

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

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DELMAS

1986-04-30

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORE: MNR. W.F. KRUGEL

PROF. W.A. JOUBERT

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

75

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

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HOF HERVAT.

MNR. HANEKOM : Die volgende getuie is Matomane John Dikhole. Hy getuig oor daad 66 in die akte, dit is bladsy 267 en ook oor paragraaf 27.6.5 van die nadere besonderhede. Dit is bladsy 79 van die nadere besonderhede. Die getuie is voorsitter van die gemeenskapsraad van Huhudi.

MATOMANE JOHN DIKHOLE, v.o.e. (Deur tolk)

ONDERVRAGING DEUR MNR. HANEKOM : Mnr. Dikhole, op 31 Augustus 1978 is u verkies as voorsitter van die gemeenskapsraad van Huhudi, Vryburg? — Ja, dit is so. (10)

U beklee tans nog die posisie? — Ja, dit is so.

HOF: Is daar nog 'n gemeenskapsraad? — Ja.

MNR. HANEKOM : Na daardie verkiesing in 1978 was daar weer 'n verkiesing van raadslede in 1982, Augustus 1982? — 1982, Ja.

Voor daardie verkiesing in 1982 het u 'n vergadering gehou met die gemeenskap? — Ja, ek het so gemaak.

Die gemeenskap van Huhudi? — Ja.

Wat was die doel daarvan? — Die doel daarvan was om te verneem van die gemeenskap van Huhudi of hulle nog belangstel in die gemeenskapsraad of nie. (20)

Wat was die gevoel van die gemeenskap?

MR BIZOS : With the greatest respect, the State is bound by what it has alleged in relation to Vryburg. The allegations start, something happened in February 1985 and thereafter. That is what the indictment says, that is what the particulars say, that is what we were asked to admit and we admitted it. In our respectful submission Your Lordship will hold the State to the particulars it has given in the indictment ... (Court intervenes)

COURT : Is it your submission that the State is not entitled (30) to lead background evidence?

... / MR BIZOS

MR BIZOS : Background evidence it may, with respect, but if we are going to have to take instructions as to what the issues were in 1982 and 1983 and 1984 in this particular community and this is how I understood - if it is merely background I will withdraw the objection, but if we are going to ... (Court intervenes)

COURT : We must first see what the evidence is before we can determine whether it is background or anything substantial.

MR BIZOS : As Your Lordship pleases. I hope that we do not have to listen too long on the history of elections which is (10) not pleaded and which ... (Court intervenes)

COURT : I have been patient in this case on both sides. None can complain that we have been listening too long.

MNR. HANEKOM : Dit is my submissie dat dit bloot agtergrondsgeskiedenis is. Ek gaan nie te lank daarmee aangaan nie.

HOF : Gaan voort.

MNR. HANEKOM : Ek wil ook net daarop wys, My Geleerde Vriend sê ons beweer in die nadere besonderhede oor Huhudi sedert Februarie 1985. Hierdie item is gewysig op 'n stadium. Die bewering is sedert Januarie 1984. (20)

HOF : Ja, gaan voort.

MNR. HANEKOM : Kan u net antwoord, asseblief? -- Ek het toe vasgestel wat die gevoel van die gemeenskap was.

Wat was dit? -- Hulle wou gehad het dat daar verkiesings gehou word vir die gemeenskapsraad.

Was daar enige teenkanting teen die Raad? -- Net een persoon was teen die verkiesing van dié raadslede.

Wie was dit? -- 'n Persoon met die naam van Kgotsa Crutse.

Het hy enige steun gehad? -- Nee, nie een nie.

En is dit reg dat met daardie verkiesing wat toe plaas-(30) gevind het in Augustus 1982 is die agt raadslede onbestrede

... / verkies

verkies? -- Ja, dit is so.

Van daardie datum af tot 15 Oktober 1984 wat was die hoof aktiwiteite van die gemeenskapsrade? Watter aspek het u aan aandag geskenk? -- Gedurende daardie tyd, dit was die tydstip toe die Regering gesê het dat Huhudi sal moet verhuis of daar sal getrek moet word na Bophuthatswana toe.

Na 'n plek met die naam van Pudimo. Is dit reg? -- Ja, dit is reg.

HOF : Sou die dorpie Huhudi afgebreek word en die mense trek na Pudimo? -- Ja, dit is so. (10)

MNR. HANEKOM : Wat was u raad se standpunt oor die verskuiwing? -- Dit was teen die trek van die mense na daardie gebied toe.

Terwyl die verskuiwing in die lug was, het u raad enige verbeterings aangebring in Huhudi of nie? -- Nee, daar was geen verbeterings gewees nie.

En toe op 15 Oktober 1984 het u uitsluitel gekry oor hierdie aangeleentheid. Is dit reg? -- Ja, dit is so.

Wat het u toe gehoor op daardie datum? -- Die Minister het vir ons laat weet dat daar nie verhuis gaan word na Pudimo toe nie. (20)

Wat het die raad daarna gedoen, nadat die saak gefinaliseer was? -- Die raad het toe die regering gevra om verbeterings te doen te Huhudi in die sin dat daar huise gebou moet word, om meer water aan te lê in Huhudi en die aanlê van elektrisiteit.

HOF : Weet u hoe groot is Huhudi? -- Destyds in Huhudi was daar 1,440 huise gewees.

MNR. HANEKOM : Het die regering ingewillig dat hierdie projekte aangepak moet word? -- Ja. (30)

Het u raad geld ontvang vir die projekte? -- Ja, ons het.

Van waar het die geld gekom? -- Van die Committee Development.

Dit is die Ontwikkelingsraad van Noord-Kaap? -- Ja, dit is reg.

Is dit korrek dat in die eerste helfte van 1983 het daar 'n organisasie tot stand gekom? -- Ja, dit is so.

Watter organisasie is dit? -- Huhudi Civic Association.

Weet u wie was die bestuurslede van die organisasie? -- Ja, ek weet.

Wie was die voorsitter? -- Hoffman Kgaleng. (10)

Die sekretaris? -- Jomo Kasu.

Wie was die ander lede? -- Pheloane.

HOF : Is dit sy eerste naam of sy van? -- Sy van. Ek kan nie sy eerste naam onthou nie.

MNR. HANEKOM : En die ander lede? -- Kgotso Crutse.

Is dit dieselfde man na wie u reeds verwys het in u getuie-  
nis? -- Ja, dit is dieselfde persoon.

En wie nog? -- Bushi Mahape.

Is daar nog iemand of is dit al wat u onthou? -- Wat ek  
kan onthou, ja. (20)

Wat sou u sê was die hoof aktiwiteite van hierdie organi-  
sasie in Huhudi? Waarom het hulle hulle besig gehou? -- Wat  
ek opgemerk het wat hulle besig was om te doen, was om te probeer  
bewys aan die gemeenskap in Huhudi dat die raadslede niks doen  
vir die gemeenskap nie en geen verbeterings word aangebring  
nie.

Hoe het u dit agtergebekom? -- Daar was pamflette wat  
versprei was in die woonbuurt.

