- Seated, all seated.

MR BIZOS: And if people stand as well as sit how many can it take? -- Between 300 and 1000.

Yes. Now did the people go and sit down in the ordinary way or did they stand or sit in a particular place in the hall? -- Some were seated, some were standing along the walking passages between the chairs, not everybody was seated.

Did anyone speak to the people there? -- Yes Raditsela addressed the people. (10)

What did he say? -- What he said was "This is now the time which has come, the time that you have been waiting for to go to Houtkop." He was saying to the people to behave themselves, nothing will happen. He further said and assured the people that even if the police can emerge as well as they are well behaving nothing will happen. And he further said there is going to be some people who will be supervising the march.

Now what do you say to the evidence that has been given to His Lordship that Raditsela said that they must go and (20) kill the councillors and destroy their property? -- I say that is a lie. I was present there myself. Nothing of that sort was said there.

What do you say to the evidence that was given before His Lordship that Raditsela said that they must go and destroy the Administration's property? -- I still repeat it is a lie. If that was the case I would not have taken any part in that.

Did you in fact take part in that march? -- Yes I did.

What do you say to the evidence given by one of the witnesses to His Lordship that the purpose of the march (30)

was/....

was to go from house to house belonging to a councillor and take the councillors with you to Houtkop, what do you say to that? -- No as far as I know the purpose of the march was to go to Houtkop and not to any councillor's house. That I do not know.

What do you say to the evidence given by one or other of the witnesses that gave evidence that the purpose of the march was to destroy the property of the Vaal Transport Corporation? -- I do not agree with that. I was part of that march. Nothing of the sort was done. (10)

Was Mr Raditsela the only person who spoke at that meeting in the hall? -- No he was not the only one. If I remember well there were two other speakers who for a very short while also were supporting what was said already by Raditsela.

Was there any singing in the hall on that morning? -- I do not quite remember because this day in the hall it was very very short. A very short time that was spent in that hall.

Did you and the other people in the hall come out of (20) the hall? -- Yes we did come out.

When you came out did anyone speak to the people outside the hall? -- Yes what was said inside the hall was again repeated outside by some people who had something to say there.

COURT: How many people were there outside when there were about two to three hundred inside? -- It was quite a number of people. A group I will say between 100 or plus. The reason being that people were arriving while the others were already there. (30)

MR BIZOS: Yes. Did Raditsela speak again outside? -- Yes, repeating his words that he had said inside.

Did anyone else speak outside? -- I do not quite remember but if my memory serves me well accused no. 8 also repeated in confirmation of what Raditsela had said already that people must behave themselves.

Did either Raditsela or accused no. 8 or anyone else advocate any form of violence against the councillors or anybody's property outside the hall? -- Not at all. I did not hear anybody uttering that kind of words.

(10)

COURT ADJOURNS UNTIL 14h00.

COURT RESUMES AT 14h00.

PITSO RATIBISI: d.s.s. (Through Interpreter)

MR BIZOS: My Lord I have been requested by the accused to apply to Your Lordship to extend Your Lordship's indulgence in relation to the number in the dock. Apparently at least one more.

COURT: We thought so, we the expansion they would still continue to expand. One more is granted, so no. 3 comes to the fore.

MR BIZOS: As Your Lordship pleases. (10)

FURTHER EXAMINATION BY MR BIZOS: We were dealing with what happening on the morning of the 3rd. I would like to ask you about the composition of the people, composition agewise, of the people that attended the meeting of the afternoon of the 26th of August 1984 and the people who were present in the hall and in the courtyard on the morning of the 3rd. What sort of age group did they belong to? -- According to my judgment they were grown up people between 30 and 40 years of age. I would say they were responsible people who could be held responsible for whatever they were doing. (20)

Did you see any youngsters around? -- Depending what you mean by youngsters but I will say the people between the ages of 19 and 21 were also present.

Yes. In large numbers or not? -- Not more than the grown ups, they were less than the number of the grown ups.

COURT: Half as many as the grown ups or two thirds as many as the grown ups? -- The grown ups were by far more than the youngsters.

MR BIZOS: Did any one of them have any T-shirts on as far as you remember? -- Yes I did see some T-shirts. (30)

Both/....

Both at the meeting of the 26th and on the morning of the march or the one or the other? -- Because of the fact that this happened some time ago, I cannot distinguish to say exactly at which meeting did I see them. All I can say during the two occasions I did see that some people had the T-shirts on.

What sort of T-shirts? -- If I am not mistaken they were COSAS T-shirts.

Now on the morning of the 3rd after Raditsela had spoken outside and he were supported by others what happened then? (10) -- Those who had the placards with them, that is that group, was right at the front leading, and therefore the march proceeded.

Where was the march formed? -- They left the premises of the church through the gate into the street.

COURT: Well let us just get clarity. Was the march set up while it was standing still or did the placard bearers start walking and everybody fell in behind them? -- No what happened is the march was arranged and then those carrying placards were placed right at the front. (20)

MR BIZOS: Yes. Had you decided to join this march? -- Yes.

Did you go right to the front of the march? -- No what happened is immediately when the march left, while the march was in the process of leaving myself, Esau Raditsela and somebody else checked the hall whether it was properly closed and everything was left in a good order. Before following the march.

And did you then fall in to join the march when you had done this checking up? -- I went up to the march and fell into the march alone. The reason being that I left Raditsela (30)

talking/....

talking to some people behind me. As a result I joined the march alone.

COURT: Did you join at the back? -- Yes I joined the march at the back.

MR BIZOS: Was the march still on the church premises or had it reached the road at the time that you joined it? -- The march was already in the street.

COURT: Which street? -- The tarred road if I am not mistaken that is Selbourne Road.

MR BIZOS: Whilst you were marching on the road were there (10) any obstructions on the road? -- Not at all.

Right up to the time that you left the march for the reasons that you will give His Lordship later did you see any obstructions on the road? -- Not at all.

What were the, were the people keeping quiet whilst they were marching? -- They were singing.

What were they singing? -- Siyaya e Houtkop.

Did the march remain the same size or did people join it as they went along? -- The number of people in the march grew. (20)

Did they fall in behind you or did they fall in in front of you or did they do both? -- They did both, that is falling in behind and in front of me, especially at the middle of the march.

Falling in in the middle of the march? -- Yes.

