

I 2.12 Vol 243p 12920-12984

SAAKNOMMER: CC 482/85

DELMAS

1987-06-24

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

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

VOLUME 243

ISMAIL AYOB & ASSOCIATES

COPY

FOR YOUR INFORMATION

(Bladsye 12 920 - 12 984.)

HOF HERVAT OP 24 JUNIE 1987.

TEBOGO GEOFFREY MOSELANE, bevestig verder

MNR. JACOBS : U Edele, al die beskuldigdes is teenwoordig.

VERDERE KRUISONDERVRAGING DEUR MNR. JACOBS : Mnr. Moselane, ons het gister gekom by dat jy daardie protesvergadering bygewoon het in Khotso House wat gehou was deur UDF en AZASO.
-- Ja.

Ek wil dit net aan jou stel op hierdie platform het verteenwoordigers van UDF en verteenwoordigers van AZAPO op h gemeenskaplike platform saam opgetree? -- Ek weet nie. (10)
Al wat ek vir die Hof kan sê is dat beide amptenare van die twee organisasies op die verhoog was. Of hulle nou daar was met die samewerking van albei, kan ek nie sê nie.

Is dit reg dat Oupa Monareng van SOYCO was h spreker op hierdie vergadering? -- Van die sprekers daar is nie aan my bekend nie. Daar was van hulle wat wel aan my bekend was. Wat ek wel kan sê is, daar was mense gewees wat gepraat het, maar wie hulle is, kan ek nie sê nie.

En Munthu Myeza van AZAPO was daar h spreker? -- Ek is daarvan bewus dat hy h lid is van AZAPO. (20)

En dat hy h spreker was? -- Ja.

En beskuldigde nr. 19, Popo Molefe, van die UDF was h spreker op hierdie vergadering? -- Ja, ek weet daarvan.

Mnr. Gene Francis Bell was h spreker op hierdie vergadering? -- Ek is daarvan bewus dat h persoon met die naam van Francis Bell ook daar teenwoordig was. As ek reg is, die persoon is h predikant.

HOF : U het gister gemeld dat die vergadering se datum 29 Oktober 1983 is. Volgens my is hierdie vergadering se datum 3 November 1983. (30)

MNR. JACOBS/...

MNR. JACOBS : Dit mag wees. Ek onthou daar was n fout. Ek het nie die korrekte een nie. Kan u presies onthou wanneer was die vergadering? -- Al wat ek kan onthou is dat die vergadering in die jaar 1983 was. Wat die presiese datum is, weet ek nie.

Kan u onthou dat eerwaarde Frank Chikane van UDF daar n toespraak gelewer het? -- Ja.

En dat Herbert Barnabas van SAAWU die vergadering toegesprek het? -- Ek ken nie daardie persoon nie.

En Tigo Moseneke van AZASO, het hy die vergadering (10) toegesprek? -- Ek ken hom nie.

En Sipho Radebe van CUSA dat hy die vergadering toegesprek het? -- Ek ken nie daardie persoon nie.

Brendon Barry van NUSAS, kan jy hom onthou? -- Ek ken hom nie.

Hoe het dit gekom dat jy die vergadering bygewoon het? -- Ons kerk se kantore is in daardie gebou. So, ek het my vrou soontoe geneem vir doeleindes van die Mothers Union se doen en late. Ek het haar daar gelaat en ek is toe iewers heen. Met my terugkoms om haar op te tel, het ek gevind (20) dat sy nie daar is nie. Ek het toe verneem dat daar n biduur gehou is waar mense vergader en toe gedink dat ek haar daar sal kan kry. Dit is onder daardie omstandighede dat ek myself daar by die vergadering gevind het.

HOF : Is dit die biduur waarvan u praat? -- Ja. Ek is toe op soek na haar in hierdie saal in soos mense nou daar ingegaan het met die oog daarop dat sy miskien daar opdaag, maar sy het nie daar opgedaag nie. Eers na die biduur klaar was het ek teruggekeer na die voertuig toe. Met my aankoms by die voertuig het ek haar by die voertuig gevind. (30)

MNR. JACOBS : Toe jy, soos jy dit noem, by die biduur kom en jou vrou nie daar is nie, het jy toe nie verder gaan soek na haar nie? -- Ek sê waar ek haar gaan soek het, was die kantoor toe gewees. Dit wil sê daar was nou niemand gewees daar nie. Ek het dus nie geweet waarheen sy is nie.

En sal u saamstem hierdie was toe nie h biduur nie, maar daar is geen gebede gedoen daar nie? -- Ek kan nie daarmee saamstem nie, want met my aankoms daar was hierdie alreeds aan die gang gewees. Hulle was besig om voort te gaan met wat daar plaasgevind het. Ek sal dus nie vir die (10) Hof kan sê of hulle hierdie met h gebed geopen het of nie. Ek weet nie.

Maar h biduur, dan kry die mense mos die geleentheid om te bid vir ander mense of vir die mense wat dood is soos in hierdie geval. Is dit nie? Jy noem dit h biduur? -- Ek sê toe hierdie in aanvang geneem het, was ek nie teenwoordig nie. Dus is ek nie in staat om vir die Hof te sê hoe dit in aanvang geneem het nie. Met my aankoms daar, was daar h spreker gewees wat alreeds besig was met h toespraak. Dus sal ek nie kan sê nie, want ek was nie een van die (20) mense wat die voorbereidings gedoen het vir die hou van die biduur nie.

HOF : Wat u gesien het daar, sou u sê dit is h biduur? -- Ek is nie in staat om die vraag te antwoord nie, want soos ek sê, dit was al aan die gang gewees toe ek daar gekom het en ek weet nie hoe dit begin het nie.

Sou u sê dat wat u daar gesien het h biduur verteenwoordig, gesien en gehoor het? -- Ek sal sê nee. Ek was self verbaas gewees. Ek weet eintlik nie presies wat daar aan die gang was nie. Dus sal ek nie kan sê wat presies aan die gang (30)

was by hierdie byeenkoms nie.

Wie het gepraat toe u daar gekom het? -- Munthu was die spreker gewees. Munthu Myeza.

MNR. JACOBS : Is dit korrek dat daar was net politieke toesprake gemaak? -- Ja, ek sal sê ja, dit is so.

Sal jy saamstem daar is ook vryheidsliedere gesing daarso? -- Daar was 'n lied wat ek gehoor het wat daar gesing was. tussenin. Ek is nie in staat om vir die Hof te kan sê watter soort of waarom dit gegaan het nie.

Sal jy saamstem daar was ook slagspreuke aanhoudend (10) geskreeu "Amandla" en selfs Tambo, Oliver Tambo se naam? -- Ja, dit is reg.

Ek wil dit aan u stel dat u het gegaan as 'n ondersteuner van die Swartbewussynsgroep, die AZAPO groep na hierdie vergadering toe? -- Dit is nie die waarheid nie. Soos ek alreeds vroeër verduidelik het, Black Movement is nie 'n organisasie nie - Black Consciousness is nie 'n organisasie nie, maar dit is 'n beweging. Hoe kan 'n mens iets verteenwoordig wat nie 'n organisasie is nie?

Ek wil dit aan u stel dat in al die vergaderings wat (20) u hier oor getuig het wat in Augustusmaand en aan die begin van September by u kerk gehou was, was dit ook hoofsaaklik van die kant van die mense wat ondersteuners is van die Swartbewussynsbeweging? -- Dit is nie die waarheid nie, dit het nie so gebeur nie. Ek het alreeds hier vir die Hof gesê dat die vergaderings was eintlik belê as gevolg van die kerk se ondersteuning en die kerkraadsmense het ook hierdie vergaderings bygewoon.

En ek stel dit aan jou, die gassprekers wat jy genooi het na van die vergaderings, van die 19de en dan weer op (30)

die/...

die 2de, was erkende leiers wat aanhangers is van die Swartbewussynsbeweging? -- Ja, al is dit so, hierdie mense was daar gewees as gevolg van die uitnodiging deur my op sekere aspekte en dit is nie by al die vergaderings wat daar belê was dat ek sprekers genooi het nie. Dit is net ten opsigte van twee vergaderings waar ek gassprekers gehad het.

ASSESSOR (MNR. KRUGEL) : Kan ons net helderheid kry met wat jy bedoel met sekere aspekte. Is dit byvoorbeeld - bedoel u byvoorbeeld daarby dat u mnr. Kehla Mthembu genooi het op die 2de om te praat oor assurances? -- Ja. (10)

MNR. JACOBS : Ek wil dit aan u stel dat beskuldigde nr.2 wat ook 'n ondersteuner is van die Swartbewussynsbeweging en van AZAPO 'n prominente rol gespeel het op die vergaderings vanaf die 19de en tot en met 2 September? -- Dit is nie die waarheid nie. Hy het geen belangrike rol gespeel nie.

En ek wil dit aan u stel dat selfs op 2 September het hy sôveel sê daar gehad dat hy sommer kon reël op die 3de moes die mense by jou kerk bymekaar kom? -- Dit is nie die waarheid nie. Hy het nie daardie voorstel gemaak wat gedoen moet word nie. (20)

Ek stel dit vir jou hy kon dit doen omdat jy 'n lid van die komitee van AZAPO was in die Vaal? -- Dit is onwaar.

En dat hierdie vergaderings, reeks van vergaderings gehou was nie soos jy sê omdat die kerk dit gesê het nie, maar omdat julle dit besluit het en julle het dit gedoen, dat julle en AZAPO dit besluit het en julle het dit gedoen ook in samewerking met die ander organisasies in die Vaal? -- Dit is nie die waarheid nie. Ek het al vir die Hof vertel wat my posisie is, dat ek alleen rigting gegee word deur die kerk van my of wat die Bybel sê. (30)

Dan stel ek dit ook aan jou dat hierdie samewerking en hierdie doel van hierdie vergaderings was gewees om die mense in die Vaal, die bewoners daar, op te sweep teen die raadslede, wat uitgeloop het in die onluste wat begin het op 3 September 1984? -- Dit is nie die waarheid nie. Ek het geen deel by enige organisasie wat daar bestaan nie.

Kan u vir die Hof sê, wat dink u, hoe sê u, wat was die oorsaak van die onluste op die 3de?

MR BIZOS : Is the expression of an opinion permissible?

COURT : His state of mind is relevant. (10)

MR BIZOS : As to what he thinks about it?

COURT : Yes. I would not be bound by his opinion. -- Kan u daardie vraag verduidelik? Ek volg nie die vraag nie.

MNR. JACOBS : Ek vra vir jou wat sê jy was die oorsaak van die onluste wat begin het op die 3de? -- Ek weet nie, maar volgens my siening, my opinie, is dat dit was na aanleiding van die polisie wat die mense begin aanval het dat die onluste begin het.

Sal u saamstem die feit dat daar georganiseer was dat die mense almal op die 3de bymekaar moet wees in die hele (20) gebied, het bygedra tot die onluste en was 'n motief vir die onluste?

HOF : Dit is 'n baie swak vraag. Motief het niks met die prys van eiers te doen nie.

MNR. JACOBS : Het bygedra tot die onluste.

HOF : Wat u wil weet is of dit 'n bydraende faktor was, die feit dat mense op sekere punte saamgetrek is.

MNR. JACOBS : Dit is so. -- Ek weet nie wat die vraag is nie. Kan u die vraag vir my verduidelik?

Ek vra of dit ook bygedra het tot die onluste, dat (30)

die/...

die mense saamgetrek was op die 3de, skoolkinders, werkende mense en ander mense in die Vaal, in die woonbuurtes in die Vaal? -- Ek weet nie hoe u dit hier betrek nie, want ons het geen so 'n sametrekking van mense gehad nie.

Sal u saamstem met my dat die raadslede van die Vaal het voor die verhogings van die huur vergaderings gehou in die Vaal en probeer vasstel van die mense wat is hulle behoeftes? -- Ek het nie daardie kennis gehad nie.

U sal nie die getuienis van die raadslede wat hier getuig het dat dit wel die geval is, kan betwis nie? -- (10) U praat van vergaderings wat gehou was deur die raadslede. Ek het net te hore gekom van een vergadering. Dit is die vergadering wat beweer word gehou is op 5 Augustus en op daardie stadium was dit alreeds besluit dat die huur verhoog word. Dit was nie 'n kwessie van dat hulle nog van die gemeenskap wou verneem het oor iets alvorens die huur verhoog word nie.