Is daar in die pamflette na die raadslede verwys? -- Ja,  
dit is so. (30)

En hoe is verwys na die raadslede? -- Wat hulle daar gesê

het is dat raadslede is mense wat niks beteken nie. Hulle doen net wat gesê word deur die regering. Die raadslede was ook beskryf as "puppets".

Aan die begin van 1984 het u 'n vergadering bygewoon in Huhudi? -- Ja, dit is so.

Kan u onthou watter maand dit was? -- Ek kan nie die presiese datum onthou nie, maar as my geheue my nie in die steek laat nie, was dit in Februarimaand.

1984? -- Ja.

Wat se vergadering was dit? -- Dit was die UDF vergade-(10) ring.

Wie het opgetree as voorsitter by die vergadering? -- Hoffman Kgaleng.

Weet u of hy enige amp beklee in die UDF? -- Hy is aan my bekend as 'n voorsitter van die UDF in die Noord-Kaap.

Dit is dieselfde man wat voorsitter is van Huhudi Civic Association? -- Ja.

Wie het opgetree as sprekers by hierdie vergadering? -- Kgaleng self, Tau en 'n vreemde persoon wie se naam ek nie ken nie, maar afkomstig van Johannesburg, asook Reverend (20) Frank Chikane.

Wat was die hooftrekke van Hoffman Kgaleng se toespraak? -- Die hooftrekke in sy toespraak was dat die mense nie baie moet verwag van die raadslede nie, want die raadslede, al wat hulle kan doen is die verhoging van huurgelde.

Het hy iets verder te sê gehad oor die huurgeld? -- Hy het vir die mense daar gesê hulle moet dit nie aanvaar nie, hulle moet dit nie betaal nie, en as hulle dit aanvaar, moet dit nie meer as R15,00 wees nie.

HOF : Die verhoging of die totale huur? -- Die totale (30) huur.

En wat was die totale huur op daardie stadium? — Mense wat privaat huise bewoon het daar het R25,00 huurgeld betaal. Mense wat die Raad se huise bewoon het, het R34,00 betaal.

MNR. HANEKOM : Was daar op daardie stadium sprake van 'n huurverhoging of nie? — Ja, daar was alreeds sprake van die verhoging van huurgelde tussen ons. Dit was nog nie bekend gemaak aan die gemeenskap nie.

Wat sou die bedrag van die verwagte verhoging wees? — R4,37.

Het mnr. Kgaleng iets te sê gehad oor die raadstelsel, (10) die gemeenskapsraad? — Ja, hy het gesê die raadslede is mense wat net doen wat die Regering vir hulle sê om te doen en wat die Regering in belangstel. Dit is al wat hulle kan doen. Dus het hy hulle beskryf as "puppets".

Hoe het die gehoor gereageer op mnr. Kgaleng se toespraak? — Hulle was eintlik baie bly gewees en dit aanvaar deur Amandla te skreeu en tesê Dit is ons s'n. Dit was in hierdie sin gebruik Kgaleng, die spreker, is ons s'n. Dit is ons leier.

Ek gaan u nie vra oor wat die ander sprekers gesê het (20) nie. Het u eerwaarde Chikane se toespraak gehoor of nie? — Nee, ek is daar weg voor hy 'n toespraak gemaak het. Dus het ek nie gehoor nie.

Ook in daardie tyd min of meer het nog 'n organisasie tot stand gekom in Huhudi. Is dit reg? — Ja, dit is reg.

Watter organisasie was dit? — Dit was bekend as die Huhudi Youth Organisation.

Het u enige bestuurslede van die organisasie geken? — Ja, net een van hulle.

Wie was dit? — Kebotlhale.

(30)

Is dit korrek dat in Oktober 1984 het u plakkate gesien

... / wat

wat 'n UDF vergadering adverteer het vir 14 Oktober 1984? --

Ja, dit is so.

Volgens die plakkate, wie sou die sprekers wees op die vergadering? -- Albertina Sisulu.

Het u die vergadering bygewoon? -- Nee, ek het nie.

Was daar 'n rede voor? -- Ja, dit was gedurende die tydperk waar die teenwoordigheid van die gemeenskapsraad nie welkom was nie. Dit is by hierdie vergaderings.

Was dit al vergaderings wat in Huhudi plaasgevind het na hierdie of het daar na hierdie vergadering van Oktober (10) 1984 weer vergaderings gevolg? -- Na hierdie vergadering was daar baie vergaderings gehou gewees.

Welke organisasies het die vergaderings gehou? -- Die meeste was gehou deur Huhudi Civic Association and Huhudi Youth Organisation.

En UDF self, het hy nog vergaderings gehou of nie? -- Ja, hulle het ook vergaderings daar gehou.

U het nie een van die vergaderings bygewoon nie? -- Nee, ek het nie meer hierdie vergaderings bygewoon nie.

Het daar na hierdie vergaderings, na sulke vergaderings (20) iets gebeur in die gemeenskap? -- Ja, die vergaderings sal die jeug daar verbystap en dan sing hulle en die huise van die raadslede aanval met klippe.

Was dit net raadslede se huise wat aangeval was of ook ander plekke? -- Net die raadslede se huise het hulle aangeval.

MR BIZOS : Is this being tendered as direct evidence of the witness's knowledge or just as background evidence which he has heard about and in my respectful submission the damage alleged to have been done in this area, that some hand-grenades were thrown on a particular occasion and nothing else in (30) the indictment. Are we now going to investigate a statement

... / such



such as this. The witness does not tell us what he knows, generally speaking. From the general nature of the evidence we do not know whether he was present or when these meetings were and with the greatest respect this sort of evidence in the generalised form that it is, not having been pleaded is not admissible and cannot be led against the accused.

MNR. HANEKOM : In die nadere besonderhede op bladsy 79 sê die Staat "sedert Januarie 1984 het Huhudi Civic Association, Huhudi Youth Organisation, GAVU, UDF, COSAS en AZASO georganiseer en het intimidasie, geweldpleging en oproer plaasge- (10) vind." Die handgranaatvoorvalle waarna My Geleerde Vriend verwys het, is wat hulle erken het. Hulle het slegs erken dat drie handgranate na raadslede se huise gegooi was.

HOF : Gaan voort.

MR BIZOS : There were further and better particulars, In view of Your Lordship's decision I will not take it any further.

MNR. HANEKOM : Het hierdie voorvalle dat raadslede se huise met klippe gegooi is na 'n vergadering, net na een so 'n vergadering plaasgevind of na meer sulke vergaderings? — Met die terugkoms vanaf die meeste van die vergaderings, het (20) hulle op dieselfde manier opgetree.

HOF: Het u dit nou uit eie kennis of het u dit net gehoor?

— Dit is wat ek self gesien het.

MNR. HANEKOM :

Op 15 Oktober 1984, die dag na die UDF vergadering, het daar enigiets by u woning gebeur? —Ja.

Wat het gebeur? — Daar was gepoog om my huis aan die brand te steek deur gebruik van buitebande en brandstof.

Hoe is die brandstof en die buitebande gebruik? — 'n Buiteband is geplaas by my voordeur en brandstof was in hierdie buiteband gegooi. Die ander een was by die (30) agterdeur geplaas. Dit wil sê die kombuisdeur ook op dieselfde

... / manier

manier.