Were there any people trying to exercise any control over the marchers? -- Yes there were marchers who were supervising the march.

What were they doing? -- They were supervising in the following manner: they had to see to it that the people (30) are/...

are not too fast because there were elderly people as well who were also taking part on this march.

Were there people forcing other people to join the march?
-- I did not see anybody forcing other people to join the march.

How far up did you go on this march? -- Until at the vicinity of the BP garage which is at Zone 12 extension. At Zone 12 extension.

ASSESSOR (MR KRUGEL): What is the name of the garage? -- Molbantoa is the name of the garage. (10)

COURT: How do you spell it? M-o-l-o-a-n-t-o-a? -- Yes.

MR BIZOS: In view of other descriptions that we have had what sort of petrol does this garage sell?

COURT: If it is called a BP garage it does not sell Mobil.

MR BIZOS: I am sorry, I did not hear him say BP My Lord. Is this garage, before you reach this garage are there any bus sheds along the way? -- Yes.

ASSESSOR (MR KRUGEL): Bus sheds or shelters for the people who ...

MR BIZOS: I beg your pardon bus sheds or shelters for people? Yes thank you. -- Yes there are bus shelters. (20)

COURT: Do you know the names of the streets on the route that you took? If you are not sure do not tell me. -- I am not quite sure.

Now where are these bus shelters or where is the bus shelter? -- The very first one is in Zone 7.

In Zone 7? -- That is the largest of them according to my judgment.

MR BIZOS: Did you pass those bus shelters? -- Yes we did.

Did anyone damage them? -- Not at all. (30)

As/....

As you were approaching the BP garage did the march continue ...

COURT: Just a moment Mr Bizos let us just orientate ourselves. Yes, as you were approaching the BP?

MR BIZOS: BP garage, did the march continue in its, at its ordinary pace or did anything happen? -- The march started moving slow.

Could you see any reason for the slowing down of the march? -- Looking up front, that is the front of the march, I noticed that there was a group there which appeared to (10) me to be facing our direction that is the opposite direction from where we came, that is in the face of the head of our march. It appeared to me as if there was some disturbance of some kind.

How far away were you? From the place where this disturbance appeared to be taking place? -- I was quite far, although I am not in a position to tell exactly what the distance was but I was seeing this happening some distance far away from me.

Yes. What were the marshalls doing whilst the march (20) was going at a slower pace? -- They uttered some words of encouraging the march to proceed saying "There is nothing happening, you need not be scared. The police are not going to do anything so just keep calm."

You heard the marshalls saying that? -- Yes I heard the marshalls saying that and when this was said by the marshalls I then remembered the words which were said by Esau Raditsela just before the march took off.

What words were those? -- Which were that nothing will happen, people must just behave normally. (30)

If/....

If what? -- If the police happen to approach them they must just behave themselves proper and the police are not going to to do anything.

You say you remembered these words. What did you do when you heard the marshalls saying this? -- I got a fright as a result of which I returned, which is I left the march.

COURT: You went home? -- Yes I went home.

MR BIZOS: Now what was your position on the march in relation to the back of it? -- I would say I was one of the people who were in fact right at the back of it. (10)

On your way back home did you see any obstructions in the road? -- Not at all.

Did you again pass the bus shelters that you had previously passed? -- No on my way back I did not use the same route.

Which route did you use to go back? -- Through Zone 12 to Small Farms.

Is there some open veld there before you get to the church? -- Yes there is.

COURT: You went through Zone 12 to?

ASSESSOR (MR KRUGEL): Small Farms. (20)

COURT: To Small Farms. -- Towards Small Farms.

MR BIZOS: Is there a college near your church? -- Yes there is.

What is it called by you and the people that you know, how do they refer to it? -- It is known as Venter's place.

COURT: Venter's place? -- Venter's place yes.

Is Venter the principal? -- Yes.

ASSESSOR (MR KRUGEL): Is that the college near the church?

MR BIZOS: Near the church.

COURT: When you say near the church what do you mean? Is (30)

it/....

it next to the church? -- Not next to the church.

Where is it in relation to your church? -- It is in the same street.

In Selbourne Street? -- With the street of the church, just further on from my church.

East or west? -- Looking in the direction of the school from the entrance into the yard of the church you look to your right and then see the college.

Yes, can we not describe it a little easier. Do you know where the sun rises? Or are you not up at that time? (10)
-- If I were to say it is on the eastern side.

So it is east, along Selbourne Road towards the east?
-- Yes.

MR BIZOS: Now was that college damaged on the ...

COURT: Just before you go on let us just see whether the witness can identify it. Have you shown him the photograph Mr ...

MR BIZOS: I have not but I think he has been shown it by my instructing attorney.

COURT: Have a look at CA.6. Do you see your church on (20)
CA.6? -- Yes I do.

Do you see, do you see Venter's place on CA.6? -- Yes I can see it.

Where is Venter's place on CA6? -- The arrow there with a word "College".

Thank you.

MR BIZOS: Was that place burnt or damaged to your knowledge?
-- Not during the morning of the 3rd, nothing was done on it, it was not burnt.

COURT: Was it ever burnt? -- Yes it was. (30)

When?/....

When? -- During the night of the 3rd and the 4th.

MR BIZOS: How do you know that? -- I know that because during the same night I was in the church looking there around, keeping an observation of what was happening around. While being there I heard some noise. The following day I went in that direction, I happened to know some people in that vicinity. On my way to them I noticed that this college was damaged.

And was that the only occasion on which this college was damaged? -- No that was not the only time. If my memory(10) serves me well, under correction, some six or twelve months later it was again damaged.

COURT: Was it arson again? -- Yes.

What type of students study at this college? -- It is a teachers training college.

MR BIZOS: Mr Ratibisi I want to ask you one final question. After the troubles of the 3rd did any police officer ever approach you to make a statement or to find out if you knew anything about the events at your church? -- Not at all. I was never approached by any policeman. (20)

Thank you My Lord.

KRUISONDERVRAGING DEUR MNR. JACOBS : Mnr. Ratibisi, ek verstaan van jou getuienis dat jy is die persoon wat aan die mense die toestemming verleen om die kerk te gebruik? -- Ja.

Is dit algemeen bekend ook dat as daar mense die kerk wil gebruik of die kerksaal, dat hulle na jou toe moet kom om toestemming te verkry? -- Ja.