U kan nie betwis dat voor die begroting het raadslede in hulle wyke vergaderings gehou om die behoeftes van die mense te probeer bepaal met die oog op die begroting nie? (20) -- Ek stem nie saam met dit wat aan my gestel word nie, want dit was alreeds bekend volgens getuienis in hierdie hof gedurende Juliemaand dat die huur verhoog gaan word en op die 5de was daar 'n vergadering gehou en na die vergadering van die 5de is daar aankondigings uitgestuur deur middel van kennisgewings dat die huur verhoog is.

Het u enige van die vergaderings wat in die wyke gehou was op 5 Augustus bygewoon? -- Nee.

So, u kan dan ook nie betwis dat daar vir die mense verduidelik was waarom die verhoogde huur noodsaaklik was (30)

nie/...

nie en dat die mense tevrede was om dit te betaal as hulle daardie dienste kry nie? -- Ek stem nie saam met wat u nou aan my stel nie want volgens Louw se getuienis, as ek nie fouteer nie, moes die kennisgewing aangaande die verhoging van huur alreeds uit gewees het by die dag van die 5de.

U weet glad nie wat op die vergaderings plaasgevind het wat die raadslede gehou het op die 5de nie? -- Behalwe wat hulle hier getuig het, nie, maar hulle het hier getuig.

Dan wil ek dit ook nog aan u stel dat die Raad het nog verder gegaan en in die kennisgewing het hulle ook aan (10) die mense die redes vir die verhoging duidelik gemaak, ver wysende na BEWYSSTUK AAQ19(i)? -- Kan ek daardie bewysstuk sien?

HOF : U ken mos die bewysstuk. Dit is 'n kennisgewing wat u gekry het van die Stadsraad se kant af, maar u kan maar daarna kyk. -- Ja, ek ken hierdie een. Wat is die vraag?

MNR. JACOBS : Ek sê die Raad en die Stadsraad het ook in hierdie kennisgewing die redes uiteengesit vir die huurverhoging? -- Ek stry nie daarmee nie, maar wat ek wel sê is dat as u na hierdie dokument kyk, BEWYSSTUK AAQ19(i) is (20) dit duidelik dat die mense alreeds 'n besluit geneem het, want die eerste sin op hierdie dokument maak dit duidelik dat dit alreeds in Juniemaand besluit was.

Dit is korrek, maar hulle het vir julle die redes gegee hoekom dit verhoog moet word? -- Ja, 'n mens moet eers met die gemeenskap praat en die gevoelens van die mense kry om in staat te wees om te kan bepaal of die mense nou finansieel in staat is om dit te bekostig.

En ek wil dit aan jou stel dat die Raad het dit gedoen maar jy was so antagonisties teen die Swart plaaslike (30)

besture/...

besture dat jy nie eers die moeite gedoen het om te gaan na die vergaderings wat die raadslede gehou het met hulle mense in hulle wyke om vas te stel wat is hulle behoeftes en hoe voel hulle oor verhogings nie? -- Dit is nie die waarheid nie. Ek het alreeds hier gesê ek is n man van vrede en tweedens, Sondag is die dag wat ek my werk moet uitvoer en pligte uitvoer. Dus hou ek dienste en doen die nodige wat gedoen moet word.

Impliseer jy met jou antwoord dat jy gaan nie na vergaderings toe op Sondaie nie? -- Ek praat in die tyd van (10) die dienste wat gehou word in die voormiddag.

In hierdie selfde kennisgewing, BEWYSSSTUK AAQ19 is dit ook duidelik dat die Raad het eintlik so ver gegaan het om die mense te help dat hulle n deel van die begrote koste gesubsidieer het? -- My antwoord daarop is ek weet nie, want ek gaan nie na die vergaderings van die Raad nie en hulle kan dit sê, maar ek kan dit nie bevestig nie. Ek weet nie daarvan nie. Selfs u is besig om die raadslede te ondersteun terwyl u niks eintlik meer weet van hulle nie.

Hoekom die aanval op my? -- Dit is nie n aanval nie. (20) Ek het hier vir die Hof vertel aangaande myself, wat hulle alles aan my gedoen het en wanneer. Volgens u sê u dit is nie die waarheid nie.

Ek wil dit dan aan u stel dat hierdie hele - die raadslede kon absoluut niks goeds doen in julle oë nie en daarom was daar georganiseer teen hulle om die mense in opstand te bring teen die Raad en die mense op n landswye basis in opstand te bring teen die Raadstelsel? -- Dit is nie die waarheid nie. Ek het alreeds hier vir die Hof gesê dat daar in my gemeente mense is wat op die Raad dien as raadslede. (30)

Nie/...

Nie net as lede van die gemeente nie, maar hulle dien in die kerkraad ook.

Op vergaderings wat deur jou beheer was, was hierdie kerkraadslede van jou, as ek die getuienis reg verstaan en hierdie lede van jou gemeente wat op die Raad dien, aan die gehoor voorgestel in die algemeen as "sell-outs", "puppets" van die Regering en ander skelname? En selfs ook honde, dat hulle die Regering se opdragte uitvoer? -- Ek het hier verduidelik wat gebeur het by ons vergaderings en wat die houding van die vergaderings was. Dit wat u nou sê en dit (10) wat u nou aan my gestel het, stem ek nie mee saam nie.

Ek stel dit aan jou dat hierdie raadslede wat jy nou so voorgee wat lede van jou kerk is, hulle is op vergaderings ingesluit by alle raadslede wat genoem was "puppets", wat genoem was "sell-outs", wat genoem was honde van die Regering wat hulle baas se opdragte uitvoer en jy het niks gedoen om dit te keer nie? -- Ek is daarvan bewus dat daar mense name genoem word hier en ek stem nie saam met die woorde wat hier genoem word dat die name op hierdie persone gebruik was nie en ek het dit hier duidelik gemaak dat dit nie die posisie (20) was nie en dit is duidelik volgens die transkripsie wat my houding was, wat my standpunt is, dat die dinge volgens die gereg gedoen moet word.

HOF : Het dit nie vir u n onmoontlike situasie op die kerkraad geskep as u n belangrike figuur is op n vergadering wat die kerk reël en op daardie vergadering word onder andere kerkraadslede gekritiseer nie en dit word in die kerk gesê dat daardie kerkraadslede uit hulle amp as raadslede moet bedank? -- Ja, ek verstaan dit, maar laat ons nou die vergadering in hierdie lig sien wat die verloop van die vergadering was/... (30)

was en wat die houding van die vergadering is. Daar is natuurlik altyd mense wat dinge bybring by enige vergadering wat eintlik nie op hierdie vergadering van toepassing is nie. So, op die manier moet mense daarop gewys word en opleiding gegee word hoe om dinge te doen by 'n vergadering.

Dit is nie wat ek aan u stel nie. Ek stel aan u dat van amptelike kant, dit wil sê nou van die sprekers wat aangewys is se kant was daar kritiek op die raadslede en daar was 'n mosie aanvaar in u kerk op u vergadering, u sê die vergadering is van kerkweë gereël, dat die raadslede moet (10) bedank. Daaronder val ook kerkraadslede. -- Daar was veronderstel gewees om 'n vergadering te hou na hierdie vergadering. Dit wil sê dit was 'n vergadering om verslag te doen aan die kerkraad. Dus na die verslag sou die kerkraad dan 'n opinie uitgespreek het wat hulle standpunt is na aanleiding van die verslag wat gedoen word. Eintlik sien ek dit nie as 'n vernedering van die Raad nie. Al wat ek sê is dat die mense het 'n beroep gemaak en in hierdie beroep het hulle 'n versoek gerig en die mense het toe gesê as daar nie gereageer word op die versoek wat hulle gerig het nie, sal hulle later (20) besluit wat gedoen gaan word.

MNR. JACOBS : Ek wil net een aspek nog met u behandel kortliks. Jy het vir die Hof gesê toe die Soweto Action Committee gestig is, moes hulle die werk van die Committee of Ten voortsit? -- Ja, ek hoor.

Ek wil aan u stel as u vir die Hof sê u weet nie wat die werk of die doeleindes van die Committee of Ten was wat julle moes voortsit nie, dan vertel jy 'n onwaarheid aan die Hof? -- Ek praat die waarheid. U moet nou onthou dit was nie vir 'n lang tyd gewees nie. (30)

Dit/...

Dit kan nie die waarheid wees nie, want as 'n mens gekies word in 'n aksiekomitee spesifiek om die werk van 'n ander liggaam voort te sit en uit te voer dan moet jy mos weet wat is die werk wat jy moet voortsit en wat jy moet uitvoer? -- Ja, ek het nie geweet wat eintlik alles die pligte was van die Committee of Ten nie. Ons moes eers gaan sit het en dit bestudeer het om kennis op te doen van wat gedoen moet word.

Moet 'n mens nie voordat jy so 'n aksiekomitee stig al weet wat is daar, dat daar 'n behoefte is vir 'n aksiekomitee(10) om voort te gaan daarmee voordat jy hom nog stig nie? -- Dit is nie altyd so dat 'n mens eers behoort te weet wat alles gedoen moet word alvorens hy 'n ander komitee stig nie. Wat gebeur is, byvoorbeeld as ek nou Kaapstad toe moet gaan en ek was nog nooit daar gewees nie, om te weet hoe om in Kaapstad uit te kom, sal ek na die kaart moet kyk om my pad te vind. Dus, dit is wat sou gebeur het daar.

Sal u saamstem dat die aksie wat die Committee of Ten daardie tyd mee besig was was om te aggiteer teen die verbanning van die verskillende organisasies en nou wil ek (20) dit stel Black Consciousness organisasies wat ondersteuners is van Black Consciousness wat toe verban is? -- Ek weet nie hoe u dit so aan my kan stel nie. Ek verstaan nie. Sal u dit asseblief vir my dit verduidelik, want ek het alreeds gesê ek was nie 'n lid van die Committee of Ten nie.

Die werk wat julle voortgesit het van die Committee of Ten en waarmee dit op daardie stadium besig was, was met aggitasie teen die verbanning van die Swartmagorganisasies die hele klomp van hulle en ook tydskrifte in die ban te doen.

HOF : Swartbewussyn.

(30)

MNR. JACOBS : Swartbewussyn en ondersteuende organisasies?

-- Nee, ek stem nie saam met die stelling nie. Die Committee of Ten het alreeds bestaan in die tyd wat hierdie organisasies van die filosofie van die Swartbewussyn verban is.

Is dit jou antwoord? -- Ja, ek sê die Committee of Ten het alreeds bestaan in daardie tyd van die verbanning en tweedens, ek het dit alreeds aan u verduidelik aangaande die "action committee".

Ek wil dit aan u stel toe u gearresteer was daar vir die optog, was die optog ook gehou in aggitasie teen die (10) verbanning van die Swartbewussyn ondersteunende organisasies?

-- Ek verstaan dit nie, want wat ek wel van weet is dat ons was predikante gewees. Ons het niks te doene gehad met hierdie organisasies wat aanhangers is van die Swartbewussyn nie.

Wat sê jy, hoekom het julle as predikante dan n optog gaan hou waarvoor jy gearresteer was? -- My antwoord daarop is dat ons het nie so opgetree omdat ons aan n organisasie behoort het nie. Ons het dit gedoen in die hoedanigheid van predikante.

Antwoord asseblief my vraag? -- Miskien het ek nie die (20) vraag verstaan nie. Herhaal die vraag?

My vraag aan jou is, wat sê jy is die rede hoekom het julle as predikante daardie optog gehou waarvoor jy gearresteer was? -- Dit het ons gedoen met die oog daarop om n beroep te doen wat in n dokument bevat was dat die leiers van die Swartmense vrygelaat moet word.

Watter leiers? -- Van hierdie organisasies wat in hegtenis geneem was.

As u nou praat van hierdie organisasies, is dit nou die organisasies wat Swartbewussyn ondersteun en wat toe (30)

verban is?

MR BIZOS : I think we have had this before. Can we not just refer to the organisations banned on 19 October 1977 because they were not only Black Consciousness organisations?