Was dit in die nag of in die dag van 15 Oktober? -- Dit was baie vroeg in die môre om en by 02h00.

Die nag van 14/15 Oktober? -- Ja.

Is die brandstof en bande aan die brand gesteeek? -- Ja, dit wat aan die voorkant van die huis was, was aan die brand gesteeek.

Het u huis aan die brand geraak? -- Ja, die huis het aan die brand geslaan, maar nie erg nie, want ons het vinnig opgetree om die vuur te blus. (10)

Het u gesien wie verantwoordelik was vir die brandstigting? -- Nee, ek het nie gesien nie.

In Februarie 1985 het u 'n raad 'n openbare vergadering gehou in die gemeenskapsaal van Huhudi? -- Ja, dit is so.

Wat was die doel van die vergadering? -- Dit was met die oog daarop om die gemeenskap in te lig aangaande die verbeterings wat die Raad van plan was om aan te bring in hierdie woonbuurt.

Hoe was die opkoms by hierdie vergadering? -- Dit was goed, want die persone daar wat dit bygewoon het, was meer (20) as vyfhonderd.

Het u gesê waar die geld vandaan sou kom vir die verbeterings? -- Ja, ek het.

Hoe het u gesê? -- Van die Departement van die Community Development van die Noord-Kaap.

Het u enige melding gemaak van moontlike huurverhogings? -- Nee, ek het nie.

Was dit beoog om die huur te verhoog of sou die Ontwikkelingsraad voldoende fondse verskaf? -- Dit was nie beoog dat huurgelde in daardie jaar verhoog word nie. (30)

Gedurende vraetyd van die vergadering, het iemand aan u

... / gevra

gevra wat die moontlikheid is van samewerking tussen Huhudi Civic Association en die Gemeenskapsraad? -- Ja, dit is so.

Het u die vraag geantwoord? -- Ja.

Wat was u antwoord? -- In antwoord het ek gesê ek het alreeds 'n brief gerig aan Huhudi Civic Association waar ek hulle genooi het om saam met hulle 'n gesprek te voer aangaande wat gedoen sal word, of geskilpunte, indien enige, met hulle te kan bespreek.

Wanneer het u die brief aan hulle gerig? -- Dit was in die begin van die jaar 1983. (10)

Het u antwoord ontvang op die brief? -- Ja, ek het.

Van wie het die antwoord gekom? -- Die sekretaris van hierdie Association, John Mogasu.

Wat was die antwoord van die organisasie? -- In antwoord het hy gesê die prosedure of die doelwitte van hulle organisasie of die beheer van hulle organisasie, die grondwet, laat dit nie toe dat hulle organisasie enige gesprekke moet uitvoer met die raadslede nie.

Het u dit toe aan die persoon wat die vraag gestel het so verduidelik? -- Ja, dit was my antwoord gewees. (20)

Het u dit verder toegelig en gesê wat die Raad se standpunt op daardie stadium was? -- Ja, ek het.

Wat het u gesê? -- Ek het gesê as Huhudi Civic Association van plan is om enige gesprek met ons te voer, is ons nog steeds bereid om bymekaar te kom en met hulle 'n gesprek te voer indien hulle so verkies.

Het daar nog 'n persoon 'n vraag gevra? -- Ja.

Wie was dit? -- Kebothale.

Is dit die man van Huhudi Youth Organisation? -- Ja.

Wat het hy gesê? -- Hy het gesê sy organisasies (30)  
Huhudi Youth Organisation en Huhudi Civic Association hou nie

... / gesprekke

gesprekke of voer nie gesprekke met mense soos die raadslede wat met hulle hoede in hulle hande loop en hande klap om te gaan vra dat hulle aanvaar moet word deur die boere nie.

K233 Wat was die gehoor se reaksie nadat hierdie mnr. Kebotlhale gepraat het? — Die jeug wat teenwoordig was daar het hande geklap en toe die plakkaat te voorskyn gebring wat hulle by hulle gehad het.

Hoeveel plakkaat is te voorskyn gebring? — Twee.

Het u die bewoording van die plakkaat gesien? — Ja, ek het. (10)

Wat was dit? — Die een se bewoording was "Away with community councils." En nog "We want leaders elected by the people". Die tweede plakkaat "We do not want to be moved to Pudimo. We say no to removals."

Het die vergadering hierna aangegaan of wat het gebeur? HOF : Net voor u die vraag vra, was dit toe nog in die weer? Ek het 'n bietjie tred verloor. Was die verskuiwings toe nog in die weer of was die verskuiwings toe al van die baan af? — Dit was nog gewees dat ons verskuif gaan word in daardie tydperk toe hierdie vergadering in 1984 gehou was. (20)

MNR. HANEKOM : Het die vergadering toe voortgegaan of is die vergadering uiteen? Wat het gebeur? — Daar was toe 'n deurmekaar ding daar as gevolg hiervan. As gevolg daarvan dat dit deurmekaar was, het ons toe uiteen gegaan.

HOF : Wat bedoel u nou met 'n deurmekaar ding? — Daarby bedoel ek daar was geen orde gewees by hierdie vergadering nie. Die mense kon nie meer gehoor het indien 'n persoon met hulle gepraat het nie. Daar was 'n groot geraas gewees. Dus het ons besluit om op te hou.

MNR. HANEKOM : Hoe was mnr. Kebotlhale aangestrek die dag?(30)  
— Hy het 'n UDF skipperhemp aangehad.

HOF : Wat presies verstaan u onder 'n skipper? -- 'n T-shirt.

MNR. HANEKOM : Op 23 Februarie ...

GETULE STAAN AF.

HOF VERDAAG.

HOF HERVAT.

MATOMANE JOHN DIKHOLE, nog onder eed

ONDERVRAGING DEUR MNR. HANEKOM (vervolg) : Op 23 Februarie 1985 het daar iets by u huis plaasgevind? -- Ja.

Wat het gebeur? -- 'n Handgranaat was deur die venster van 'n slaapkamer ingegooi.

Het die handgranaat ontplof? -- Ja, dit het ontplof. (10)

Was daar mense in die slaapkamer gewees? -- Ja, daar was iemand.

Wie was dit? -- My eggenote.

Is sy beseer? -- Ja, sy was.

Is dit reg dat sy dertien dae in die hospitaal deurgebring het as gevolg van die beserings? -- Ja, dit is so.

Wie was verantwoordelik vir die handgranaat? Weet u? -- Nee, ek weet nie.

Het daar op dieselfde datum ... (Hof kom tussenbei)

HOF : Was dit in die nag gewees? -- Ek was nie tuis nie. (20)  
Ek het net verneem dat dit in die nag was.

MNR. HANEKOM : Weet u of daar op dieselfde datum ander handgranate in Huhudi ontplof het of nie? -- Ja, ek het so verneem.

Edele, ek kan met meld dat dit is 'n insident wat deur die verdediging erken is.

By watter huise het dit nog ontplof? -- Die huis van 'n onder-voorsitter van die Raad en 'n polisiebeampte se huis.

Wie was dit? -- Pike Thiba is die naam van die onder-voorsitter.