Kan jy vir die Hof sê, word daar baie gebruik gemaak van jou kerk deur organisasies in die Vaal? -- Ja.

Ons weet nou dat die VCA het dit gebruik, dit is h (30)

organisasie/...

organisasie, ERPA Evaton Ratepayers Association het dit gebruik. Watter ander organisasies het dit nog gebruik? Die unies het jy nou genoem, vakbonde? -- Dit is lank gelede wat hierdie dinge plaasgevind het. Dit is gedurende die jare 1980 en 1981. As my geheue my nie in die steek laat nie, het COSAS al gebruik gemaak van daardie saal. Terselfdertyd in hierdie tydperk tot op datum het kerkorganisasies ook gebruik gemaak van hierdie saal.

HOF : As u sê dit het in 1980/81 plaasgevind, wat het toe plaasgevind? -- Dat verskillende mense gebruik gemaak het (10) van hierdie saal.

Maar bedoel u dit het nie voortgeduur tot 1984/85 nie? -- Daarby bedoel ek, gedurende daardie tydperk het hulle baie gebruik gemaak van daardie saal.

Later minder dan? -- Ja.

MNR. JACOBS : Gedurende 1984, kan jy onthou, het hulle toe ander organisasies behalwe VCA, die vakunies en Evaton Ratepayers Association - het ander organisasies daarvan gebruik gemaak? -- Ek kan nie onthou nie.

Kan jy onthou of COSAS dit gebruik het gedurende 1984, (20) sê vanaf Julie, Augustus, gedurende daardie tydperk? -- Ek kan glad nie onthou nie.

Kan jy onthou of die Vaal Organisation of Women (VOW) daardie vroue-organisasie; gebruik gemaak het van julle saal gedurende Julie/Augustus 1984? -- Wat ek wel kan onthou wat betref die vroue-organisasies is die biduur vir vroue van verskillende kerke wat daar vergader het en gebruik gemaak het van die kerk self, nie die kerksaal nie.

Ek vra jou nou spesifiek van die kerksaal en van Vaal Organisation of Women. Ken jy daardie organisasie? -- (30)

Ek/...

Ek ken nie so 'n organisasie nie. Dit mag miskien wees, al is dit so, dat die vroumense wat ek van praat as biduurvrouens daardie naam het of hulle word so op daardie naam genoem. Dit weet ek nie.

Ken jy enige organisasies bekend soos die Vaal Youth Congress? -- Nee, glad nie.

Of Vaal Youth Organisation? -- Nee.

Kan u onthou en vir die Hof net sê was dit die enigste vergaderings wat oor daardie tydperk dan gehou was deur hierdie twee organisasies, dat altwee op een dag 'n vergade-(10) ring gehou het? -- Dit kan wees dat daar nog ander organisasies was wat wel gebruik gemaak het van hierdie saal, maar ek onthou net van hierdie twee omdat hierdie twee welbekende organisasies is in die woonbuurt.

Is jy seker dat voor hierdie datum van die 26ste het VCA geen vergaderings gehou in daardie kerksaal gedurende of sê Julie of Augustus nie? -- Die gebeure het lank gelede plaasgevind. Ek kan nie onthou nie.

Jy sien, want ek vind dit eienaardig, as die dinge dan so lank gelede plaasgevind het, hoe kan jy so goed onthou(20) dat 'n jong vrou dan die Sondag van 2 September 1984 na jou toe gekom het om te vra vir 'n klein saal vir gesprekvoering deur 'n groepie mense? -- Dit is nie snaaks nie. Hierdie vergadering was die grootste vergadering wat ooit daar gehou was en tweedens, hoekom ek hierdie vroumense so goed onthou, sy was 'n baie mooi meisie vir 'n man om sommer maklik te kan vergeet.

En jy sê dan, het ek jou getuienis ook reg verstaan, dat die vorige week, dit is dan 26 Augustus, het sy ook na jou toe gekom en toe gevra om die saal te huur vir 'n (30)

vergadering/...

vergadering op daardie dag? -- Die vraag is nie vir my duidelik nie, maar wat ek verstaan is dat u wil weet of sy die 26ste daar was. Dit is korrek, sy was daar gewees. Dit is die dag van die vergadering.

Toe het sy na u toe gekom om vir u te vra om die saal te kry vir h groot vergadering? -- Haar versoek was dat hulle gebruik wou maak van die saal vir h groot vergadering van VCA.

HOF : Het sy kom vra voor die 26ste of op die 26ste? -- As ek reg onthou was dit voor die dag van die 26ste, omtrent 10 h week voor daardie dag.

MNR. JACOBS : Jy sien, ek wil dit aan jou stel dat jou getuienis-in-hoof was - jy het dit duidelik gestel. Eers het sy gekom op die 2de vir die klein vergadering en toe het jy vir die Hof gesê dat sy het gekom op die week tevore wat dan die 26ste is en toe het sy gevra vir daardie vergadering van die 26ste. Wat is dan nou die waarheid? -- Nee, my getuienis was dat sy die persoon is wat kom vra het vir h vergadering vir die 26ste en toe het ek gesê selfs vir die 2de, sy is die persoon wat die versoek gerig het. (20)

Ontken jy dat jy het vir die Hof gesê dat sy het op die 2de, die oggend van die 2de daar gekom en gevra om h vergadering te hou, h klein vergadering?

MR BIZOS : In fairness to the witness. My Learned Friend Mr Tip gives the question and answer and I do not think with respect the prosecutor can put it on that basis. Your Lordship will recall that I asked him about the approaches and that he spoke about 2 September and I wanted to get him away from 2 September. The question took this form "The Sunday previous to that was the 2nd. Did anyone approach(30) you/...

you for the hall then?" That is the way the question was put. I leave the rest to argument as to whether - and the answer to that was "Some young lady approached me and I gave permission for 26 August 1984."

MNR. JACOBS : Met alle respek, my nota wat ek geneem het, het ek geneem ... (Hof kom tussenbei)

HOF : My assessor wat ook vraag en antwoord afskryf stem ooreen met mnr. Tip se nota. My indruk was ook nie dat sy op n dag gekom het vir dieselfde dag om vir dieselfde dag die vergadering te reël nie. (10)

MNR. JACOBS : Ek sal wag tot die oorkonde terugkom, dan sal ek hiernatoe terugkom.