MNR. JACOBS : Goed, ek sal dit so aanvaar. Vir al die organisasies insluitende die Swartbewussynsorganisasies wat dit steun? -- Ja, maar ek verstaan nie hoekom u dit so aan my moet stel nie, want my verstandhouding van wat daar gebeur het was, ongeveer agtien of negentien organisasies was verban gewees en nie almal van hierdie organisasies (10) is van hierdie filosofie van die Swartbewussyn nie. Daar is ATASA en ander organisasies wat ook daar betrokke was.

HOF : ATASA? -- Nee, ek maak 'n fout met ATASA. Ek wou gesê het die onderwysers se organisasie wat daar betrokke was. Ek weet net nie wat die naam is nie. The Christian Institute, iets soos dit en nog ander organisasies, maar dit is nie 'n kwessie van dat al hierdie organisasies BC organisasies was nie.

MNR. JACOBS : Destyds was dr. Motlana die voorsitter van die Committee of Ten? -- Ja. (20)

Was hy ook in aanhouding gewees tydens toe julle die Soweto Action Committee gestig het? -- Ja, maar kyk, wat daar gebeur het was, dit was net 'n gedagte gewees van mense dat daar 'n komitee gestig moet word wat bekend moet staan as Action Committee wat dan as opsigters sou opgetree het, maar daar was nog nie 'n grondwet gewees nie. Dus dit was net 'n gedagte gewees, al was daar 'n "steering committee" gewees.

Ek dink nou maak jy bietjie 'n fout. Daar was 'n komitee gekies. Dit het nie net by 'n gedagte gebly nie. Daar (30)

was/...

was h komitee gekies? -- Ja, dit is mos wat ek sê as ek praat van h "steering committee".

En dr. Motlana, ken jy hom goed? -- Hoe goed?

Ek vra vir jou? -- Ek ken hom as dr. Motlana.

Ken jy hom goed of ken jy hom nie goed nie? -- Nee, u moet eers vir my beskryf wat bedoel u met goed.

HOF : Nee, antwoord die vraag. -- Ek ken hom as dr. Motlana.

MNR. JACOBS : Jy is nie bereid om vir ons te sê jy ken hom òf goed òf nie goed nie? -- Ek ken hom as dr. Motlana van Soweto wat h mediese praktisyn is in Soweto. (10)

HOF : Uit die koerant uit? -- Ja.

Is dit al? -- Ek was al by sy spreekkamers gewees waar ek die kinders heen geneem het. Toe die Action Committee nou daar tot niet verklaar was, het ek hom ontmoet.

MNR. JACOBS : Ken jy hom persoonlik? -- Ek ken hom op hierdie manier soos ek alreeds beskryf het op daardie distansie.

En jy het ook geweet dat hy in die tyd van Mandela saam met Mandela was, hulle was lede van Youth League van die ANC? -- Nee, as u praat van die kennis wat h mens het, moet (20) u dit verduidelik, of dit nou die kennis is wat h mens van gelees het en of dit die kennis is dat h mens dit persoonlik gesien het of dat die persoon iewers saam met jou was.

HOF: Waarom sê u nie "Ja, ek het dit geweet, maar ek het dit êrens gelees" nie? Dan is die antwoord klaar. Hoekom moet ons so sukkel? -- Ek het gesê my kennis het ek opgemaak as gevolg van lees. Nou wil die advokaat hê ek moet sê watter kennis ek wanneer opgedoen het.

MNR. JACOBS : Is dit jou antwoord op my vraag? Gaan jy hom nie antwoord nie? -- My antwoord op die vraag is ek (30)

het/...

het so gelees.

RE-EXAMINATION BY MR BIZOS : Father Moselane, at the time of 12 August 1984 after the meeting was held in your church, were there any of the wardens of your church present at the meeting of the 12th as far as you remember? -- Yes.

Did anyone of them complain about how this meeting was conducted or any of the decisions that were taken there? -- No, none.

Did they ever complain about any of the other meetings or the manner in which any of the other meetings were (10) conducted? -- No.

Did any of your wardens attend the other meetings, that is the 19th, the 26th or the 2nd? -- Yes, they were present at these meetings including the parish councillors. They were also present.

COURT: Will you differentiate for me between a parish councillor and a warden? I have forgotten by this time.-- A parish council is made out of a certain number of people. As I said earlier in my evidence that our parish council in Sharpeville was with a membership of sixteen of which (20) were three church wardens. Of the sixteen members which are forming the parish council, three are church wardens and then from the sixteen we have these portfolios. The secretary is just an ordinary member of the parish council, the treasurer, myself. We form the executive.

MR BIZOS : I myself was not very clear and for that reason I will repeat one of my questions with a slight variation. Were the members of the church council present? -- Yes.

We also know from the various exhibits that some publicity was given to these meetings and the decisions (30) were/...

were made known in the newspaper reports? -- Yes.

Did any member of the church council come to you during August or the very beginning of September 1984 and complained to you about the purpose for which the church was being used at these meetings? -- No.

From the other aspect as a result of this publicity, did either your archdeacon or dean or bishop complain to you about the youth of the church for the purposes published? -- No.

I think you did answer this this morning, but I just (10) want absolute clarity on it. The call for the resignation of the councillors, was that an unconditional call for resignation or a conditional call for resignation? -- It was a call made with some conditions that on condition that the rent is not increased, they do not resign. Otherwise the call is that they should resign.

COURT : I understood the chairman, Mr Hlubi, at the meeting of the 26th to say that we decided that we do not want any councillors at all? -- That is true, that is correct, but with the condition that a request is being made that the (20) rent should not be increased.

MR BIZOS : Was that a decision on the meeting of the 12th? -- Yes.

And as far as you were concerned, was that decision never changed? -- No, it was not.

You told us that at the meeting of the 12th Mr Nkabinde was there? -- Yes.

The newspaper person. -- Yes.

It appears in his report that he refers to an Anti-rent committee? -- Yes.

(30)

Did/...

Did you give him this name? -- No.

Did you have any strong objection to being called an anti-rent committee? -- No, I did not. What I can add to that is that it is not me who gave him that name. He himself decided on that.

And I also see in various reports that you are sometimes called an ad hoc committee, you are sometimes called a chairman and you are sometimes called the acting chairman. Did you give any of these persons any of those offices? -- No, did not. (10)

Reference was made to document AAQ19 where there is at the obverse side, the second made of it, a - is it still there, where they refer to salaries? -- Yes, I have got it.

Where it says that part of the increase is for salaries, did any - how was that understood by you or other people as far as you know?

COURT : Will you put the question in two parts. I would like to know what he understood by it, not what others understood by it, unless he knows.

MR BIZOS : How did you understand that reference to salaries? -- I understood it to mean that there was going to be some increment on the salaries of the councillors. (20)

COURT : But that states maintenance and upkeep of roads? -- But there is something written about increased salaries and miscellaneous.

It states "Account." There are three accounts mentioned. The water, electricity and other services account, maintenance and upkeep of roads account and the capital account. There are increases in those accounts. The reason for the increase is given in the case of water, electricity and other services, (30) increased/...

K790

increased prices and maintenance costs. In the case of the account maintenance and upkeep of roads, increased salaries, vehicle costs and miscellaneous expenses. How could you connect the increase of salaries of councillors to the maintenance and upkeep of roads account? -- What I mean is that I understood it to mean that there was going to be some increment on salaries.

Of whom? -- Of the employees of the council, the council itself? -- That is what I understood it to be.

Of the employees of the council or of the council or (10) of both? -- Of both.

On what do you base that? -- Face value on what is written there, there is going to be an increase on the salaries. That is just raw as it is put there. That is what I took it to be.

MR BIZOS : Do you know whether you were alone in this perception, whether it was correct or not, during August 1984? -- No, it was not myself only. Other people as well were thinking in that line.

COURT : Did you discuss with anybody the meaning of item 2(20) on the back part or AAQ19, maintenance and upkeep of roads, increased salaries? -- Yes, with the members of my parish.

When? -- During that month when they came to my residence or at times when I had gone out visiting them.

MR BIZOS : Do you recall whether after the meeting of the 19th you had any discussions with Mr Raboroka, the newspaper man? -- I cannot recall having anything to discuss with Raboroka.

Do you recall whether you told Raboroka, whether or not any of the people ... (Mnr. Jacobs kom tussenbei) (30)

MNR. JACOBS : Maar die getuie het dan gesê hy kan nie onthou dat hy n "discussion" gehad het met hom nie.

MR BIZOS : But that is general, I want to put it specific.

COURT : Well, are you leading something? Did he speak to Raboroka? If he did not, he could not have told him anything.

MR BIZOS : No, he said "I do not remember whether I spoke to Raboroka." In order to make absolutely sure ... (Court intervenes)

COURT : Let us just get clarity on the answer. Did you or (10) did you not speak to Raboroka after the meeting of 19 August? -- I cannot recall that.

MR BIZOS : Do you recall whether or not you told him in what capacity or capacities any of the persons who spoke there were there? -- No.

Did you follow what accused no. 1 had to say at the meeting of the 19th well? Did you follow it well? -- No.

Any reason for that? -- The reason being that the Xhosa he, accused no. 1, spoke, I did not understand.

You have already told us that you were not present at (20) the commencement of the meeting of the 26th? -- Yes.

Do you know whether it started on time? -- No, I do not know.

Or precisely when it might have finished?

COURT : When it might have finished?

MR BIZOS : When it did finish.

COURT : Was he not there when it finished?

MR BIZOS : No, no, I am sorry, and precisely at what time it finished? -- No, I do not know.

Was the meeting of the 2nd a long meeting, 2 September (30)

1984? -- No.

Was there any special reason for that? -- Yes.

What was it? -- Because I was supposed to have gone to Johannesburg to attend a synod. It was the opening of the synod.

The meeting of councillors on 5 August, we can work out that it was a Sunday, do you know at what time the meeting of the councillors was held on the 5th? -- What I know is, it was before noon.

What do you do before noon on Sundays? -- I am then (10) doing services.

It was put to you yesterday that you refused to lay a charge against anybody ... (Court intervenes

COURT : In connection with what?

MR BIZOS : In connection with the events of the 3rd, the night of the 3rd?

MNR. JACOBS : Ek glo nie dit is heeltemal korrek gestel nie. Ek dink die stelling was gemaak dat hy het geweier om 'n formele verklaring te maak vir die opening van 'n dossier.

MR BIZOS : The record will speak for itself, but I can under-(20)stand My Learned Friend's concern.

MNR. JACOBS : Dit is belangrik dat die regte dinge aan die getuie gestel word as mnr. Bizos wat ek aan hom sou gestel het nou wil gebruik in herverhoor. Dit is nie 'n kwessie van "the record will speak for itself" nie. Die korrekte stellings moet gemaak word.

HOF : Daar is gestel, mnr. Bizos, no formal statement was made. He refused to make a formal statement for the purpose of opening a docket.

MR BIZOS : Did you deliver this? -- Yes. (30)

To/...

To whom did you deliver it? -- Captain Horn.

Did you personally deliver it to him? -- Yes.

After you delivered it to him, did you see him again?
-- No. I handed this over to him on a Friday and I was
detained the Sunday.

I want to refer you to paragraphs 13 and 14 of DA12.
"I according hereby lay a charge of assault and malicious
injury to property against the parties responsible and
request the South African Police to investigate the matter
so that criminal proceedings can be instituted. I appreciate(10)
the concern of the Minister of Police in referring the matter
to you for investigation. I have shown Captain Horn the
damage to my house and my property. I request that active
steps be taken by the police to repair the damage or to com-
pensate me. In the hope that something positive will be
done, I do not propose at this stage to send any formal letter
of demand to the police." Did Captain Horn perhaps ever
come to you after this and say "Well, even at the direction
of the Minister of Police we cannot accept a complaint in
this form"? (20)

COURT : Why do you ask this question? The answer is Captain
Horn never came back. So, you have got your answer.

MR BIZOS : Thank you, My Lord, I have no further questions.

ASSESSOR (MNR. KRUGEL) : By die vergadering tussen lede van
die Raad, amptenare van die Raad en die predikante op 8
September was daar getuienis onder andere van brigadier
Viljoen dat een van die punte wat bespreek was, het te doen
gehad met n eis, as ons dit so kan stel dat huur verminder
moet word? -- Ja, dit is wat ek onthou wat daar gebeur het.