En die polisieman? -- William Masaille. (30)

Weet u in watter vertakking van die polisie hy werk? --

... / Ja

Ja, special branch.

Is dit die veiligheidstak? -- Ja.

Die onder-voorsitter, mnr. Thiba, is hy nog 'n lid van die Raad of nie? -- Nee, hy is nie meer in die Raad nie.

Het hy bedank? -- Ja.

Hoe lank na hierdie voorval het hy bedank? -- Omtrent 'n maand en 'n half of twee maande daarna, na die voorval.

Het hy aan die Raad redes verskaf vir sy bedanking? -- Ja, hy het.

Wat het hy gesê? -- Hy het gesê hy voel hy is nie meer (10) veilig nie en lede van sy familie versoek hom dat hy moet bedank.

Na die UDF vergadering van Februarie 1984 waar u sê mnr. Hoffman Kgaleng aan die mense gesê het om nie huur te betaal nie, om net R15,00 te betaal, het die mense daarop gereageer of wat was die posisie? -- Van die mense betaal glad nie huurgelde nie. Daar is van hulle wat R15,00 betaal tot op datum.

Was dit so voor daardie vergadering of eers van daarna af? -- Nee, eers na die vergadering het dit so begin. (20)

Het dit net 'n tydjie aangegaan of gaan dit nou nog so? -- Dit is nou nog so.

HOF : Ek het dit nie mooi verstaan toe u dit die eerste keer verduidelik het nie. Het hy gesê dit sal beter wees as die huur verminder word na R15,00 of het hy gesê julle moenie meer as R15,00 betaal nie? -- Volgens sy toespraak het hy gesê die mense moenie die huurgeld betaal nie en as hulle voel hulle moet betaal, moet hulle nie meer as R15,00 betaal nie.

MNR. HANEKOM : Ek toon aan u 'n dokument, dit is BEWYSSTUK AM(51). Dit is een wat die verdediging erken het gevind (30) is in Vryburg. Ek toon aan u 'n oorspronklike dokument.

Herken u die dokument? -- Ja, ek herken die dokument.  
Dit is 'n dokument wat ek al vantevore gesien het.

Waar het u dit gesien? -- Dit was versprei in die woon-  
buurt van Huhudi.

En volgens die dokument self, deur wie is hy uitgereik?  
Staan op die dokument deur wie hy uitgegee is? -- Ja.

Is dit Huhudi Youth Organisation? -- Ja, dit is so.

Dan toon ek aan u 'n verdere dokument. Dit is BEWYSSTUK  
AM(54). Het u die dokumente vantevore gesien? -- Ja, dit het  
ek ook gesien. (10)

Waar? -- By die woonbuurt van Huhudi.

U Edele, dit is ook 'n dokument wat deur die verdediging  
erken is. Ek neem aan die vertaling wat saam daarmee gebind  
is, word ook erken. Die oorspronklike dokument is net in  
Tswana. Die dokument AM(54) begin deur te verwys na 'n Woens-  
dagaand 7 Maart vergadering wat gehou was. -- Ja.

Weet u na watter vergadering dit verwys? -- Ja.

In watter jaar was dit? 7 Maart van watter jaar? -- Dit  
was in 1985.

Was u op die vergadering teenwoordig? -- Ja, ek was. (20)

Op die eerste bladsy van die dokument, drie-kwart na  
onder is daar 'n opskrif "Lede van die gemeenskapsraad". -- Ja.

Daar staan in die vierde reël van daardie paragraaf dat  
die gemeenskapsraad wat hulle goed kan doen is om onder andere  
Pudimo toe te verskuif? -- Ja, dit is wat daar gesê word.

Wou die gemeenskapsraad verskuif? -- Nee, hy wou nie.

HOF: Was julle deur die boere gekies? -- Nee.

CROSS-EXAMINATION BY MR BIZOS : Councillor Dikhole, would you  
agree that your community was divided on this question of  
being excised from the Republic of South Africa and put into(30)  
Bophuthatswana? -- Yes, I agree.

COURT : Let me just get a bit of background. Huhudi lies in the Republic of South Africa? — Yes.

Was there talk that Huhudi would be cut off, Huhudi itself would be cut off from the Republic and incorporated into Bophuthatswana? — No, that is not what was being said.

What was being said? -- What was being said was that the people in Huhudi will have to be removed from there to go and settle at a place called Pudimo.

MR BIZOS : I am sorry, I had it wrong. Were you personally ever in favour of this removal? — I was not at all in (10) favour of that.

Did you never make any public statement that you were in favour of that? — Not at all. I never ever said that.

COURT : And any of your co-councillors? — They also never said that.

MR BIZOS : Did anybody in the community say that they were in favour of the removal? -- If there were those who were interested in being removed, they were not saying that openly.

Nobody was saying it openly? — Nobody ever did that, except those who at their own moved from Huhudi because (20) of lack of housing.

COURT : How far is Pudimo from Huhudi? -- About 52 kilometres.

MR BIZOS : Was anyone in authority either in the Republic of South Africa or in Bophuthatswana saying that the leaders of the community had agreed to the removal and they were negotiating the terms? -- I have not heard anybody saying that. If ever anybody said that, then that person would not be telling the truth.

So, have we got it on your evidence that no one was in favour of this move except you told us the people who did (30) not have housing? -- That is so.



For how long had this been on the cards? For how long was there talk that Huhudi was a Black spot and that the people must be removed from there? -- For about sixteen years.

Throughout this period was the community of Huhudi resisting any attempts for their removal? -- Prior to our being elected in the community council, it was not made clear to the community that they were going to be removed from there. It only became clear to them that they were going to be removed as a result of the meetings which were held by the community council. (10)

COURT : Does this mean that only when there was a community council did the government tell the community council and therefore the community of the proposed removal or does it mean that only when there was a community council did the community council tell the community of the proposed removal? -- From the knowledge of the councillors about what was being said, at their own they decided to make it known to the community.

So, the councillors got information that the government wanted to remove Huhudi? -- That is so. (20)

And they then told the community about it? -- That is so.

MR BIZOS : Yes, but the community knew about the plans to move them at least some twelve years before? -- It was not well known during this period as to exactly what was happening in this issue.

Do you recall when Bophuthatswana became separate from South Africa?

COURT : Do you mean an independent state of a homeland? There were two stages?

MR BIZOS : The last stage. (30)

COURT : Entirely independence.

MR BIZOS : Entirely independence. -- Yes, I do.

1 December 1977 if I remember correctly? -- Yes, that is right. Rather 5 December.

Yes, you may be correct. By that time already - this was a small community and they knew that the Government's plan was to move them to the new place? -- That is why I said though they knew, it was not yet clear as to exactly what is happening.

Whatever objections there may have been before December 1977 to moving, there were additional objections to moving(10) after December 1977? -- Yes, there was some addition.

The most important factor was that not only would people be moved to another place but they would also lose their South African citizenship which they had acquired in many cases by birth? -- That is so.

And would you say that that was resented by the people of your community? -- In addition to other reasons, that was the reason why they resented it.

And there was much public protest about it? -- That is so.

Meetings? -- Yes. (20)

Protests? -- Yes, that is so.