MR BIZOS : There is another note by Mr Tip "Before 3 September when there was a little trouble, little time before that day, did anyone approach you for the hall for a Sunday?" That is the question and the answer was "A young lady whose name I do not know."

MNR. JACOBS : Ek sal dit hou totdat ek die oorkonde kry. Dan sal ek daarvan kan sien. U het getuig dat Kabi of n mnr. Mokoena het u genader om daardie saal te kry. Kan (20) u vir ons sê wanneer dit was? -- As ek nie verkeerd is nie, was dit gedurende die week.

As u sê gedurende die week, net om duidelikheid te kry, dat ons mekaar nie verkeerd verstaan nie, is dit die week voor daardie vergadering gehou was deur mnr. Kabi of mnr. Mokoena? -- As ek nie n fout begaan nie, is dit wat ek sê.

Wat sê jy vir die Hof, laat ons dit nou van jou duidelik kry, wie het eerste vir jou gevra om n vergadering te hou op die 26ste Augustus? Die jong dame of mnr. Kabi en mnr. Mokoena gekombineer wat jy nie seker van is nie? -- Dit sal (30) nie/...

nie vir my maklik wees om dit vir die Hof te kan sê nie. Al wat ek vir die Hof kan sê is dat dit twee verskillende vergaderings was wat eintlik nie oor dieselfde ding gegaan het nie. Die verskil daar was, party wou die vergadering vroeër gehad het en die ander later in die dag.

Stem jy saam dat as jou weergawe nou laaste was dat die jong dame ten minste 'n week vroeër voor die 26ste gevra het vir 'n saal, dan het sy eerste die versoek gerig om die saal te huur of te kry vir die vergadering op die 26ste? --Wie nou die eerste gekom het en wie later gekom het, vir my (10) was dit nie so belangrik nie. Wat vir my van belang is, is dat die mense gebruik gemaak het van die saal en daar moet nou nie 'n botsing wees tussen die twee vergaderings nie. Dit was vir my belangrik.

Wie het jou betaal vir die huur van die saal vir die vergadering deur die dame van VCA? -- Sy het daarvoor betaal.

Hoeveel het sy betaal? -- As ek nie verkeerd is nie, was dit R10,00.

Vir beide kere se vergadering? -- Beide kere se vergaderings? Watter is dit? (20)

2 September 1984 en 26 Augustus 1984? -- Ja, sy het.

HOF : Is dit nou R10,00 vir albei saam of R10,00 en R10,00? -- Vir die eerste vergadering wat 'n groot vergadering was in die saal, het sy R10,00 voor betaal. Die tweede een, dit wil sê die een van 2 September, omdat sy 'n versoek gerig het om gebruik te maak van 'n klein klaskamer, het sy daarvoor net R3,00 betaal.

MNR. JACOBS : Hoe laat moes die saal beskikbaar gewees het die middag vir die vergadering van VCA? -- As ek nie verkeerd is nie, moes dit 13h00 gewees het op die kop. Dit wil (30)

sê/...

sê na die kerkdienens.

HOF : Kan ek net hier duidelikheid kry. Is die saal gebruik vir kerkdienste? -- Ja, dit word ook gebruik.

So, daar is 'n kerk en 'n kerksaal en albei word vir dienste gebruik? -- Die posisie is soos volg. Ons gebruik ons kerkgebou self. Dit gebeur soms dat daar ander gemeentes kom wat aansoek doen om gebruik te maak van ons saal vir 'n diens wat hulle daar wil hou. Dan word dit aan hulle toegeken. Met die gevolg, eers na daardie kerkdienens klaar is vir die dag wat vroeër daar gehou is, sal 'n vergadering (10) gehou word.

MNR. JACOBS : Kan ons dan van jou duidelikheid kry. Op 26 Augustus 1984 was daar ook 'n ander kerk of ander gemeente wat die saal bespreek gehad het en wat 'n kerkdienens gehou het in die saal van daardie kerk, die Roomse Kerk Small Farms? -- Dit is nie my getuienis nie. Dit het ek genoem as 'n voorbeeld dat dit soms gebeur dat ander gemeentes 'n groot diens wil hou en dan vind hulle dat dit nie van toepassing gaan wees die kerkgebou wat hulle normaalweg gebruik nie. Dan kom hulle vra vir die gebruik van ons saal. Dan sal (20) ons die saal aan hulle toeken, maar hierdie betrokke dag was daar eers vroeër 'n vergadering gewees van die Ratepayers en daarna eers sou hierdie ander vergadering 'n aanvang geneem het.

So, daar was dan, om duidelikheid te kry, geen ander kerkdienens in die kerksaal gehou daardie dag nie, die 26ste? -- Nee, nie wat ek van onthou nie.

Jou katkisasieklass, word dit nie in die kerksaal gehou nie? -- Nee, dit word in 'n klaskamer gehou, nie in 'n saal nie. Alternatiewelik - verskoon my, nie alternatiewelik (30)

nie/...

nie, maar wat ek daarby bedoel is dat eers na die kerkdiens word dit gehou in 'n klaskamer.

Wat se pligte het jy in die namiddag by daardie kerk wat jy moet nakom? -- Ek gee kategismeklasse wat om 13h00 begin. Dit wil sê van 12h00 tot 13h00. Ek is 'n lid van 'n organisasie wat te doene het met mense wat besluit het dat hulle geen drank sal gebruik in hulle lewens nie. Dit het ook te doen met bidure, dat daar bidure gehou word vir die mense wat te veel drank gebruik of wat dagga rook of gebruik maak van dagga. Ek is 'n lid van 'n ander organisasie wat (10) bekend staan as Saint Francis. Dit het te doene met die ekonomie - verskoon my nie ekonomie nie, maar die woordgebruik is dubbelsinnig. Dit beteken dat mense nie beheer word van dinge wat plaasvind op aarde nie. Dat hulle in staat kan wees om self regeer te word. In die sin dat hulle nie inmeng met alles wat plaasvind naby hulle reg of verkeerd nie.

HOF : Wat maak die organisasie? Maak hy dan niks? -- Hulle bid ook vir die arm mense en verleen hulp aan die mense wat nie genoeg het nie en lê besoeke af by siek mense in die hospitale asook om besoeke af te lê by mense vir wie ander (20) mense nie omgee nie.