Wie se voorstel was dit dat die huur verminder moet (30)

word/...

word? -- Ek kan nie meer so goed onthou nie, maar dit was een van die mense saam met wie ons daar was, die verteenwoordigers.

Was die voorstel ooit by 'n vergadering met die gemeenskap bespreek? -- Wanneer nou? Op watter stadium?

Wel, voor die vergadering van 8 September? -- Ek weet nie.

U het in antwoord op mnr. Bizos netnou maar gesê dat by die vergadering van die 12de is besluit dat huur nie verhoog moet word nie en daardie besluit is nooit verander nie? -- (10)
Ja.

Wat was die eis, tot watter bedrag moet die huur verminder word? -- Wat ek nog onthou wat ek gehoor het by hierdie vergadering van 8 September waar melding gemaak is aangaande die vermindering van huur, was die voorstel dat die mense van die Vaal se huur is heelwat hoog en dus was daar 'n voorstel gewees dat dit afgebring moet word. Dit wil sê verminder word na 'n bedrag. Ek onthou dat daar R40,00 gemeld was in hierdie voorstel en ook 'n bedrag van R30,00 was gemeld.

Dit was by daardie vergadering genoem, R30,00 ook? -- (20)
Ja.

U sê u kan nie onthou wie het die voorstel gebring nie? -- Ja, want daar is van die mense wat daar teenwoordig was wat nie aan my bekend was nie.

Was dit een van die predikante? -- Ek onthou nie wie die persoon is nie.

Of was dit een van die raadslede? -- Nee.

Hoe het u self gereageer op die voorstel? -- Ek het nog geen opinie op daardie stadium gevorm nie. Die rede daarvoor was omdat ek nog nie kennis opgedoen het van wat (30)

presies/...

presies gebeur nie, in die sin, daar was alreeds 'n vergadering gehou te Sharpeville sowel as Sebokeng, welke vergaderings ek nie geweet het wat die houding van die vergaderings was nie. Indien dit natuurlik daar vir my nodig was dat ek 'n opinie moes uitspreek, sou ek gesê het dat ek daarmee saamstem dat die huur verminder word.

Sê u u het gehoor van vergaderings in Sebokeng en? -- Sharpeville.

En wanneer was die vergaderings? -- As ek reg is op 5 September. (10)

By altwee plekke? -- Nie op dieselfde dag nie, maar dit was brigadier Viljoen se getuienis hier in die hof dat hulle vergaderings gehad het by die twee plekke, naamlik Sharpeville en Sebokeng.

HOF : Nee, maar wag net so 'n bietjie. Ons wil nie weet wat u agterna gehoor het in die hof nie. U word gevra oor wat u daardie tyd gesê het en daardie tyd geweet het? -- Eers na die vergadering van 8 September het ek dit te hore gekom dat daar van die twee vergaderings gehou was.

ASSESSOR (MNR. KRUGEL) : Waaroor? -- Van wat ek gehoor het (20) is die inwoners na die kantore toe te Sharpeville. Wat Sebokeng betref, weet ek nie waar die mense vergader het nie.

Maar waaroor het die vergaderings gegaan? Wat het u gehoor? -- Wat ek gehoor het is dat die inwoners van Sharpeville graag wou geweet het waar ek destyds was, want ek het nie in Sharpeville gewoon nie. Dit was dat hulle miskien gedink het dat ek gearresteer is en of dit te doene gehad het met die huur.

Ek wil nou nie vir u onderbreek nie, maar ons dwaal (30)

nou/...

nou af van die punt wat ons nou mee besig is. Kan ek net vir u terugbring. Het u enige kennis gekry dat daar by vergaderings aangedring was op 'n vermindering van die huur voor hierdie vergadering van 8 September? -- Ek het gesê nee, ek het eers na die vergadering van die 8ste daarvan verneem en ek het ook nie gehoor dat daar aangedring was daarop nie.

Ons het ander getuienis hier in die hof gehad dat die situasie later ontwikkel het dat mense gesê het hulle betaal geen huur nie? -- Ja, by daardie tyd was ek al in hegtenis(10) gewees.

Maar kan u onthou wat gebeur het by die vergadering van 8 September? Brigadier Viljoen se getuienis op bladsy 3 383 in volume 64 ongeveer daar rond, ek sal nou vir u sê, taamlik onder aan die bladsy is dat tydens die bespreking van die punt dat huur nie verhoog moet word nie, maar dat die huur verminder moet word, is probeer om verduidelikings te gee en dan bo-aan die volgende bladsy "Terwyl die punt onder bespreking was het die afgevaardigdes van die gemeenskap vir 'n kort verdaging gevra." Kan u dit onthou? -- Wat ek(20) onthou wat daar gebeur het was terwyl hierdie vergadering aan die gang was, het mense in en uit die vergaderplek beweeg en op 'n stadium het Mahlatsi versoek dat daar 'n verdaging geneem moet word.

Ja, dit was aan die brigadier gestel, maar sy getuienis is dat dit die verteenwoordigers van die gemeenskap was wat vir die kort verdaging gevra het? -- Ek kan nie so goed onthou nie, maar wat ek wel kan onthou is dat daar 'n verdaging was.

Die bewysplaas vir hierdie stelling is op bladsy 3 461 (30)

in/...

in Volume 66 by lyn 25 ongeveer. Daar was n verdaging en na die verdaging verby was, nadat hulle teruggekeer het, sê die brigadier, is gesê dat dit geen doel dien om met verdere besprekings voort te gaan nie en hy sê hy herinner hom dat dit u was wat so gesê het? -- Ja, hy het net hierso iets weggelaat van wat ek gesê het. Dat ek gesê het dit help nie dat ons nou voortgaan met hierdie vergadering daar nie, terwyl ons nie met mekaar ooreenstem en verstaan die punt van die huurverhoging wat ons bespreek nie, want dit word nie hier gesê dat dit gaan verander nie. (10)

Ja, sy stelling is n bietjie anders. Hy sê dat u standpunt was dat dit geen doel dien om met die besprekings voort te gaan voordat die raadslede nie bedank het nie? -- Nee, dit is nie die waarheid nie. Ek kan goed onthou wat ek daar gesê het. Dit is nie wat ek gesê het moet gebeur nie.

Kan u onthou wat tydens die verdaging bespreek is oor die vermindering van die huur? Dit is nou tussen die lede van die afvaardiging van die gemeenskap? -- Wat ek onthou is dat daar n versoek gerig moet word dat die gemeenskap eers ingelig moet word deur die afgevaardigdes van wat in (20) hierdie vergadering plaasvind.

Ek sê weer ek gebruik die woord eis losweg, u eis dat die huur verminder moet word na R30,00. Is dit bespreek tydens die verdaging? -- Ek kan nie onthou nie.

FURTHER RE-EXAMINATION BY MR BIZOS : Do you recall whether the Reverend Dan Potolo was there? -- Yes.

Do you remember whether he said anything? -- Yes, I do remember him saying something.

What? -- What he said as far as I remember is when he was questioning the attitude of the meeting saying why (30)

is that here the only person speaking is Mahlatsi?

Can you recall anything else that he said? -- No, I do not quite remember.

Do you recall whether you yourself addressed yourself directly to Mr Mahlatsi? -- Yes.

Do you recall what he said? -- What I said was, it is not only the people, the community of the Vaal who are being affected by what happened. The whole country is in fact feeling bad about it, but things can be brought to normal through discussions. (19)

What was the overall purpose of this meeting of the 8th? -- The purpose of this meeting as far as I know and from what I heard was to discuss the question of rent and what happened.

What happened on the 3rd and 4th? -- Yes.

Can you recall as to whether you said anything about what had happened to you? -- Yes.

What did you say? -- I had something to say about that as a result of what Mr Mahlatsi said, saying that they are not people who are involved in violence or violent people, (20) they are peaceloving people, as a result of which I said no, he is not telling the truth, because they are the people who came to attack me on the evening or the night of the 28th.

VERDERE KRUISONDERVRAGING DEUR MNR. JACOBS : Mnr. Moselane, ek wil dit aan u stel, die doel van hierdie vergadering van die 8ste was nie om oor die huur te praat nie. Is dit reg? Die doel van daardie vergadering stel ek aan u as gewees dat daardie vergadering was - daarom was die polisie daar, die Raad daar en afgevaardigdes daar - om te kyk of die (30) geweldpleging/...

geweldpleging tot h einde gebring kan word. Dit was die doel van daardie vergadering? --Nee, dit is nie korrek nie. Die kwessie van die huur was ook daar betrokke gewees, want op h stadium het mnr. Mahlatsi gesê dat hulle nog van plan was en die huur gaan verhoog word.

En ek wil dit stel dat jy is so behep met die raadslede dat jy sommer enige tyd nou net aantygings maak. Hier waar mense kom probeer vrede maak, kom jy nou weer met stories dat raadslede is gewelddadig, want hulle het jou gedreig op h sekere stadium? -- Nee, dit is nie die waarheid nie. Ek (10) het hier vir die Hof gesê dat h gedeelte of lede van my gemeente bestaan uit die raadslede ook. Niks het met hulle gebeur nie. So, u stelling kan nie korrek wees nie, want ek en daardie raadslede was op goeie voet gewees. Dit kan net nie wees dat u stelling korrek is nie. Ek het ook besoek afgelê by die mense se wonings. Van hulle het my ook voertuie geleen om te gebruik. Ons was goeie vriende gewees met h goeie samewerking.

HOF : Wie het u besoek in Augustus en September? -- Shale.

Wie nog? -- Nzunga het dit bekendgemaak gedurende die (20) vergadering van die 8ste dat hy nie meer daar woon by sy normale woonplek nie, maar hy woon iewers by h ander plek. Dieselfde geld vir Kholisang en Mphulenyane, wie aan my bekend gemaak het dat hy gaan trek om by h ander plek te gaan woon.

Uit vrees? -- Ek weet nie of dit uit vrees was nie, maar hy het net gesê hy wil los en hy trek. Ek het Matjila ook ontmoet. Hy het my genooi om by hom te kuier, ons sal hierdie ding regstel.

Die vraag wat ek gevra het is hoeveel raadslede het u (30)

besoek/...

besoek in Augustus? Wie het u besoek in Augustus en September as predikant of as vriend? -- Dit is die mense wie se name ek nou net genoem het.

Het u by almal aan huis gekom? By Shale, by Nzunga, by Kholisang en by Mphulenyane? -- Wat ek sê is op die 9de het ek Shale by die kerk ontmoet. Mphulenyane en Nzunga het ek by hierdie vergadering ontmoet, want in die loop van daardie week wat net verby was, het ek nie in Sharpeville gewoon nie. Ek het die Vrydag teruggekeer en die Saterdag die vergadering bygewoon. Ek het nie die twee by die huis (10) besoek nie, want hulle het my meegedeel dat hulle nog besig was met die voorbereidings of regmaak van die huise wat beskadig was.

So, die antwoord is in Augustus en September het u nie een van hierdie persone by hulle huise besoek nie? -- Nee, in Augustusmaand het ek by die mense besoeke afgelê. Dit was net in Septembermaand waar hulle vir my redes verstrek het.

MNR. JACOBS : Ek wil net een vraag nog vra of een punt op hierdie aspek. Sê vir die Hof wat het jy op hierdie ver-(20)gadering van die 8ste voorgestel en voorgelê daar positief om by te dra dat die onluste tot 'n einde kom? -- Dit is 'n moeilike vraag. Ek was daar gewees. Dit is 'n aanduiding dat ek wel van so 'n mening was. Dit is 'n moeilike vraag in die sin dat wat daar plaasgevind het, na my mening, nie in 'n uur se tyd opgelos kan word nie, want dit het te doene met mense se lewens.

So, ek moet dan verstaan uit jou antwoord uit dat jy het niks positief op daardie vergadering wat daar gehou is bygedra om die onluste tot 'n einde te bring nie? -- My (30) bydrae/...

bydrae by hierdie vergadering is dat ek die vergadering bygewoon het en daar gebid het en verder sê ek dit is nie moontlik om alles te beëindig wat te doene het net lewe in n uur se tyd nie.