And that a feeling of non-co-operation with the authorities that wanted to deprive people of their places that they were occupying and their citizenship, there was a spirit of non-co-operation for sixteen years but more especially after December 1977? -- That is so.

And will you agree that the population that it was intended to remove to another place, became politically aware? -- That is so.

Did you after 1977 personally have any negotiations (30) with any Government officials in relation to this removal?

... /We

-- We had discussions with the Administration Board officials. They were refusing us permission to meet the Minister of Co-operation and Development.

Did they try to negotiate with you and get you to agree to the removal? -- Yes, they tried that.

By doing what did they try to get you to agree to the removal? -- For instance saying Pudimo would be a very nice place, better by far compared to Huhudi. The rent will be low.

What other inducements were offered? -- That is all (10) I know about.

Did they ever say why, what was the policy, what was the grand design that was wanted to be achieved by moving you from the place of your birth? -- What they said was, it was the Government's policy that any township which is situated near a homeland will have to move across the boundaries into the homeland to settle there.

That did not suit you and your people? -- It did not.

Will you please tell His Lordship how many houses in order to cater for the growing population were built in (20) the sixteen years that this was ... (Court intervenes)

COURT : Let us first get the facts straight. Did the population grow?

MR BIZOS : Did the population grow? -- It grows.

And would you say that the average family has four or five children? -- It can be so.

And having established that were any new houses built in the last sixteen years? -- Not a single house was built.

Did that place a tremendous burden on this community of overcrowding? -- That is so. (30)

Were there calls by the local people for the building

... / of

of more houses? -- Yes, that is so.

Did you call for the building of more houses? -- Yes, we did.

Did your fellow councillors call for the building of more houses? -- We were together jointly when we asked for that.

And were the requests refused? -- They were refused, yes.

Did it become clear to you and your community at large that the refusal to build new houses was an indirect compulsion to get people to move to a place they did not want to move to? -- That is so. (10)

When were you first elected as a councillor of any kind? -- 31 August 1978.

Was there an election or were you elected unopposed? -- There was an election.

COURT : Was that the date upon which councils were instituted for the first time? -- Yes, they started working on that day.

MR BIZOS : And have you been a councillor ever since? -- Yes, ever since.

Are you still a community council or were you transformed into a town council? -- We are still a community council. (20)

Did you know that in 1983 new procedure was introduced having town councillors which are said to have greater powers than you as community councillors? -- Yes, we knew about that.

It was not introduced in your community? -- No, not yet.

We have had much evidence before this Court which I want to put to you and if you agree we can go on a little bit more quickly, to the effect that even supporters of the community council system, judged it to be nothing more than a puppet body? Do you agree with that? -- The question is not clear. Do I agree with the people who allege that the community (30) councillors are puppets or do I agree with their having heard

the statement or having heard about people saying that.

Do you agree that even some people who work in community councils considered them as puppet bodies? -- No, I do not agree.

MR BIZOS ASKS PERMISSION FOR ACCUSED NO. 20 TO BE EXCUSED AS HE IS NOT FEELING WELL.

MR BIZOS : Did your community feel that you as a community council could really not do very much for it? -- No, I would not say so, because when I asked them in a meeting whether they still wanted the community councillors to exist within(10) the community or not, they said no, because otherwise who is going to do work for them as a community if one was going to do away with the community councillors.

When was that meeting? -- It was in 1982 before the second elections.

Your council was unanimous and not wanting to move? -- That is so.

This was made clear to the Government? -- Yes.

When did the Government eventually say that you will not have to move? Could you give us the date, please? -- (20) 15 October 1984.

For the six years that you were a councillor and you were saying loudly and clearly that this community does not want to move, was your view accepted by the Government?-- Up until 1983 when the Government said it is O.K. then, the only people who will be removed from there are those whose houses are inferior in construction and those with a better quality of housing would not be removed.

Well, that was an aspect we can appreciate, but in 1984 when the announcement was made, was that an announcement (30) only to your own community or was it just a general

... / announcement

announcement that removals are counter productive and that the Government abandoned the policy of removal? -- This was said in reply to the request that our community must not be removed from there.

Do you know whether at all about that time, Dr Viljoen, the Minister, made a general statement that there was a general policy?

COURT : The time being 1983?

MR BIZOS : 1984. -- What I heard during time was that people would not be removed by force. That was made known after (10) we had been to Pretoria on 15 October and later that statement was made.

Shortly after your personal interview in Pretoria? -- I am not in a position to tell whether it was shortly thereafter, what I can tell is, it was after we had been to Pretoria that that statement was made.

Was your council crying out for houses from 1978 to 1983? -- That is so.

And that if the officials decided or the Government decided that there would be no more house, there would (20) be no more houses? -- That is so.

And did people not say as a result of that, what is the good of so-called public representatives if they have got no power at all? We want houses. They say that we want houses. They are not listened to. The decisions are made by the officials? -- Whenever one is to do something or put up a structure, you first have to clean whatever is there. In this case, whenever we asked for houses, it was said to us "You cannot get new houses, because you are supposed to be moved from that area" that is removed from the area (30) in which we lived. Now, we decided on first tackling this

... / question

question of the removal and get that put straight first before coming back to the housing. That is what we did.

Which took sixteen years? -- Not sixteen years, but six years.

For the time that you were elected? -- Yes.

Who decided on the amount of rent to be paid? -- The Administration Board took those decisions with the help or with the working together with the community council.

Whose decision was it really? Who made the final decision? -- What happened there is this, the Administration (10) Board would put forward to us as a community council as to what is required, which will need money. Then they would give us the time to consider that and see if we approve of that and then give us the rentals proposals. We would sit down and consider that. After having decided on that, then agreeing with the Board, it is only then with our agreement and approval that rents would be increased.

Did the Board say publicly that they had initiated the increase in the rent or did they put the blame on you, so to speak? -- They never ever said that they were the (20) people who initiated the increase on the rentals. We were the people who were saying that they are the people who caused the rent in creases.

COURT : You as council said the rent increase does not originate with us. The Administration Board does it? -- What happened is this. When addressing a meeting of the community in Huhudi, we would put it this way, that the Administration Board came with this to us and said these are the things that we require in the township, as a result of which then we had to consider whether this thing was worth doing or not.(30) Then we would inform the people that as a result of what came

... / from

from the Board and the requirements they say we need, we are proved that which results then in the increase of the rent.

I note that accused no. 20 is back in court.

MR BIZOS : Could we summarise it by saying that the Board maintained that the rent increase was your initiative and your idea and your decision, whereas you were telling the people no, we really act on the initiative of the Board? -- That is so.

So that, as a result of what you yourself were saying that the rent increases came as a result of the initiative(10) of the Board, do you think that there was some justification if the people say that the councillors do nothing more than merely increase rent? -- Yes, if a person is just considering the question of the rent only, you can come to that conclusion.

And were there people in your community who considered these very limited powers that you had as councillors, as an incompletely inadequate representation in matters vitally affecting their lives? -- Yes, I agree with that. There were people within the community who were saying that.

A cross section of your community, the school teachers(20) some of the business men, people working in the Vryburg district, such employment that was available. Do you agree with that?-- It was put to me that the people of the community in Vryburg had this feeling and I said yes. I took it generally that it includes whichever profession or no profession.