MNR. JACOBS : Op 26 Augustus 1984 weet ons reeds uit jou getuigenis-in-hoof uit dat jy het van 12h00 tot 13h00 katkisasie gegee daardie dag? -- Ja.

En toe jy klaar is met jou katkisasie was hierdie vergadering wat in die middag sou plaasvind, om 13h00 sou plaasvind, reeds aan die gang? -- Ja, dit was aan die gang gewees.

Ons weet nou jy het daardie een taak vervul. Wat se ander take moes jy nou vervul het? Het dit enigiets te doen (30)

met/...

met hierdie organisasie wat te doen het met drank en bidure of hierdie tweede organisasie, die Saint Francis organisasie? Het jy enige pligte daardie dag, nadat jy die katkisasie gehou het, in verband met daardie twee organisasies gehad?

HOF : Het u nie eers gaan eet nie? -- Ek kan eintlik nie sê of ek hierdie dag gaan eet het of nie, maar wat ek wel kan sê is dat as gevolg van die mense wat so angstig was en vinnig beweeg het om by hierdie vergadering uit te kom, het ek ook belang gestel om myself daar te sien, sodat ek kan hoor wat daar gebeur. Dus is ek toe na die vergadering (10) toe.

MNR. JACOBS : Kan jy net asseblief my vraag antwoord. Ek probeer vasstel, jy het vir die Hof gesê jy het nie by die vergadering gebly nie omdat jy take gehad het wat jy moes uitgevoer het? Nou probeer ek vasstel wat se take dit was? -- Die take waarvan ek praat is dat die mense van die verskillende organisasies wat ek alreeds genoem het af en toe my wou gesien het en raad by my oor iets wou gevra het en dan sekere dinge met my wou bespreek het. Na aanleiding daarvan het ek 'n plek gehad om met daardie mense te gaan (20) 'n onderhoud uitvoer. Dus het ek in en uit die vergadering beweeg.

Het jy daardie middag van 26 Augustus afsprake gehad met mense van hierdie twee organisasies waarna jy verwys het?-- Dit is lank gelede dat hierdie dinge plaasgevind het. Wat ek wel vir u kan sê is dat ek kan nie so goed onthou of ek enige spesiale afsprake met hulle gehad het nie, maar wat ek wel kan sê is dat ek het in en uit die vergadering beweeg om die persone daar te gaan sien en spreek. Wat ek wel vir die Hof kan sê is dat selfs die mense wat die kerkdienste (30) die/...

die dag bygewoon het, het ook belang gestel om te weet wat in hierdie vergadering gaan plaasvind en waaroor dit gaan. Dieselfde geld vir hierdie wat klas by my bygewoon het tussen 12h00 en 13h00 van die katkisasie. Hulle wou ook geweet het wat gebeur daar. Dus is dit duidelik dat hulle ook hierdie vergadering dan bygewoon het na aanleiding daarvan.

Hoe het jy geweet wanneer moes jy gaan om hierdie mense van die organisasies te gaan spreek, wat jy uitgegaan het elke keer uit die vergadering uit? -- Ek het nie spesifiek geweet dat ek op 'n sekere tyd of stadium die mense sal moet(10) gaan ontmoet buite nie, maar wat wel gebeur het is die volgende. Terwyl ek daar gesit het, het ek miskien iets onthou, dat ek iemand daaraan moet gaan herinner. Dan het ek besluit om sommer op te staan en na buite te gaan. Op pad uit of net daar buite het ek dalk lede of 'n lid van die organisasie raakgeloop. Dan sal ek dit met daardie persoon daar bespreek en dan miskien iets anders ook onthou wat dan die gesprek langer maak. Daarna sal ek terugkeer. Dit is nie 'n kwessie dat ek miskien ingelig was of uitgeroep is met die doel om sekere dinge te gaan bespreek nie. (20)

Is jy direk na 13h00 nadat jou katkisasie uitgekom het na die saal toe waar die vergadering aan was? -- Ek kan dit nie met sekerheid sê nie. Al wat ek kan sê is, ek weet daarvan dat ek wel die vergadering bygewoon het. Waarvan ek wel weet is dat daar registers is wat gehou word deur myself met die name op. Na die katkisasie wat gehou word, moet ek die boeke of die registers in die kantoor neem, waar hulle gehou word. Dit is die kerk se kantoor.

En die kantoor is seker by die saal of naby die saal?
-- Dit is in die kerk. (30)

En/...

En dit is naby die saal? -- Ja, dit is naby.

En soos jy vir die Hof gesê het, jy was baie angstig om te sien hoekom die mense so vinnig verbygaan na die saal toe? -- Ja, al wou ek gegaan het en was ek angstig om te sien wat gebeur het, beteken dit nie dat ek nie my goed nou gaan weg bêre nie. Ek moet eers my goed weg bêre en dan daarna sal ek saal toe gaan.

En dit het jou nie so lank geneem om dit weg te bêre nie. Is dit reg? Dit was net 'n kwessie van dit te neem na die saal toe - van die katkisasieklas na die kantoor (10) toe en dit daar neer te sit en na die saal te gaan nie? -- Nee, dit het nie lank geneem nie.

Hoe lank sou jy sê? Vyf minute? -- Vyf of tien. Ek weet nie.

En toe is jy daarna saal toe? Vir die eerste keer? -- Ja, direk saal toe.

Hoe lank het jy in die saal gebly toe jy die eerste keer soontoe gegaan het? -- Ek weet nie hoe lank ek daar vertoef het in die saal nie. Dit is na ek die eerste keer binnegekom het, maar elke keer na ek binne gegaan het, het ek vir 'n (20) lang rukkie daar gebly.

HOF : Het u nie elke keer u plek verloor as u so uitgaan en dat iemand anders u plek vat nie? -- Nee, ek kan nie onthou dat ek ooit 'n sitplek gehad het van die begin af nie. Dus het ek nie 'n sitplek gehad nie.

MNR. JACOBS : Waar het jy gestaan? -- Ek het probeer om myself daar by die deur in te druk al was dit vol gewees.

So, jy het net probeer. Jy het ook nie eers daarin geslaag om in die saal in te kom nie? -- Ek sê ek het deur die mense daar gedruk totdat ek binne-in die saal gekom het. (30)

Elke keer as jy uitgegaan het, het jy deur die mense gedruk en as jy weer teruggekome het, het jy deur die mense gedruk tot in die saal in? -- Ja, dit is so. Ek wou myself daar binne gevind het omdat ek belang gestel het om te hoor wat gebeur.