Wat jy wel bygedra het daarso en wat nou soos n paal bo water staan is om nog weer op daardie vergadering in plaas van te kyk hoe om die onluste te beëindig, dat jy die raadslede onder andere weer daar beskuldig het en antagonisties is teenoor hulle? -- Nee, dit is pure leuens.

Jy het dit nou-nou net self gesê, het jy nie, jy het (10) op daardie vergadering weer gesê dat die raadslede is nie mense wat vrede maak nie, hulle is geweldenaars wat jou op die 28ste gedreig het. Dit is dan nou die leuen wat ek aan die Hof stel. Is dit reg? -- Ja, ek sê dit is leuens, want kyk, as die mense iets wil bespreek en dit uitpluis en op n goeie einde kom, dan moet al die waarheid daar uitgebring word, dat almal sê wat alles gebeur het en wat iemand gedoen het om vrede te kry. Net met die waarheid sal n mens daardie vrede kry.

GEEN VERDERE VRAE.

(20)

HOF VERDAAG.

HOF HERVAT.

MR BIZOS : My Lord, before calling the next witness, there is a matter that we want to raise with Your Lordship. It is a matter which in the ordinary course of events we would have thought that we would have been able to sort out with representatives of the State, but unfortunately communication is not very good. We were told on Monday that there was only one affidavit yet to be done which had to be signed in Cradock of the State in relation to the bail, would be here during the early part of this week. Yesterday we (30) were/...

were told that Mr Fick was on his way back to Pretoria and we stood by late yesterday afternoon hoping that they would come so that we could deal with at least part of it last night. Today, for the first time, Mr Fick mentioned to one of our attorneys that they do not know when their papers are going to be ready. I went to Mr Jacobs and I said "Can we please arrange when we can have your papers so that we can look at them and approach the Court in order to fix a time for the hearing of the application." Mr Jacobs told me that he would tell Your Lordship what the position is. I am (10) therefore constrained to ask Your Lordship to put the State on terms. It is important, in our respectful submission, that the bail question should be argued and a decision given before Your Lordship takes the winter vacation. Your Lordship has render our reply and the reason why we took the time that we did, the main reason being that we believed that Your Lordship would be in a better position to decide the bail application if as many of the accused as possible had given evidence. The State has had considerable time for an application for bail. A considerable time to file another (20) set of papers if it is entitled to file one. It is not something that we want to discuss or to take technical objections to. We concede that the situation is fluid. We would submit that the security situation is very much better that it was when the application was first launched and if need be in response to anything that the State has to put before Your Lordship, we are ready - we are waiting for the State's contentions on that issue and we will be able to very quickly put something before Your Lordship.

COURT : What is your estimate, how long will this argument (30)

last/...

last?

MR BIZOS : It should, from our point of view - are argument should not last more than a morning.

COURT : Do you think we are going to complete the argument in two days? The argument of both sides?

MR BIZOS : I think so, yes. I think that two days - I may say, I may give an indication that we do not intend traversing the legal niceties of the matter. We are going to make broad submissions to Your Lordship, but Your Lordship is in a much better position now than any attorney-general or (10) any State representative could decide what this case is about, so that much of which was speculative or information received on affidavits that Your Lordship now is in a much better position to see what this case is about and to gauge what some of the accused are about, much better than any information that may have been put before the attorney-general and I am saying this as an indication that we do not intend - I will be arguing the application before Your Lordship - making it - principles are wellknown and we have certain submissions to make. I have already indicated (20) to Your Lordship that Your Lordship does not live in a vacume, Your Lordship knows what the overall security situation is from ordinary awareness ... (Court intervenes)

COURT : Am I supposed to know sitting as a court of law?

MR BIZOS : On a matter such as a question of bail. We have a situation that responsible ministers thank organisations for the peace that reigned on June, 16th and we have papers before us that the erstwhile general secretary must now allow them bail because of the security situation. If we have to put affidavits in relation to that having (30)

regard/ ..

regard to what the State may have to say, we will put them.

COURT : I was expecting that the bail application would start forthwith. So, I am a bit surprised to hear that there is still a bit of a lag. Let me ask Mr Jacobs. Mnr. Jacobs, wat is die posisie?

MNR. JACOBS : Die posisie was, U Edele sal onthou dat die Staat was gereed om te argumenteer ses maande gelede en die stukke ingehandig. Die aansoek was gebring gewees. As ek reg onthou, as ons die feite net reg kan kry, dit was duidelik te kenne gegee met die Desember 1986 se reses, dat die (10) aansoek gebring sou word die eerste week nadat die hof begin in hierdie jaar. Toe die stukke gekom het, het die Staat sy stukke opgestel en was gereed om te antwoord op daardie aansoek. Dit het nooit gekom vir ses maande - wat daar niks gebeur het in hierdie hof nie. In die ses maande se tyd het die situasie heeltemal verander en daar is verlede week hierso verklarings ingehandig. Ek dink as ek reg onthou dit was verlede week Maandag of Dinsdag gewees. Daar is n hele stel lang verklarings deur die verdediging ingehandig met die bewerings van die omstandighede soos dit nou geld (20) en nie ses maande terug toe die aansoek gedoen was nie. Die Staat is verplig om sekere inligting in te win, verklarings te kry op die huidige situasie. In n week se tyd verwag die verdediging nou dat die Staat moet al daardie omstandighede kry wat moeilike situasies is in hierdie saak wat n besondere saak is en ek het mnr. Fick afgevaardig dadelik, van verlede week af werk hy pal net op die borg. Ek sit hierso by die hof met die kruisondervraging waarmee ek besig was. Ek was van telefoonoproepe afhanklik gewees wat ek oorgedra het aan mnr. Bizos. Dit is aan my oorgedra dit is wat gehoop (30)

word/...

word wat kan gebeur. Dit het nie so uitgewerk nie, dat die goed alles gekry kon word en gereed gemaak kon word vir vandag nie. Met alle respek, dit is nie so maklik soos My Geleerde Vriend sê nie, want die kwessie is die verdediging het verkies om nie met die aansoek aan te gaan in Januarie toe ons hervat nie, maar om dit nou te bring. Ek is jammer om dit so te stel. Dit lyk asof dit so gedoen word op hierdie mate dat die druk dan op die Staat geplaas word sodat die Staat nie die werk behoorlik kan doen nie en ek dink dit is ons plig om die Hof ten volle in te lig van(10) wat die omstandighede is.

HOF : Wel, ek dink niemand kon gedink het dat die kruisondervraging so lank sou geduur het nie. As u kruisondervraging nie so lank sou geduur het nie, sou ons waarskynlik h bietjie meer tyd vir die borgaansoek gehad het ook, maar ons moet die situasie nou neem soos hy is. Dit is hoogs verkieslik dat hierdie borgaansoek afgehandel word voordat ons in reses gaan, want as daar mense is wat geregtig is op borg, dan moet hulle op borg uitgaan voor reses en nie h maand langer sit as dit onnodig is nie. Wat is die situasie(20) nou?

MNR. JACOBS : Die situasie op die oomblik is dat daardie stukke is nog nie heeltemal gereed nie. Ons werk so hard as wat ons kan om dit te kry. Die tweede aspek wat ek ook graag in hierdie verband wil noem is dat ... (Hof kom tussenbei)

HOF : Wag nou net so h bietjie. Wanneer sal die stukke gereed wees? U moet aan my ook dink. Ek kan nie hier die stukke kry op Maandag of Dinsdag en dan met die aansoek begin nie. Ek moet ook die stukke lees. (30)

MNR. JACOBS : Dit is wat ek nou net vir die Hof wou gesê het, die tweede aspek is dié wat alreeds gekry is wat aan my gerapporteer is, is alreeds 'n lywige klomp goed wat deurgegaan sal moet word voor die tyd. My respekvolle submitisie is dat as daar ook nog 'n getuie begin word vandag, dat hierdie getuie kan ek nie onderneem om te sê ek gaan klaar maak met kruisondervraging voor die reses begin nie.

HOF : Wel, ek weet nie wie die getuie is en hoe lank hy gaan duur nie. Ek weet ook nie of daar nie 'n aansoek sal wees om dié getuie maar in die middel af te breek om die (10) borgaansoek af te handel nie. Kom ons los nou maar eers die getuie buite rekening. Ek is nie bereid om te wag tot Maandagoggend om die stukke te kry nie. Dit sal net nie werk nie.

MNR. JACOBS : Ek wou by die Hof aansoek gedoen het om die stukke in te bring, dat ons die borgaansoek afhandel na die reses en dat die stukke gedurende die reses dan volledig aan die verdediging beskikbaar gestel word.

HOF : Nee, ek dink nie dit is goed genoeg nie. Ons moet die ding afhandel voor die reses en ek wil die stukke hê (20) voor die naweek. Ons begin Maandagoggend met die borgaansoek en as ons ondertussen 'n getuie het, dan moet die getuie net eenvoudig oorstaan en oorgeslaan word. Ek wil u stukke hê op Vrydag voordat ek verdaag met middagete. Dit is die laaste wat u kan kry en Maandagoggend begin ons met die betoog.

MNR. JACOBS : Ek mag net sê dat ek weet nie of ek heeltemal met mnr. Bizos saamstem dat twee dae genoeg gaan wees nie, as ek dink aan die volume van die goed wat nou alreeds gekry was.

(30)

HOF/...

HOF : Wel, as ek die goed oor die naweek deurgelees het, hoef u nie elke bladsy vir my voor te lees nie. Dan weet ek wat daarin staan.

- - - - -

MR BIZOS : My Lord, we have deliberately chosen what we hope to be a short witness, Mr Nkoli, accused no. 13. We have given Our Learned Friends notice of that fact.

SIMON TSEKO NKOLI, d.s.s. (Through interpreter)

EXAMINATION BY MR BIZOS : Mr Nkoli, you are now 28 years of age? -- That is so.

And you matriculated with a school leaving certificate?(10)

-- That is correct.

When did you get your school leaving certificate ? -- 1978.

Did you get university exemption or not? -- No, I did not.

Were you satisfied with the fact that you did not get a university exemption? --No, I was not.

Did you do anything about that? Did you continue being a student or did you forget about your further studies? -- During the year 1980 I tried to continue with studying. (20) Because of the lack of funds I could not go on, as a result of which then I went to a school for secretarial courses. This was in Johannesburg.

You have a mother, a brother and a sister in the Vaal?

-- That is so.

To when did you live in Lekoa? --I came to stay in the Vaal in the year 1971 when my parents were residing in Bophe-long. The beginning of the year 1982 I left the Vaal to stay in Johannesburg.

COURT : Soweto? -- No, right in Johannesburg town.

MR BIZOS : Were you at the time of your arrest in employment?

-- Yes, I was.

What work were you doing? -- I was a co-ordinator of the education support program. which was being by the South African Institute of Race Relations.

Before being appointed to this post, what work were you doing? -- I was employed by the South African Institute of Race Relations at the branch Operation Hunger. Prior to my being employed by the Institute of Race Relations I was(10) employed part time. That was due to the lack of places of employment in Johannesburg. I was first employed as a part time employee of the Institute in May 1982 and then it was only in June that I was then taken on permanent basis.

During the period of the indictment in this case, 1983 to 1984, where were you living? -- In Johannesburg.

Did you visit the Vaal whilst you were living in Johannesburg? -- Yes, I used to visit my mother who lives in the Vaal.

And your siblings, are they younger than you are? --(20) Yes, all of them.

How many of them are there? -- There are three in all. I have got a brother and two sisters who are also younger than me.

COURT : Are you married? -- No, I am not.

MR BIZOS : It is alleged against you that you attended the launch of the VCA on 9 October 1983 and so, it is alleged, you delivered a speech at this meeting. What do you say about that? -- That is not true. I was not at all at that meeting.

The evidence of IC.8 was that you were the leader of(30)
the/...

the singers at that meeting. Is that evidence correct?-- No, it is not correct. I was not at all there. Therefore there was no way in which I could have taken part as alleged.

Did you ever have anything to do with COSAS? -- Yes, that was from 1980 to 1981.

Where did you have something to do with COSAS? -- In Sebokeng.

Did you hold office in COSAS? -- Yes.