But you yourself were you happy with the half-advisory capacity that you had there in relation to your community's affairs or did you want very much more to be able to determine the destiny of your community? How did you feel personally?

(30)

COURT : Why do you call it a half-advisory? Just an advisory  
... / capacity



capacity.

MR BIZOS : Were you happy with the situation you were in as a public representative? -- I was happy in the position I had up to now, except of course that I was not happy about what we received from the Board, which things we were asking on behalf of the community to be met by the Board.

The Board was there to dispense and for you to take? -- That is true.

You know, you are coming very near to describing coming cap in hand, with a hat in hand, that was referred to by (10) one of the speakers? -- We were not going there with hats in our hands. We were going there to ask what is in fact due for us.

The decision that was due to you, was not made by you? -- That is true.

And the system under which you were operating was really a system which was introduced by White men? -- That is so.

In Tswana is boere and White men unanimous? -- Yes.

You were to refer to me as one of the boere? -- Yes, it can happen.

So, when it was said in the pamphlet or in speeches (20) that this is really the creation of the boere, it really meant that it was a thing of the White man's making? -- That is so.

Is that not what people meant in pamphlets and at the meetings that we are not prepared to acquiesce, to merely accept what the White man is dispensing to us? -- It only depends on the speaker in what context is that person using the words referred to and the writer of the pamphlet also. It applies to that, that it depends on the writer in what context is he or she the writer using that word.

Do you agree that a considerable body of opinion in (30)

... / your

your community, in the late seventies and in the early eighties were not prepared to accept merely what was handed out to them or handed down to them? -- That is so.

And they wanted meaningful political rights. They wanted to be able to say whether they move or not, whether houses are built or not? How much rent they have to pay and what services they are entitled to? -- That is quite correct.

Do you share that view? Do you want the same, your own destiny? -- That is so.

And would it be correct to say that you were dissatis-(10) fied at merely being a community councillor? -- That is true, because I wanted to bring about changes which were wanted by the community.

But the system under which you were working, was making it impossible for you? -- That is so.

And this system of community councillors had really come into disrepute because of its lack of power?-- That is so.

Do you agree that there were a substantial number of people in your community who felt that by you taking part (20) in the half-baked system, you were actually prolonging the apposition of meaningful political rights? -- Because of my never having heard anybody saying that, I do not agree with that.

Did you not hear anybody at a meeting or read any public statement by any of the organisations to say that by participating in such puppet organisations you are delaying the deliberation of the people, you are delaying the apposition of meaningful political rights by other people. Have you never heard them say that? -- Yes, that I heard. (30)

I want to ask you, would you agree that there was no

... / violence

violence whatsoever against any councillor during 1983? --  
Yes, I agree with that.

Not against the person of any councillor, not against the  
business of any councillor? -- That is so.

Then let us come to the whole of 1984. Could you please  
tell me the name of any councillor that was attacked throughout  
1984 in your area? -- Attacking the councillor in person or  
the property of the councillor?

Both, during 1984? -- In 1984 an attempt was made to  
set my house alight. (10)

What month? -- October, the 15th.

Do you know of any other incident in 1984? -- Not that I  
can remember.

Do you know of any attack against any councillor's proper-  
ty, any shops or any property during 1984? -- Not that I can  
remember.

But now, how many meetings in all were held in 1983 and  
1984 by the two organisations that you ave mentioned? Please  
tell His Lordship how many meetings were held in 1984?

COURT : Which organisations? Three were mentioned. (20)

MR BIZOS : Local organisations, a youth organisation and  
the Civic Association. -- I do not know how many meetings  
were held by these organisations.

Were there regular meetings held? -- There were not so many  
in 1984. They became more in 1985.

You yourself attended one in February 1984 you told us?  
-- I am not saying there were no meetings in 1984, but what I  
am saying is, there were not so many.

I will tell you what brought trouble to your area and  
tell Your Lordship whether you agree with it. Do you re- (30)  
member 16 June 1985? -- Yes, I do.

Do you know that 16 June is a meaningful day for Black people in South Africa? -- Yes, I know that that is the position.

Especially to the young people? -- That is so.

Do you recall that there was a meeting on 16 June in the Huhudi community hall? -- That is June, 16 1985?

Yes? -- I cannot quite remember.

Well, may be you heard what happened outside the hall. Do you know a Mr Stephen Matloko? -- Yes, I do.

Is he one of your councillors? -- Yes. (10)

Did he drive into the large group of young people coming out of a hall on 16 June? -- No, he did not do that.

Did he injure three people in the crowd with his bakkie whilst he was driving it outside the hall? -- No, that did not happen.

Did you never hear about this?-- Matloko never ever bumped into people with a vehicle.

How do you know it? Other than loyalty to a fellow councillor? -- Well, you can put it that way, but what I know is, it never happened that way. (20)

Why do you know that it never happened that way? -- Because I have never heard of it, nor did I see it happening.

May be then you are out of touch with your community. -- That is not correct.

Well, it appears that you did not know that there was a meeting on 16 June in the community hall at which approximately 900 people were present? -- I cannot recall such a meeting. I am not saying there was no such a meeting. I say I cannot recall it.

Is it possible that such an event can pass you by? -- (30)  
Do you mean tht bumping of the people with the vehicle?

The holding of a large meeting in the community hall of the community council of which you are the chairman?

COURT: Let us make it clearer. Counsel is putting to you, is it possible that you can be unaware of a meeting held on 16 June in the community hall? -- It is possible.

MR BIZOS : Well, I am going to put to you that on Ellie Mabusela Street Stephen Matloko knocked three people down? -- Well, I am listening. You are telling me.

And that as a result of that the crowd that had left the hall became frenzied? -- Are you saying as a result of (10) which then they went to my house and tried to set my house alight and throw a hand-grenade in my house?

We will come to that:

COURT : But can you not put it a bit quicker? You are putting something to the witness, you were explaining how it came about that trouble came to his area. We have not come to that yet.

MR BIZOS : The crowd went frenzy and they attacked Matloko's shop on that day? -- Before his having been involved in a collision, I would like to know then why they attacked his(20) shop before that day?

Do you say that his shop was attacked before 16 June? -- Yes, it happened that his shop was attacked before 16 June.

Where do you say his shop was attacked? -- From the beginning of the year 1985 after the meetings which were held then they would attack this shop.

Do you say that his shop, Matloko's shop was attacked before 16 June? -- That is what I am saying.

You are saying that it was in the beginning of the year? -- That is so. (30)

When do you say Vusi Maropeng Butchery was attacked? --

... / Well

Well, that one can be after 16 June, some time in July.

Was Maropeng Butchery not attacked at the same time that Matloko's shop was attacked? -- At the same day, on the same day when they were attacking the shop, they also attacked the butchery of Maropeng.

Do you still deny that that was on 16 June? -- I am not saying it was not on 16 June. What I am saying is, it could be in July.

COURT : Was Matloko's shop only attacked once? -- On many occasions. (10)

MR BIZOS : Before or after 16 June? -- Before and after.

But during 1985? -- That is so.