Wat sal u sê as ek dit aan u stel dat hierdie vergadering het nie 13h00 begin nie, maar hy het eintlik 14h00 begin? -- Al wat ek weet is dat na die klas wat ek gehad het, is ek na die vergadering toe en die mense van die vergadering het bekend gemaak dat die vergadering om (10) 13h00 gaan begin. Dus my klas is om 13h00 uit. Ek is toe vergadering toe. Dus was ek daar in die vergadering. Ek kan net nie met sekerheid vir u sê of die vergadering nou om 14h00 begin het of hoe laat die vergadering begin het nie. Ek wil dit ook aan jou stel dat jou getuienis is heeltemal verkeerd hierso dat dit kon nie gebeur het dat jy net direk nadat die katkisasie was wat om 13h00 uitgekom het, net jou boeke neergesit het en vyf minute geloop het en by die saal ingegaan het en toe was die vergadering aan nie? Dit kan nie die waarheid wees nie. (20)

MR BIZOS : A general statement has been put that this meeting started at 14h00. It is not in accordance with the evidence. A fair summation of the evidence is, taking all the witnesses together, some time between 13h00 and 14h00.

COURT : I cannot decide this issue. I cannot remember what a fair summation of all the evidence is.

MR BIZOS : I think, with respect, if one reads the evidence, nobody has put it at 13h00. There was even evidence, if I may remind Your Lordship, I am also speaking on top of my head, that the Evaton meeting actually overrun the period(30)

that/...

that - I think a person who spoke at both mentioned that, but any way, I submit that unless My Learned Friend is able to refer Your Lordship that nobody has said - anybody has said definitely that the meeting started at 13h00, he is over stating his case to the witness.

MNR. JACOBS : Ek sal na dokumente toe gaan, maar ek moet die Hof net inlig dat ek moes die kruisondervraging doen op hierdie stadium totdat ons gegaan het, dat ons net geweet het iewers in die Vaal gaan iemand getuig. Die verdediging wou nie vir ons sê wie is die getuies, oor watter aspekte(10) hulle kom getuig nie.

COURT : Why not, Mr Bizos? Was there not an agreement that vice versa the State and the defence would inform each other of the witness that will be giving evidence so that there could be some preparation?

MR BIZOS : Yes, we honoured that with the accused. May we say that during the State case the only thing that we were ever told that someone was going to be called from Huhudi or someone is going to be called from Somerset East. No names were provided to us. In fact Brigadier Viljoen (20) was called on a day when I was given leave of absence by Your Lordship, without his name being given to anyone.

COURT : Apart from names, if you just inform them of the Vaal, it is a very vast piece of evidence. It is about a year's evidence.

MR BIZOS : I agree.

COURT : At least you can say at these and these and these meetings.

MR BIZOS : I agree and we will most certainly adopt Your Lordship's suggestion and act accordingly in the future. (30)

We have in fact been furnishing the State with more information than we were ever been given during the State case, but in the interest of getting on with the case, we will inform the State so that they can prepare in relation to the meeting or the incident that the witness will be giving evidence about.

MNR. JACOBS : Ongelukkig gaan dit gebeur op hierdie stadium dat ek weer sal moet terugkom na sekere getuienis toe. Ek moet aangaan met die getuienis - ek moet aangaan met die kruisondervraging. Ek kan dit net op hierdie basis doen. (10) Op die feite wat jy vir die Hof gegee het, kan jy vir ons sê, dit was so 'n ordelike vergadering hierdie gewees dat elke spreker wat gepraat het op hierdie vergadering is voor na die verhoor wat jy gesien het. Is dit reg? -- Ja.

Het hy van die vloer af versoek, elkeen wat jy gesien het, dat hy iets wil sê en dan is hy geleentheid gegee om na die verhoog toe te gaan? -- Ja, die persoon het 'n hand opgelig om aan te dui dat die persoon wil praat.

En verstaan ek jou getuienis dan reg dat jy het net in die tye wat jy die vergadering bygewoon het drie of vier (20) persone gehoor praat of gesien praat? -- Ja, dit is persone wat ek gehoor het.

En gesien het praat? -- Ja.

En almal van hulle wat jy gesien en gehoor praat het, was mense wat hulle hande opgesteek het en versoek gerig het om iets te sê en dan die geleentheid gebied was om iets te sê? -- Ek sal nie kan sê of dit nou almal van hulle was wat daardie prosedure gevolg het nie.

Ek dog dan dit is wat jy nou-nou vir die Hof gesê het?
-- Nee, ek het gesê van die mense om toegelaat te word om (30)

die/...

die vergadering toe te spreek, het hande opgelig dat hulle na vorentoe gekom het om te kom praat. Ek kan nie sê dat almal dit gedoen het nie, maar dit was die prosedure wat gevolg was.

Hoeveel van die drie of vier mense wat jy gehoor praat het het hulle hande opgesteek en verlof gekry om na vore te gaan om te praat? -- Soos ek alreeds gesê het, die voorval het lank gelede plaasgevind en die ander persoon wat daar 'n toespraak gemaak het in my teenwoordigheid is een van die leiers van daardie vergadering. So, van die gehoor (10) wat daar gepraat het wat ek na verwys het, kan twee of drie wees wat die hand opgesteek het met die oog daarop om verlof toegestaan te word.

En die persoon wat een van die leiers was wat gepraat het, wie is dit na wie jy verwys? -- Nkopane.

Kan jy onthou toe jy gepraat het, dit is beskuldigde nr. 8, waaroor - laat ek dit net eers so kry. Op watter stadium het jy hom gehoor praat? Was hy die eerste persoon wat jy gehoor praat het of het hy gepraat later gedurende die vergadering? -- Toe ek die saal binnegekome het, was (20) daar 'n spreker gewees wat besig was met 'n toespraak. Onmiddellik toe daardie spreker klaar was, het mnr. Nkopane iets te sê gehad. Dit het vir my duidelik geword dat hy eintlik besig was om opmerkings te maak op dit wat die spreker gesê het.