What was your office? -- I was the secretary of the Vaal Branch. (10)

And when did you stop being a member of COSAS? -- The end of the year 1981.

How did you come to terminate your relationship with COSAS? -- On realising that my aims were not going to be successful, that is being a student from this period, namely inclusive of 1981 and in the future, I then decided to cease being a member. At that time I had already left the college.

COURT : The secretarial college? -- Yes, I had left it.

MR BIZOS : When you went to Johannesburg, did you continue your association with COSAS? --No. (20)

Very briefly, will you please tell us how you came to be involved in COSAS? -- During the year 1980 a commemoration service was held in Zone 14 and during which commemoration service an announcement was made about this organisation and it was further said that at the finishing of the service those interested in this organisation must remain so that it be explained to them about this organisation. So, I was one of the people who was interested to know more about this organisation. As a result of which then I remained after the service. While being there the COSAS constitution was (30)

read. It was explained to us that COSAS is an organisation meant for scholars and those who are busy with studies with colleges as the private students who are studying privately. As a result of that, that was the explanation to us and my having remained there, I ended up joining COSAS as a member.

Did you become the secretary of the Vaal branch? -- Yes, I was elected a secretary for the Vaal branch. It was not immediately there and then when I decided to join that I was elected as the secretary. This came later. That was in October 1980 when the elections were held. (10)

Who was your chairman? -- Gcina Malindi, accused no. 5.

Very briefly, whilst you were connected with COSAS, what did COSAS do? -- Some of the things that I remember which we were busy with in COSAS during that time was to encourage scholars to attend a study called winter school. And also to attend extra classes which were being run by Education Information Centre and the Institute of Race Relations and Star.

That is the Star newspaper? -- I do not know whether this is the Star having to do with the newspapers, but what I (20) know is that there were extra classes run under the name of the Star. This was being done at Wits.

Was this to help people pass their matric? -- Yes.

What else did you do in COSAS? -- At the present moment, what I mentioned here is what I can remember. It could be that there were some other things that I cannot remember now.

What about ARC's? -- There were scholars who were saying SRC's are something important in their schools and therefore they are supposed to have SRC's. (30)

And was COSAS concerned with that? -- Yes, COSAS was concerned about that.

Did you render any help to schools to form SRC's? -- No.

Did you - whilst the secretary of COSAS in February 1981 were you detained? -- That is so.

Were any charges brought against you? -- No, no charges.

Were you released? -- Yes, I was.

For how long were you detained? -- For six months.

When you came out of detention, had anyone taken over your duties as secretary? -- That is so. (10)

Who had taken over? -- Solly Phetlane.

K791 When you came out of detention, did you ask to be handed back your duties? -- No, I did not. In fact what happened is, as a result of my having realised that I would not be able to go on with my education, I therefore decided not to ask to be given my duties back and left it at that.

Did you go to Cape Town in May 1982? -- Yes, I did.

Did you hear that COSAS was organising something in Cape Town at the time? -- Yes, I heard that.

Did you approach anybody about that? -- Not that I (20) approached somebody, but somebody came to me and talked to me about that.

And having told you about that, did you make any decision as to how you were going to get to Cape Town? -- Yes, I did.

What did you do? -- What I said to this person is that I understand that you people will be going to Cape Town. I hope you would not mind me going with you in your company to Cape Town because I have a reason of my own for which I am getting to Cape Town. (30)

And/...

And did they agree? -- Yes, this person did agree in the sense that this person's response to this was "I do not see any difficulty in that, as long as you pay the necessary fare."

How were they going down? -- By bus.

Who is this person? -- Tseko Johnson.

When you got to Cape Town, did you go and stay with the delegates at the COSAS congress? -- No.

Where did you stay? -- I went to stay with a friend of mine who lived in Woodstock. (10)

Did you attend the COSAS conference? -- No, I did not attend. I just visited there.

On how many occasions did you visit the conference? -- I visited the Saturday afternoon.

Any particular reason why you visited the conference that afternoon? -- Yes, the reason was that I wanted to meet some of my friends who were members of COSAS.

Did you expect them to be at the conference? -- Yes, I expected them to be present at this conference.

When you went to this conference, visited this conference (20) what did you find was going on there? -- On arrival at this conference, the conference was on. People were in the hall and they were being addressed by a person I am going to describe as an Asian man.

Did you know his name? -- No, I did not know his name.

What was he speaking about? -- I cannot quite remember exactly what he was speaking about, but the gist of his speech was based on the Black education. He mentioned for instance how this was introduced and what the aim was. This person delivered a speech for quite some time, but that is (30)

what/...

what I remember from his speech.

Did you see your friends there? -- Yes, I did.

Did you attend any other sessions of the COSAS conference? -- No, I did not manage.

Were you present at any meeting at which an additional or alternative organisation to COSAS was discussed for persons who were no longer scholars? -- No, I was not present.

Did you hear about that decision? -- Yes, I came to know about that decision after some two or three weeks.

Did you come back the way you went down? -- No, I had(10) to hitch-hike on my return.

COURT : How long did it take? -- Four days.

That is long for the route? -- I will quite agree with you, because one struggles in that way. Some people just drive past you, some will make a joke out of you. You struggle really.

MR BIZOS : Did you stay long in Cape Town, as long as the conference lasted? -- Yes, I stayed five days there.

COURT : Is that now in Cape Town? -- Yes, in Cape Town.

MR BIZOS : When you came back, did you hear anything about(20) the proposed formation of a youth organisation? -- Yes, I came to know about that as a suggestion which was put forward in Cape Town pertaining to the youth.

From whom did you hear about this decision or suggestion? -- From Tseko Johnson.

Are you still close with your family, your mother and brother and sisters? -- Yes.

What salary did you earn at the Institute of Race Relations? -- R680,00 a month.

Were you of assistance to your family, your younger (30)

brother/...

brother and sisters? -- Yes, I was. In fact, in assisting my mother.

And did you visit the Vaal from time to time? -- Yes, especially during that period because my mother was still clad in black clothes, moarning.

What period was that? -- During the year 1984.

Could we go back to 1983. Did you visit the Vaal during 1983? -- Yes, I used to visit the Vaal during the year 1983. Especially to my family, I was visiting my family, because then my stepfather was still alive and therefore I was (10) paying a visit to both the parents.

What zone is your parental home in? -- Zone 14.

Did you have friends there in Zone 14? -- Yes, that is correct.

Were there any friends who raised the question of a youth organisation with you? -- Yes, I remember a friend making mention of that.

Which friend was that? -- Mamsi Leseito.

What did she say about that? -- What she told me was that there is a working committee which was working for (20) the formation of a youth organisation in Zone 14.

As far as you know, was this organisation ever formed in the Vaal? --No.

Did you ever become a member of any youth organisation in Zone 14, Sebokeng or any other place in the Vaal? -- No.

Were you asked to become a member of the working group that was trying to set up the Zone 14 branch of the youth organisation? -- No.

Were you in the Vaal during October/November 1983 when there was a campaign against the participation in the (30) council's/...

council's elections? Were you in the Vaal at that time? --
No, I was not.

Did you take part in any - any part whatsoever in any
such campaign? -- No, I did not take part.

Did you ever try to persuade IC.8 to join any youth
organisation or any organisation at all? -- No, I never
tried that.

Do you know IC.8 at all? -- Yes, I do.

Where do you know him from? Try not to give us the sort
of detail that may make his identity public? When did you (10)
meet him? -- He was introduced to me by a friend of mine
who was an acquaintance of his and if I were to mention this
one's name, it would mean that I am identifying IC.8. There-
fore what I am going to say is, in 1981 he was introduced
to me by a friend.

COURT : In the Vaal? -- Yes.

MR BIZOS : Did you have any other dealings with him? --
No, I had no dealings with IC.8, except to say we had casual
meetings in the year 1981 when he stayed in Zone 14. We were
sometimes meeting at a bus stop to catch different buses. (20)
Then I would just greet him.

After the formation of the VCA in October 1983, and
during 1984, did you become a member of the VCA in any way?
-- No, I was never a member of VCA.

Were you living in Johannesburg during 1984? -- Yes,
that is one of the reasons why I could not have been a member
of the VCA.

During August, His Lordship has heard that there were
a number of meetings in 1984 both at Sharpeville and at
Sebokeng. Did you attend any of those meetings? -- No, I (30)

attended/.

attended none of those meetings.

Let us come to the weekend that finished up with the unfortunate events of the morning of 3 September 1984. Did you go to the Vaal during that weekend? -- No, I did not go to the Vaal during that weekend.

When did you go to the Vaal? The first weekend in September 1984? -- Do you mean before that date?

Were you in the Vaal on 3 September 1984? -- Yes, I was in the Vaal. I arrived there on 2 September.

How did you come to go to the Vaal on 2 September? -- (10) I came to know about the stay-away which was to be held on 3 September, as a result of which then I decided to go home because I had some information that my mother would not be going to work on that date and I came to know as well about a march which was going to be held on this day. As a result of that information I had I then decided that I want to go home.

For what purpose of purposes? -- I have got two reasons which I would advance as important reasons for me for having gone there. Number one, I also wanted to associate with (20) the residents of Lekoa on that day. Secondly, that was to enable myself to be in the presence of my mother that day.

Had you heard of the reason for the stay-away and the march? -- Yes.

What did you hear? -- The reason was to make known the dissatisfaction about the rent which was to be increased with the effect from the beginning of September.

Can you recall what time you arrived at the Vaal? -- It was in the afternoon between 13h00 and 14h00.

Did you get any more information about the stay-away (30)

and the march that were to take place on the next day? --

That is so.

What did you hear? -- It was between 15h00 and 16h00 that day when a vehicle was driven around there with a loudspeaker, during which period an announcement was being made that the residents or community of this area were being reminded about the decisions or resolutions which were taken by the community at the meeting which was held by VCA. This announcement was reminding them about the starting point of the march and the starting time, being 09h00 from the Roman (10) Catholic Church Small Farms.

Did you decide what you were going to do the next morning? -- Yes, I decided.

What did you decide to do? -- That I was also going to go there and take part in adding to the number of people who would be taking part on that march.

What did you hope to achieve by participating in this march? -- What I had in mind was that my attending or taking part in this march, was going to add the number of people on the march and secondly I heard about this march proceeding to Houtkop and therefore I was telling myself that because of the people present there, those in authority will have to realise because of the number of people on the march, the concern of the people about the increase and therefore be able to understand our complaint and probably be able to be of assistance.

What do you say to the allegation that has been made against you that your participation in this march was as a result of an organisational conspiracy amongst the African National Congress, the South African Communist Party, the (30)

UDF, AZAPO and the Vaal Civic Association altogether? -- There is no truth in that because at the time of my taking this decision of participating on this march, I did not have anybody or an organisation to discuss that with and secondly, it was not an invitation by anybody of any organisation that I attended this march.

You say that there was a vehicle announcing the stay-away and the march? -- Yes, there was.

What would you say to a suggestion that has been made here that the march was kept a secret? -- I dispute that(10) because even besides the announcement by this vehicle I referred to, while being employed in Johannesburg I knew already about that.

Are there any policemen living in your neighbourhood? -- Yes, there are two policemen living in my immediate vicinity. One of them is known to me as Moss. What the other one's name is, I do not know.

ASSESSOR (MR KRUGEL) : Are they South African policemen or Municipal policemen? -- One of them is a SAP and Moss is a CID. (20)

MR BIZOS : Is the CID also SAP? -- What I wanted to explain is this. They are both members of the SAP. Moss is with the uniform branch and the other one whose name is not known to me - I am sorry, Moss is the one who is the CID. The one whose name is not known to me, is with the uniform branch.

Did you go to any meeting place on the morning of the 3rd? -- I went there to take part on the march itself. I did not attend any meeting.

Did you go to the vicinity of the Roman Catholic Church Small Farms in Sebokeng? -- Yes, I did. (30)

COURT : Did you go to the premises? -- No, not into the premises.

MR BIZOS : Where did you go to? -- What happened is this. On arrival there at the premises the march itself was already arranged inside the premises of the Roman Catholic Church and therefore what happened is that we were told to wait just outside the gate in order to join the march when it leaves the premises.

Can you recall what time you arrived there? -- Although I did not check on time exactly as to what time it was, (10) it was around 09h00.