We have heard about violence against councillors. Perhaps Your Lordship should hear - tell me, were any houses not belonging to councillors or people working within the system destroyed in your community?

COURT : What do you exactly mean with working inside the system? A chap sweeping a street in Vryburg, is he working inside the system. Let us get clarity on this. Either - ask him whether other houses of people not belonging to coun-(20) cillors were attacked or define the system?

MR BIZOS : Do you agree that there is a vigilante group in your area which has taken the law into its own hands since 1985 and has burnt down, for instance, Ghaleng's house and Francis London's house? -- I do not know what caused the fire to those two houses referred to, just as well as I do not know what caused the fire to other houses as well.

You see, you were quick to pass judgment that it was the meetings that led to that, but who do you suggest was responsible for the burning down of Ghaleng's and Francis (30) London's house? -- I only spoke about houses which were

... / attacked

attacked by being stoned after the meetings. Then I did not speak about houses that were set alight and some of the houses - if we are now talking about houses which was set alight - were set alight, which houses belonged to the supporters of the community council.

Do you agree that people who were opposed to the council system from 1985 have had their houses stoned, their children beaten up, their houses burnt? -- I will agree with it that houses were attacked and the families were attacked during the year 1985 and children of some families were set (10) alight during 1985 in Huhudi. That happened to the residents of Huhudi in general. What I am saying is, not only the people who were in favour of or were not in favour of any councillors were attacked or were chosen as targets. It happened to anybody in that community.

Do you agree that the leading people opposed to the council system were singled out in 1985 for their houses to be attacked, to be burnt and for their children to be beaten up? -- I do not agree,

You do not agree? -- I do not agree. (20)

Do you not agree that the house of Ghaleng and Francis Londen were actually burnt down? -- Much as I agree that Lydia Geopepe's house was also set alight and Sheleng's house.

Do you agree that people who were opposed to the council system were singled out for their houses to be stoned, burnt and their families to be beaten up? -- I have already said that I do not agree with you and I even gave you reasons for why I do not agree.

You speculated that it was after the meetings that the houses of councillors and their associates were attacked.(30) Would you not like to try and draw the same inference or the

same speculation in relation to the damage done to the other houses and attacks of the other families? -- It can be the way you put it.

COURT : What was attacked first? The property of councillors or the property of people opposing the councillors? -- The councillors' properties were first attacked.

K234

Do you say that attacks upon opponents of the councillors were in retaliation? -- It can be that that is the position, but I am not quite acquainted with the facts on that.

MR BIZOS : You know of the existence of a so-called (10) vigilante group in your community?

COURT : Have you got the name?

MR BIZOS : I have not been given one. -- I do not know about them.

Well, is there not any group that has come together allegedly for the protection of the properties of councillors? -- No, I do not know of a group which was found to protect the properties of the councillors. I only know of some people who are acting on their defence defending themselves.

What do you call those people? -- They do not have a (20) special name.

Is your treasurer their leader? -- My treasurer?

The treasurer of your council? -- No, he is not.

These people, when were they formed?

COURT : It does not say that they were formed. He says people are defending themselves. They may be timid citizens.

MR BIZOS : The unfortunate results, My Lord, that we may be to show to Your Lordship, would show that that is not so, but let me put it more clearly. When did you become aware for the first time of these people who wanted to defend them- (30) selves? -- During November 1985.



How did they identify themselves? Did they have a meeting, did they elect a committee? What did they do? -- I do not know how they did that. I have just become aware of their existence there while they are now defencing themselves in these fightings. I do not know how they came to existence.

Did you come to know that there was such a group that was defending themselves in these fightings? -- Yes, I just suddenly became aware of the presence of that group.

Who is the leader of the group? -- I do not know who the leader is. (10)

How large is the group? -- I do not know in number how large the group is.

Where does the group meet? -- All that you are asking me about pertaining to this group, I do not know, including that.

With weapons do they defend themselves? -- I only heard that they carry with them sticks, iron-bars or irons, knives.

Pangas? -- Well, it is possible that they even carry pangas. I believe there must be pangas as well.

And does this group - since 1985 has this group been (20) going out? -- Since after the year 1985 I have not seen any fighting again.

COURT : That is since the beginning of 1986? -- Since the beginning of 1986, yes.

MR BIZOS : I thought that you said November 1985?

COURT : No, since after 1985 I have not seen any fighting. That is why I said since the beginning of 1986.

MR BIZOS : You do not want His Lordship to get the impression that you are reluctang to talk about this group. You yourself are a person that requires protection? Your property has(30) been attacked. Why did you not try to identify this law-abiding ... / protection

protection group? -- I do need protection, yes, but I get my protection from the police.

Do you feel that this group was not necessary in your community or you do not require - you do not think it a necessary group in your community? -- That is my feeling, yes. I do not see any necessity of this group to be within the community. Well, of course it is provided that the people who are referred to as a group are not attacked. So, that they are now being put in a position where they have to defend themselves. (10)

COURT : Do they defend themselves as a group or does each one act on his own, according to that you hear? -- I am not well clear on the fact whether they defend themselves individually or in groups, but what I came to know about them is that they do come together as a group while defending themselves wherever.

MR BIZOS : Do they sometimes find it necessary to defend themselves as a group by attacking a youngster wearing a UDF shirt? -- I do not know about that kind of self-defence. In that fashion in fact that would not be defence, but (20) attack.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

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MATOMANE JOHN DIKHOLE, still under oath

CROSS-EXAMINATION BY MR BIZOS ( continued ) : I want to ask you to tell His Lordship about the background that led to the formation of the Civic Association in your town. -- I am not the person who started that organisation and therefore I am not in a position to tell as to what the background was. Only the people who were involved with the formation of (30) of that, can tell the Court about the background.

... / Although

Although you may not have realised it - just listen to what I have to say and say yes to what is yes and no to what is no and I do not know to what you do not know. Do you recall that in 1980 your council wrote to Dr Koornhof protesting against the removal? -- That is so.

The reply back from the Minister was that despite your protest the move was going to go on? -- That is so. This reply was from Dr Morrison.

Then your council decided to go public, so to speak. You started a petition which you wanted people to sign (10) objecting to the removal? -- That is so.

In order to get as many people to sign as possible, you went public, you created a broad front. You said "Let us forget our differences and let us all co-operate together in order to persuade the Government that none of us is really for this move"?

COURT : Were there differences in 1980?

MR BIZOS : Other differences in order to get this right? -- That is so.

And that people who were not interested in the council system join you in this in associating themselves with the petition that you had drawn? (20)

ASSESSOR (MR KRÜGEL) : Did they actually join or did you want them to join?

MR BIZOS : No, they actually as a fact campaigned together to get as many signatures as possible. -- I am not aware as to whether there were people who did not approve of the council existence during the year 1980.

Let us leave that aside for the moment. Did everybody in the community join together and go around and get (30) signatures and were over one thousand signatures obtained?

... /That

-- That is so.

However, despite this effort and despite this unanimity were there factors such as the shortage of housing, the provision of the housing at the new place? -- That is so.

The provision of facilities at the new place? -- That is so.

In some sense compelled about two hundred families to move away by 1982? -- Although I do not agree with the number, but there were people who had left already.