Kan jy onthou wat se opmerkings mnr. Nkopane gemaak het? -- Die hoof onderwerp van die vergadering het gegaan oor die huur. So, die sprekers daar het toesprake gelewer aangaande die huur. Wat dan beteken dat hy ook opmerkings gemaak het op 'n toespraak wat gelewer is aangaande die (30) huur/...

huur.

994 Is u getuienis daarop gebaseer dan dat u afleidings maak omdat die vergadering gegaan het oor huur dat hulle moes gepraat het oor huur toe hulle gepraat het? -- Ja, die hoofonderwerp was oor die huur.

So, onafhanklik van wat jy nou aflei omdat dit gegaan het oor die huur kan jy absoluut niks onthou wat is gesê op daardie vergadering nie? Jy kan nie die mense se woorde onthou nie? -- Nee, nie dit nie. Ek kan wel herhaal aan die Hof wat die mense gesê het aangaande die huur. Byvoorbeeld(10) die mense het gepraat van dat die huur verhoog word en die huur is alreeds moeilik vir mense om te bekostig om dit te betaal. As dit nou weer verhoog word, dit wat alreeds probleme skep vir die mense, gaan dit meer moeilik wees vir die mense wie se huise op die ou end gesluit sal word.

Wie het daardie toespraak gelewer? -- Dit noem ek as 'n voorbeeld van die sprekers se woorde daar. Ek kan nie vir die Hof presies sê wie van die sprekers daar dit pertinent gesê het nie. Ek sê dit was die trant van die toesprake wat hulle gelewer het. (20)

Die spreker wat gepraat het toe jy ingekom het en wie se toespraak deur mnr. Nkopane, beskuldigde nr. 9, opgesom was, nadat hy sy toespraak gelewer het, is hy ook weer terug na sy sitplek toe in die gehoor in die saal? -- Ek het nie opgelet waarheen die persoon gegaan het of waar die persoon sitplek ingeneem het nie. Wat ek wel kan sê is dat die persone wat toegelaat was om te praat, het na die verhoog toe gegaan.

En ek neem aan weer daarna die verhoog verlaat om na hulle plekke te gaan? -- Ja, dit is normaal om dit te doen, (30)

dat/...

dat hulle dit so moet doen.

Ek wil nie weet of dit normaal is om so te doen nie. Ek wil weet of jy gesien het dat dit is wat gebeur het? -- Maar dit is mos logies. 'n Spreker, na hy gepraat het, kan nie daar bly staan op die verhoog nie, want dit beteken dus waar gaan die ander een kom staan wat later 'n toespraak moet lewer. Hy moet teruggaan.

Jy antwoord nie. Het jy dit gesien of het jy dit nie gesien nie? -- Maar as daar 'n ander spreker kom, is dit maar die gewone ding dat die vorige spreker pad moet gee (10) vir die ander een.

Kan jy my antwoord, ja of nee? Het jy gesien dat die sprekers nadat hulle toesprake gelewer het, hulle plekke gaan inneem het in die gehoor? -- 'n Spreker, na sy toespraak gelewer is, het teruggekeer na sy plek toe waarvandaan die spreker gekom het voor hy na die verhoog toe is.

Was daar nie by hierdie vergadering enige gassprekers wat op die verhoog gesit het en toesprake gelewer het van daar af nie? -- Aangesien ek nie geweet het wat die reëlings was nie, is ek nie in staat om vir hierdie Hof te kan sê wie van (20) die sprekers 'n gasspreker was nie.

In al die tyd wat jy by daardie vergadering teenwoordig was, was daar geen ander spreker nie, behalwe beskuldigde nr. 8 wat die ander mense - daardie ander sprekers se toespraak herhaal het, was daar geen spreker wat van die gehoor af mense toegesprek het as sittende op die verhoog nie? -- Ek kan nie onthou nie, want ek sal u sê die saal was so vol gewees dat die mense selfs daar op die verhoog plek ingeneem het. Daar was net 'n klein plekkie oopgelaat vir 'n spreker. Dus is ek nie in staat om vir u te sê dat daar iemand (30)

spesifiek/...

spesifiek wat bedoel was vir die verhoog enige toespraak gelewer het nie.

Ek vra nie dat jy moet raai nie. Ek vra in jou teenwoordigheid solank jy daar teenwoordig was het jy dit nie gesien nie. Dit is my vraag. Dit is 'n maklike vraag? -- Ek verstaan nou nie die vraag nie, want ek het al reeds vir die Hof gesê ek weet nie wat die reëlings was nie, wie almal eintlik veronderstel was om by die verhoog te sit al is die saal nie vol nie. Dus is ek nie in staat om vir die Hof te kan sê wie van die verhoog af gepraat het behalwe dat ek (10) sê daar was wel mense wat net daar gesit het.

Die geleenthede toe jy die saal verlaat het, het jy ver weggegaan van die saal af of het jy die mense met wie jy 'n gesprek wou gaan voer het sommer net toevallig daar by die saal ontmoet elke keer? -- Die saal is sommer daar by die ander geboue, selfs my woning. So, die plekke is sommer net daar bymekaar. Dit is dus vir my moeilik om te kan sê of ek die mense daar by die saal buite gekry het en of die mense daar in die omgewing was van die ander vertrekke ook nie. (20)

Waar het u hulle ontmoet? Was dit by die saal of was dit by jou huis gewees of waar? -- Die mense met wie ek daar gesprekke moes uitgevoer het, nadat ek die saal verlaat het, van hulle was self in die saal by hierdie vergadering. Daar was wel van hulle gewees wat net buite die saal was. Dus was hulle ook maar in die onmiddellike omgewing van die saal waar die vergadering gehou is.

Presies waar het jy met die mense die gesprekke gevoer? Het jy na die kantoor gegaan of het jy daar buitekant die saal gestaan of het jy met hulle gepraat binne-in die (30)

saal/...

saal of waar? -- Ek het die saal verlaat. Dit beteken dat ek uit die saal uitgegaan het. Met ander woorde, dus het ek met die mense daar buite in die saal gepraat.

Was dit naby die deur van die saal? -- Naby die saal.

Se deur se ingang? -- Nie by nie, maar naby.

Wat beskou jy as naby? Kan jy vir die Hof 'n aanduiding gee en uitwys hier in die hof hoe ver het jy gegaan? -- (Getuie dui distansie aan)

HOF : 10 Meter.