ASSESSOR (MR KRUGEL) : When you say we, who do you mean? -- When I am talking about we in a plural form I am talking about myself as a person who came there and others who also were told to wait there.

You were not accompanied, you went alone? -- I was in the company of my brother.

Is that Andrew? -- Yes.

On your way there, did you see anything untoward in the streets? Were there any obstructions or any trouble?(20) -- There was nothing unusual, no obstructions in the road. A person could just walk normal.

COURT : What route did you take? -- I went through Zone 13, through to Zone 12, Zone 12 extension, from where I emerged on the premises of the Roman Catholic Church. That is when I had gone through an open veld.

MR BIZOS : Did you take the main road or did you cut across any streets that houses are on? -- I did not follow the main road. I used the inside streets which I considered to be the shortest road. (30)

Where/...

Where do you live in relation to the shopping centre in Zone 14 or does your mother live in relation to the shopping centre? -- If Your Lordship is looking at the photo there, the Roman Catholic Church Zone 14, my parents' home is just next door to that church.

MR BIZOS : How many kilometres did you have to walk between your mother's home and the Catholic Church Small Farms? -- I having a difficulty there. I am one person who does not in fact take into account the distance he travelled and therefore I do not take a particular note on this as to (10) what the distance was. I am not in a position to tell.

COURT : You did go on foot? -- Yes, that is correct.

MR BIZOS : We will work it out with a scale. You told us that you did not see any obstructions on the roads? -- No. no roads had obstructions on.

MR BIZOS : Did you see anything burning or any sign that there had been any violence on your way to Small Farms? -- No. Nothing of that kind was visible to me. In fact, what I can say about this particular Monday is that to me it was just as a Sunday morning if one knows what is happen- (20) ning on a Sunday morning.

Were people going to work? -- I only observed the stop in Zone 14. I noticed that there were people standing there. Whether those people were standing there with the view of going to work or whether they wer attending to other matters, that I cannot tell. To a person who knows what life is in the township, if one was to compare the people I saw there, it was not a sight of a township life during working days.

How clear is the atmosphere - can you remember how (30)
clear/...

clear the atmosphere was on that Monday morning or how generally it is? -- Pertaining to the visibility outside I would say there was something which one could describe as a mist or could be said to have been a smoke which results from stones, because the majority of the people were home and therefore had made fire from different place, that is coal stoves, causing that kind of a smoke.

You told us that you arrived at the entrance of the church premises ... (Court intervenes)

COURT : Could we just get clarity here. What time did (10) you leave home? -- About 07h30.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

K792

SIMON TSEKO NKOLI, still under oath

MR BIZOS : My Lord, accused no. 16 has a problem which makes regular attendance on an ophthalmic surgeon. We postponed two previous appointments because accused no. 3 was in the witness-box and there may have been some of a lap here. Now that accused no. 3 is finished a provisional appointment has been made for tomorrow at 12h00 to see (20) the specialist ophthalmologist in Johannesburg. Could we get Your Lordship's leave for him to attend to that?

COURT : He will be excused.

FURTHER EXAMINATION BY MR BIZOS : What did you see on your arrival at the Small Farms? -- I noticed that people have been arranged to form a march. This was in the premises of the church.

Did you see any placards? -- Yes, at the time when the march was leaving the premises, I noticed that there were placards. (30)

Was/...

Was there anybody in charge at the entrance to the church premises? -- Yes, the very person who told us to wait outside there because the march has been prepared and it is about to leave is the person I considered to have been in charge of that entrance because this person told us to wait until we join the march from behind. I noticed in the premises there that there were other people who were also assisting in arranging the march.

Did you know at that time the person who told you to fall back, at the back of the march? Did you know that (10) person who appeared to have been in charge there? -- Not at that time. I did not know that person.

Do you know him now? -- Yes, I do know this person now.

Who is that? -- Ephraim Ramakgula, accused no. 9.

As you were waiting there, did you notice what was on the placards? -- Yes, I could, although at this present moment I cannot exactly remember the contents of all the placards, but I still remember the contents of four of those placards which were there.

What was the content of those placards? -- "Away with (20) rent increase" was the writing on the one. "Councillors must resign" on the other one. This one with the writing of "Asina mali". The same wording which reads "Asina mali" was written on this other placard but in Sotho this time, namely "Ha rena tjelete".

What do you say to the evidence of IC.8 that there was a placard there which said "Kill Mahlatsi" and his brothers"? -- There was not at all such a placard.

What do you say to the allegation in paragraph 77(8) of the indictment that obstacles were set out in the street(30)

by the crowd before the march began? -- No obstacles were put on the road.

Did you meet with any obstructions on the road throughout your coming to the church or going away from it as part of the march? -- No where did I come across that on my way.

What do you say to the allegation that you were one of the marshalls? -- I deny that allegation. I was not one of the marshalls there and I was not even asked to take part as a marshall.

What do you say to the allegation that you were one (10) of the leaders of the march? -- That is not true.

What do you say to the allegation that whilst you were on the march you in particular - this is in paragraph 77(9) of the indictment - destroyed the Vaal Transport Corporation offices? -- That is not true. In fact I have a feeling that that kind of an allegation is degrading my dignity.

What do you say that you and others on the march destroyed the kiosks on the way? -- That is not true at all. The part at which I was of the march was such that there was nothing which distracted my attention from what I was (20) doing in the march to look around and see anything happening to the kiosks, never mind taking part.

What do you say to the allegation that - 77(10) - after the attack on the buildings of the Vaal Transport Corporation, the mob moved on to the house of councillor Ceaser Motjeane? Did you go anywhere near the house of Ceaser Motjeane on that day? -- No, I did not. At this part of the march where I was, it went past that place. At the time of this incident I did not even know who Ceaser is or was, nor did I know where he lives. (30)

What/...

What do you say to the evidence of IC.8 that you were seen in the vicinity of the house of the late Caesar Motjeane at the time when attacks were being made against him and his guard and his property? -- In that regard IC.8's evidence is not true and I am even surprised as to why does he fabricate such lies about me, because I did not even see him on this day in question.

Did you hear anyone at the intersection or the veering or the turning of the road to the right near the place which we now know to be the late Caesar Motjeane's house, shouting (10) that the dog must come out so that he can be killed? -- No, I did not hear such a remark.

ASSESSOR (MR KRUGEL) : Is it possible at this stage to establish where the witness was in this march?

MR BIZOS : I am coming to it. Could you please explain to the Court where you were on the march when it approached, when the vanguard of the march approached the intersection? Where were you on the march? -- I was approaching the place, the garage called BP Garage or known as Moloanthoa Garage. I was heading for that place. (20)

Whilst you were on this march and the front of the march was approaching the intersection did you see any smoke? -- Yes, I noticed some smoke right ahead of me more to the left as I was approaching the garage I have just mentioned, which smoke was clear to be a big smoke.

Did you know what it was? What caused the smoke? -- At the time I was not able to work out as to what could have caused that smoke.

COURT : Where were you when you saw the smoke? -- When I first became aware of that smoke, I was heading for the area I (30)

called

called the BP Garage.

And when you say heading, does that mean you were still a kilometre away or 100 metres or were you nearer? -- I am not in a position to tell what the distance was, but what I can tell the Court is, I was not very far from the garage, no. I was heading for the garage, not very far.

MR BIZOS : Could you see what was happening there away in front of the march? -- Not quite. I was not clear to see everything that was happening ahead, that is in the front of the march. (10)

You told us that you were on the march near BP Garage. Can you tell us in relation to the people abreast to one another, where were you, on the left or on the right in the column of people going up? -- If I were to give an example with my co-accused in the front row, I was in the vicinity of Father Moselane and Gcina Malindi on the march if this was the march.

COURT : But now, were there so many people abreast in the march?-- The people were occupying the road in full. That is on the march. (20)

So, at the moment we have ten sitting abreast and were you approximately ten people walking alongside each other? -- I would not bind myself and say we were about this number. All I can tell the Court is that the people on the march, the march was covering the breadth of the road. What I am trying to say is this. As the march was proceeding, I was more to the right of the march. The distance which I estimate to have been about what I indicated in mentioning Father Moselane and Gcina Malindi.

That for record purposes that is the third or the (30)

fourth/...

fourth position from the right-hand side.

MR BIZOS : Could you see what was happening up there? -- No, I could not see exactly what was happening there due to the distance between the front of the march and the point where I was on this march.

So, you could not see very well, but what did you in fact see? -- I was able to see a group of people which I estimated to have been 200 plus coming in the opposite direction of our march.

Were they just loose or was this another march or (10) what was going on? -- It was a lot of people which I could see from a distance and I am therefore not able to tell whether that was a march or not, except to say that it was a group of people I saw.

Did they have anything with them? -- Yes, I noticed that they had placards with them.

What eventually happened to these people? -- They ended up being part of our march.

Whilst this was happening, was your march continuing at the same pace? -- No, our march at that time slowed the (20) pace for about two minutes and again regained the speed of the pace at which originally the march was moving.

When you yourself came to the intersection, did you go up the lane? -- I did not go up in any lane.

Did you continue in the march? -- Yes, I continued with the march until the march reached the road I call Johannes- burg/Vereeniging main road.

COURT : Is that the road which runs between Zone 11 and Zone 13? -- That is so.

MR BIZOS : Is that the road that the post-office is on? (30)

Yes/...

-- Yes, that is the road.

Did you go past the post-office? -- Yes, I went past the post-office.

Anywhere there damaging it or doing any harm to? -- At the time of my passing there I did not notice anything that was happening to the post-office.

Do you know where Hunter's Garage is? -- Yes, I do know where it is.

When you were approaching it, did you see anything ahead? -- Yes, I noticed the police vehicles which were right(10) ahead of the march.

Whilst you had been marching, did you keep quiet or was there singing? -- There was some singing going on.

What was being sung? -- Siyaya e Houtkop was sung.

Did the singing continue after you saw the police vehicles ahead? -- No, it did not continue. After noticing the police vehicles ahead of the march, then that was the end of the singing. The marshalls in the immediate vicinity of where I was on the march, then made an announcement saying that we are to be quiet because there are people who are (20) going to approach the police, that is to talk to the police.

Did you see anybody moving forward? -- When this person said this, immediately when he finished with the message, I then heard some sound from the guns ahead of us and noticed that people dispersed running, as a result of which then I ran away.

To which direction? -- In the direction of Zone 13 houses. and got into a toilet. We were so many who were taking cover in that toilet in such a way that the door of this toilet would not close.

(30)

COURT : Was it a private toilet or a public toilet? -- It was a private toilet Zone 13 house, private house toilet. These toilets are outside, they are not in the house.

MR BIZOS : You say there were too many of you and the door would not close? -- Yes, we were trying to hide ourselves in the toilet in such a way that we are not seen. All the same the door was open. It would not close and it was just a pushing and a confusion which one would not understand exactly what was happening. Later some police came there and sjambokked us out of the toilet as a result of which (10) then I ran to Zone 14 until I reached home.

Was there anything in the air whilst you were busy dispersing there? -- Yes, there was a police aeroplane or a soldiers' aeroplane.

COURT : Aeroplane or a helicopter? -- I really do not know. (The word used by the witness could mean an aeroplane or a helicopter) I do not know really what to call it in my language, but I believe that they call it a helicopter. It had something which was turning above it. A smaller one in this colour. (20)

Which colour are you pointing to? A greenish colour? -- Yes, a greenish colour.

So, there were two aeroplanes or helicopters? -- No, it was only one.

MR BIZOS : Before the shooting, did you hear anything to disperse? -- No, no warning was made.

Whilst you were running away home, did you notice whether there were any obstructions along the road? -- I did not see anything. In fact at that time all I had in mind was to get home. (30)

Did/...

Did you take a direct route or did you go through side streets? -- I used the side streets. At some stage I went past the shopping centre in Zone 14, until I reached home.

What did you do after you reached home? -- On arrival at home I enquired about Andrew's presence, on which my mother told me that Andrew is gone, probably to look for me. I remained at home until Andrew came back.

Did you stay there during the night 3rd/4th? -- Yes, I stayed there.

Did you go to work on the 4th? -- Yes, I did. In fact, (10) what was happening on the 4th was that I was going to work and in fact going to remain at my place of residence.