MNR. JACOBS : En van daardie plek waar jy was, kon jy nie(10) sien op die deur van die saal nie? Jy het nie die saal se deur gesien nie? -- Nee.

Op enige stadium, het jy gesien of mense daar aangekom het met 'n banier by die saal of die saal ingegaan het met 'n banier? -- Nee, ek het dit nie gesien nie. (Tolk verduidelik aan getuie wat 'n banier is)

Ek het gehoor jy verwys na papier. Wat het jy te sê gehad van papier? -- (Tolk: Ek wou dit genoem het. Die getuie se beskrywing van 'n banier was waarop iets geskryf is.)

Het jy papiere gesien daar waarop iets geskryf was? --(20) Nee, ek het nie.

In die saal self, was daar nie papiere aangebring waarop iets geskryf was nie? -- Nee.

Jy sien, die getuie in hierdie saak is daar het 'n vrou en paar jong mans daar aangekom met 'n groot banier waarop gestaan het "UDF" en hulle is in die saal in en hy is agter waar die mense gesit het gedrapeer, hierdie banier en hy is vasgehou ook? -- Ek het hulle glad nie gesien nie. Ek het ook nie die banier gesien nie.

As jy dan daar by die saal was hoe is dit dan dat jy(30)

so n opvallende ding, dat mense daar aankom met so n groot banier en in die saal ingaan met die banier, dat jy dit nie sien nie?

MR BIZOS : The evidence both for the State and the defence was that it was at the end of the meeting. Towards the end the meeting. The witness's evidence is that he left before the end of the meeting.

MNR. JACOBS : Op watter stadium het jy daardie vergadering verlaat? -- Op die stadium toe daar nou aangeteken was wat die mense se griewe is wat na Houtkop toe geneem moet word(10) het ek die vergadering verlaat.

Het al die mense toe die vergadering verlaat? -- Nee, nie al die mense het die vergadering verlaat nie.

HOF : Hoe was aangeteken? Was daar notule gehou van die griewe? -- Dit het aan my voorgekom asof hulle besig was om iets aan te teken op n papier as notas van die griewe wat oorgedra gaan word.

MNR. JACOBS : Wie het dit aangeteken? -- Ek kan nie die persoon so goed onthou nie, maar as ek nou reg onthou was dit n persoon wat by Naphtali gesit het. (20)

HOF : Dit is by beskuldigde nr. 8? -- Ja.

MNR. JACOBS : Hoe weet jy dat hy het aantekeninge gemaak van die griewe wat aangeteken word? -- Dit was gesê dat dit nou die tyd is dat dit geskrywe moet word. Dit is hoe ek daarvan geweet het. Want wat gebeur het is die volgende. Die spreker het daar gesê ons het nou gepraat van wat die mense se griewe is. Nou moet dit neergeskryf word. Dit is toe op daardie stadium wat dit geskryf was.

Wie is dit wat so gesê het? -- Een van die sprekers daar wat ek nie kan onthou wie die persoon is nie. (30)

Gaan/...

Gaan h bietjie aan en sê vir ons watter griewe is neergeskryf? Hoe weet jy nou watter griewe is neergeskryf? -- Dit het op die volgende manier plaasgevind. Daar was eers gepraat van die besluite wat geneem is by hierdie vergadering oor wat gedoen gaan word, byvoorbeeld dat daar h wegbly-aksie gaan wees op die 3de. Na die besluite almal bespreek was daar, het hulle toe begin praat van die griewe wat geneem sal word.

Maar dit is wat ek van jou probeer vasstel. Watter griewe is opgenoem wat daar neergeskryf is en wat na (10) Houtkop geneem sou word? -- Die griewe wat daar bespreek was, was die huurgeld, dat die huur te hoog is, dat dit moeilik is vir mense, mense kan dit nie bekostig nie. Dit was eintlik die hoof onderwerp van hierdie vergadering wat ek kan onthou as een van die griewe wat genoem is.

Een van die griewe wat daar genoem was en wat hy daar voor neergeskryf het en wat na Houtkop geneem was is dit is gesê die huurgeld is te hoog. Wat is nog h grief wat daar genoem is en wat neergeskryf is? -- Ek onthou spesifiek van die huur omdat eintlik die meeste van die dinge daar wat (20) gesê was, was met betrekking tot die huur. Dus kan ek hierdie huurstorie duidelik onthou. Daar was wel ander dinge wat gemeld was, wat ek nie so goed kan onthou nie. Dus kan ek hulle nie onthou nie.

Ander griewe wat gemeld en neergeskryf was? -- Ja, maar ek kan nie onthou wat se ander griewe dit was nie.

Ek wil dit aan jou stel dat daar was hoegenaamd op daardie vergadering nie griewe daar getabuleer en neergeskryf wat na Houtkop geneem sou moes word nie? -- Ja, maar daar was besluite daar geneem. (30)

Nee, ons vergeet die besluite. Jy het nou-nou vir die Hof baie duidelik gesê dat die besluite was geneem en toe is dit afgehandel en daarna is begin om die griewe neer te skryf en die griewe te skryf wat na Houtkop geneem moes word. Ek stel dit aan jou dit is nie die waarheid wat jy vir die Hof vertel as jy sê dat mense het daar, nadat die besluite geneem was, voortgegaan en griewe neergeskryf wat daar in die vergadering opgeneem is nie? -- Ek was teenwoordig by hierdie vergadering. Daar was wel melding gemaak van die griewe. Ek kan nie alles woord vir woord onthou wat daar gesê was (10) nie.

En net om duidelikheid te kry oor hierdie griewe finaal, elke grief, was dit uit die gehoor genoem wat dan neergeskryf moes word? -- Ek vra om verskoning. Hierdie voorval het lank terug plaasgevind. Ek het hier my verwar. Toe ek gepraat het van die griewe, het ek altyd bedoel die besluite van die gehoor wat van die gemeenskap af gekom het.

So, het jy dan 'n fout gemaak netnou toe jy vir die Hof gesê het eers was die besluite geneem en toe was die griewe opgeteken. Dit was 'n fout gewees? -- Ja, kyk, die ver- (20) warring het hier gekom, die mense bring die griewe eers uit. Dit word bekendgemaak. Eers na die griewe bekend is, dan word daar besluite geneem. Dit is waar my verwarring gekom het.

GETUIE STAAN AF.

HOF VERDAAG TOT 30 OKTOBER 1987.

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