COURT : I thought you worked in Johannesburg? -- Yes, in fact I was going to Johannesburg.

And did you in fact go? -- Yes, I did.

MR BIZOS : And thereafter, after the 3rd, where did you sleep at night? In the Vaal or in Johannesburg? -- The 4th and the 5th I spent the nights at home, because my mother telephoned me on the 4th saying that because of the situation and the atmosphere and that things have not yet come back to (20) normal and I being the eldest son, I must come home because she was frightened.

And did you do that? -- Yes, I did so.

And from the 6th on, where did you stay? -- I stayed in Johannesburg and continued working there.

On 23 September 1983, did you attend the funeral of the late Joseph Sithole? -- I tried to attend the funeral of Joseph Sithole. Unfortunately, when I arrived at the church where the service was held for the burial, I was arrested by the police. Since that day I was arrested up till now and (30)

here/...

here, I have been in custody.

I want you to please have a look at EXHIBIT AV1. What do you know about this document? -- What I know about this document is that I bought in June 1984 when Sediso sold it to me because this organisation was raising funds.

COURT : Sediso? -- Yes.

Is that his surname? -- No, that is his first name.

His surname, please? -- Matona is his surname.

MR BIZOS : You say you bought it from him? -- Yes, I bought it from him. (10)

Where did you find this? -- The offices where I am employed are not far from the offices where Sediso is employed, which is nextdoor. So, it was at the place of employment where I bought this document from him.

How much did you pay for it? -- R2,00.

This is a membership card. Did you in fact become a member of this organisation? -- No, I did not end up being a member of the organisation.

I do not understand what you mean that you bought it. Did they take your name or address? -- Buying it here, it (20) means, Sediso told me that this organisation, the RNC, is raising funds. In so doing they are selling some other pamphlets as well including this particular document and some T-shirts and therefore at the time what I could afford to give hand in existing them to raise funds, was to pay for this card as a result of which then I paid for this card. At the time of this transaction no particulars of mine were taken by them, namely the address and my name. What happened there is that I gave them the money. In return I was given the card. I received this document and then I later in my (30) own/...

own handwriting wrote what you see as my particulars on this document. This was done by myself.

Whose signature is that? -- That is my signature.

Did you ever attend any meetings of this committee? -- No, I did not.

Or this campaign? -- No, I never did.

Did you ever become a member of any organisation which was affiliated to the UDF? -- No, I have never been a member of any organisation affiliated to UDF. At the time during which I was a member of COSAS, COSAS was then not affiliated to UDF.

On EXHIBIT V25 - I am sorry, that is the transcript. The equivalent exhibit on the tape. That is the video. -- It is 28.

COURT : 28 is the video of V25, the transcript.

MR BIZOS : That is the meeting of 21 July 1983.

COURT : Now we are referring to which?

MR BIZOS : We are referring to EXHIBIT 28, the video. Did you recognise yourself on that video? -- Yes, I did.

Where was this video taken? -- That is Dube Y. The (20) place there is known as Dube Y. I am not certain whether it is YWCA or YMCA.

We know that that is where the Soweto Youth Congress was launched. -- Yes, that is so.

Where were you living at the time? -- In Johannesburg, Braamfontein.

How did you come to find yourself at this meeting where the Soweto Youth Congress was being launched? -- This particular Sunday I had an invitation to a shebeen known as Fontana. I had to go and give a talk there about GASA, (30)

which/...

which is Gay Association of South Africa. On arrival at this place, this is the venue where this meeting was to be held, I found that we were only three people present. When I made enquiries as to why and what was happening, why was it attended so poor, one who was present there said that the possibility is that most of the people went to the launch of SOYCO and because there is somebody I was supposed to have met by the name of Stephen, then this person suggested that we go there. That is how I went to this meeting.

Did you become a member of this organisation? -- No, (10) I did not become a member.

Did you attend any of its meetings? -- No. The only meeting at which I was is the one on the video showed here.

Did you stay there throughout the meeting? --No, not until the end of the meeting.

KRUISONDERVRAGING DEUR MNR. JACOBS : Kan u vir die Hof sê, op 3 September 1984 toe die optog uitmekaar gespat het nadat die polisie blykbaar daar geskiet het, direk voor dit, jy het vir die Hof vertel dat daardie een "marshall" gesê het julle moet nie meer sing nie en direk daarna toe was daar (20) 'n skietery? -- Ja, dit is so.

Op daardie moment toe die skietery begin het, het die opmars nog op sy volle mars geloop? -- Ja, dit is so.

En ek neem aan op daardie stadium het die singery nog ie heeltemal opgehou nie? -- Op hierdie stadium was daar nie meer 'n singery gewees nie.

Oor die hele lengte van hierdie opmars? -- Ek praat van die gedeelte van die optog waar ek was.

Maar nog by ander gedeeltes van die optog was daar nog singery? -- Ek het nie 'n gesingery gehoor op dié stadium (30)

nie/...

nie. Ek kan nie sê of daar by ander gedeeltes van die optog nog gesing was nie.

Ek neem aan daar was nie doodse stilte nie, die mense het gepraat wat in die optog was? -- Ja, "obvious". Kyk, as mense baie bymekaar is en iets word gesê, dan sal hulle mos navraag doen, maar wat gebeur daar heel voor?

En daar was seker redelik harde gepraterij gewees, omdat dit nou verskillende mense is wat sulke vrae vra? -- Op die stadium toe dit gesê was dat ons stil moet bly, het ek niemand gehoor wat hardop gepraat het nie. (10)

Maar met die gesamentlike gepraterij van die mense wat hard praat, dan moet daar darem 'n redelike geruis en 'n redelike gedruis van stemme gewees het? -- Ek het nog nie so iets opgelet nie. Ek is wel daarvan bewus dat mense na mekaar fluister. Dit is wat ek gesien het.

O, het hulle gefluister op hierdie optog van julle? -- Nee, ek sê nie dat daar gefluister was nie. Ek sê ek het niemand gehoor hardop praat by hierdie optog waar ek was nie, maar wat ek wel van weet, tussen mense in die normale loop van dinge kan mense na mekaar fluister. (20)

Op daardie moment daar, was daar 'n gepraterij of was daar nie 'n gepraterij nie? -- Nee, wat ek sê is, na dit gesê was dat ons stil moet bly, was daar toe nie 'n geraas gewees by hierdie gedeelte van die optog waar ek was nie. Ek kan net nie sê by ander gedeeltes van die optog, of daar 'n geraas was en of daar 'n gepraat was nie. Dit kan ek nie sê nie. Dit kan wees dat daar mense gepraat het. Dit is 'n natuurlike ding dat dit so sal gebeur, want as mense bymekaar is, sal die mense maar met mekaar praat.

En is dit ook korrek dat op daardie stadium was jy (30)

baie/...

baie ver van die voerpunt van daardie opmars af? -- Dit is reg.

HOF : U het nie u posisie in die optog verander van tyd tot tyd nie? U het waar u aangesluit het by die optog gebly? -- Dit kan wees dat ek miskien n posisie verander het in die optog, maar dit sal nie ver uit wees van waar ek oorspronklik aangesluit het nie.

MNR. JACOBS : Kan ek dit ook so stel aan u dat toe u die interseksie genader het, was u n redelike lang distansie van die voerpunt van die optog af? -- Wat ek sê is, toe die (10) voerpunt van die optog in die nabyheid of die interseksie binnegaan, was ek nog nie by die garage gewees nie. Ek was nog op pad na die garage toe.

Sou jy sê dit is omtrent 100 jaarts, 200 jaarts van die voerpunt van die opmars af? -- Ek wil nie myself verbind daarmee nie. Al wat ek sê is, ek was nie baie ver van die BP Garage nie. Ek wil nie sê hoeveel jaarts dit is nie.

Ek vra nie jy moet sê hoeveel dit is nie, maar kan jy die Hof help en sê by benadering, ongeveer 100 jaarts, ongeveer 200 jaarts? -- Om eerlik te wees, ek het daar deelge-(20) neem aan die optog self. Ek het nie in gedagte gehad dat ek die distansies nou moet skat watter distansie is watter nie. Ek was net daar gewees en ek wil nie myself hier by die hof verbind en sê wat die distansie was nie. Dus sê ek ek was op pad, net voor ek by die BP Garage gekom het, toe die voerpunt die interseksie binnegaan.

Jy sien, dit maak dit n bietjie moeilik, want jy sê jy was op pad na die BP Garage toe. Jy kon by die garage gewees het. Jy kon nog n ver ent van die garage af gewees het? -- Dit is voor ek by die garage gekom het, nog op pad na die (30) garage/...

garage toe.

En op daardie stadium het julle gesing? -- Ja, ons het op daardie stadium gesing. Dit is die waarheid.

En is dit reg dat daarna, volgens jou getuienis, het daar nog ten minste 200 mense voor jou by die mars aangesluit? -- Ja, voor ons, dit is reg.

Dan verstaan ek nie hoe kan jy vir hierdie Hof kom sê kategoriees soos jy dit hier gestel het "no warning was made", geen waarskuwing was gemaak toe die polisie daar opgedaag het nie. Hoe kan jy dit sê? -- Ek het dit nie gehoor nie. (10)

Hoekom het jy nie vir die Hof gesê "Ek het nie iets gehoor nie, ek was te ver van voor af gewees" nie? Maar hoekom sê jy vir hierdie Hof "no warning was made"?

MR BIZOS : The question was according to My Learned Friend's note "Before the shooting, did you hear any warning to disperse?" and the answer was "No."

COURT : No, it was said no warning was made. I remember it being said. -- Ek het geen waarskuwing gehoor nie.

MNR. JACOBS : Jy antwoord nie, jy ontwyk my vraag? -- Nee, wat ek sê is, ek het nie 'n waarskuwing gehoor nie. Indien (20) ek gesê het dat daar nie 'n waarskuwing was nie, is dit 'n fout. Wat ek bedoel is, ek het nie 'n waarskuwing gehoor nie.

Maar jy sien, ek wil vir jou op 'n tweede fout wys op hierdie tipe ding. Jy sê ook daar naby die interseksie was daar niemand wat gesê het iets omtrent 'n hond nie? -- Nee, daar is nie 'n fout daar nie. Ek het gesê ek het niemand gehoor praat van 'n hond nie.

Jy sien, ek wil dit stel, jy kan dit nie hoor nie, julle sing daarso en jy kon nie hoor wat by die voerpunt aangegaan (30)

het/...

het nie? -- Dit is reg, ek sou nie in staat gewees het om te hoor wat die mense sê daar voor nie, maar wat ek sê is, by hierdie punt waar ek was van die optog, het ek niemand gehoor praat van 'n hond nie.

En ek wil dit aan jou nog verder stel jy sou dit nie gehoor het as 'n man dit twee, drie rye voor jou gesê het nie omdat julle gesing het nie?

HOF : Die vraag was oor die woord hond in die interseksie en die antwoord was "It was not heard." Ek het dit nie gehoor nie. So, waar u miskien reg kon wees wat die eerste(10) aspek betref, wat hierdie kwessie van die hond betref is u beslis verkeerd. U het die hond by die stert beet.

MNR. JACOBS : Ek stel dit aan hom hy kon dit nie gehoor het nie, selfs al was dit gepraat twee treë voor hom terwyl hulle gesing het.

HOF : Wat is die antwoord? -- Dit is "obvious", as mense besig is om te sing en hier kom iemand na jou oor toe en fluister en sê "Hier is 'n hond", sal jy dit nie hoor nie. Maar as 'n persoon hard skreeu, soos ek nou skreeu "Hier is 'n hond", dan sal ons kan hoor. (20)

GETUIE STAAN AF.

HOF VERDAAG TOT 25 JUNIE 1987.

DELMAS TREASON TRIAL 1985-1989

PUBLISHER:

Publisher:- Historical Papers, The University of the Witwatersrand

Location:- Johannesburg

©2009

LEGAL NOTICES:

Copyright Notice: All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

Disclaimer and Terms of Use: Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of paper documents and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

DOCUMENT DETAILS:

Document ID:- AK2117-I2-12-243

Document Title:- Vol 243 p 12920-12984. Witnesses: Moselane, ST Nkoli