Well, what would you say the number was? -- About (10) hundred and twenty.

Families? -- Yes.

Do you recall that the feeling in your community was that schools were not being provided or repaired? -- That is so.

Permission was not being granted to add extra rooms or even toilet or bathing facilities?

COURT : To schools or houses?

MR BIZOS : To houses? -- That is so.

No new houses were being built? -- Except the toilets.(20)

And the overall impression was that the community was really being held to ransom, to move? -- That is so.

Do you recall that this created anger in your community? -- That is so.

And people who had up to now not been interested in the general politics of the country and the general politics affecting the Black man, started speaking about being unjustly oppressed. -- That is so.

And do you recall that you called a meeting in September 1982 at which you reported back? -- Reporting back about (30) what?

It was a meeting with your community and the effect of your speech was "We have tried our best, but it looks as if we are losing the battle"? -- I have never had the feeling that we were fighting a losing battle.

But do you recall that you had a meeting with them in September 1982 at which you may not have said that you were losing the battle, but at which you said that there was little else that the council could do to avoid the removal? -- No, I never said that to the community.

Just listen. Perhaps the next portion will remind (10) you of what happened and that the people voiced opposition to this report and they said that the council was not achieving what they hoped it would achieve to avoid the removal, because of the limitations of the system, that they were really cautious, they were really creatures of the white man's law? Do you recall that? -- I cannot recall that.

But maybe the next bit will remind you. And the people at the meeting said that because of the limitations of the council system, they did not want the council replaced but they wanted additional representatives elected or appointed (20) at that meeting to stand by the side of the council in order to support them in their opposition to the proposed removal? Do you recall that? -- That I quite remember.

And do you remember it was at the September 1982 meeting? -- I cannot remember whether this was in a meeting which was held in September, but what I can remember is, we went in the company of the people which were chosen by the community there to Kimberley in September.

Well, then we are talking about the same thing and may I say, with respect and to your credit, that it was you (30) who suggested at this meeting that this was a good idea and

... / that

that six people should be elected from the floor, so to speak to stand by the councillors in order to show the unity of the community against this removal? --That is so.

And six people were duly elected by you? -- That is so.

And then the council and the six will call them delegates.

Did you attend a meeting with the Board officials.

COURT : Is that the Administration Board?

MR BIZOS : The Administration Board. -- Yes, that was at Kimberley.

Do you recall whether you went to this meeting or (10)  
whether you were represented by your vice-chairman? -- As there were two meetings held which I attended, which meeting was held with the Board? The one which was held at Kimberley with the delegation, I was present. Then there was a meeting which was held in Vryburg. That one I did not attend.

Was the council headed by your vice-chairman at that meeting? -- That is right.

Then, do you recall that after the meeting at which you were not present but at which your vice-chairman was present a difference of opinion arose between the councillors and (20)  
the delegates?

COURT : Is that the Vryburg meeting?

MR BIZOS : I have no instruction that it was the Vryburg meeting, but I will accept the witness's answer. In my instructions I do not have the places where the meetings were held, but it would appear to be the Vryburg meeting if he did not attend it. -- No, I am sorry, I did not know that there was a difference of opinion there.

Well, you see, I am going to suggest to you that the difference of opinion and emphasis exhibited itself even (30)  
during the meeting at which the councillors, according to

... / the

the opinion of the delegates were really pulling punches in relation to the removal? -- I cannot remember anything about that.

Was the Vryburg meeting the second meeting? -- No, that was the first meeting.

Was there any reason why you did not attend the Vryburg meeting? Were you ill at the time, were you out of the picture in some way? -- I was not in town at Vryburg.

Just for the day or for a period? -- For two weeks.

Do you agree or did you hear perhaps that as a result(10) of these meetings and as a result of a delay to report back which did not take place until January 1983, suspicions were created as to whether the council was really against the removal or not? -- What I remember is, when this report back was to be made I was already back in Vryburg and that was not in 1983. I was present at this report back meeting.

Do you know of any meeting of residents in the beginning of 1983 at which some of the delegates and other members of the community called the community together and passed a motion of no confidence in the council for not being (20) strong enough against the removal? -- I hear that for the first time here in this court. What I remember is, after the report back meeting which was held George Moseapoa who was a delegate, said the following at the report back meeting, that he has full confidence in the council, that the council is representing them the way the council explains it to the community, which was confirmed by Mr Kgaleng, who is the chairman of the Huhudi Civic Association. He even added by saying he is convinced that no matter how difficult it is for a case to be put forward, what the community council (30) has tried, the only difficulty now lies with the Administration

Board.

Was this in 1982?-- Yes, that was in 1982.

I am talking about the beginning of 1983?-- The report back meeting was not in 1983, but in 1982.

That may have been a report back meeting by the council, but do you know whether the delegates called a meeting in the beginning of 1983? -- I cannot remember that.

Do you recall that during negotiations with the Board even at Vryburg or at Kimberley or anywhere else, whether it was either expressly or impliedly said that the authorities(10) did not welcome the delegates. They merely wanted to deal with the councillors. They did not want the delegates? -- It was at the meeting in Kimberley.

Were any reasons given why the authorities did not want the delegates to take part in the negotiations? -- I questioned that as to why are they not prepared to talk to the delegates in our presence, on which they replied saying it is because you as a council are present and there to represent the community, on which then I said but this is exactly the same. The people in our company here are also elected by(20) the people to accompany us.

Was it made clear to the delegates that they would not be welcome in any further representations or negotiations? -- Yes, that is what was said by the officials of the Board.

Both in Vryburg and in Kimberley? -- No, I only know about what happened in Kimberley.

And were some of the people who were elected as delegates the people who then formed the civic association in the beginning of 1983? -- That is so.

Was it during 1982 in the beginning of 1983 that you(30) were actually wanting to be heard at the highest possible

... / by



by the Minister himself? -- That is so.

And was it made clear that you had no hope of seeing the Minister if you wanted the delegates to accompany you?

-- It was not put that way to us.

Well, did you understand it that that is what is expected of you, that you had to dissociate yourself from the delegates?

-- That is so.

And it took a long time to see the Minister. It only took place on 15 October 1984, but one of the pre-conditions was that the delegates should not be there? --There were (10) no conditions to that.

You had no direct communication with the Minister but only with the officials until right up to the time that the meeting took place? -- That is so.

And from the beginning of 1983 the delegates were told that they were not welcome. Did you know that that was the reason why they decided at the meeting in the beginning of 1983 if we are not wanted to be side by side with the council let us form a civic association of our own? -- I do not know whether that was the reason for that. (20)

And no attempt was thereafter made to try and have delegates and the councillors working together? -- That is so. ||

The delegates or would you accept that the delegates and at least a portion of the community or some of the delegates and a portion of the community felt that when they were told that they were not welcome in these negotiations that an attempt was being made to manipulate the councillors into agreeing to the removal? -- I do not know whether that was the feeling from those in authority.

Not those in authority, the feeling of the community?(30)  
-- It may have been the perception of the community which was

... / not

not made known to us.

This was the period during which the one side was asserting that they were forced removals and the Government was asserting that no removals take place without the consent of the community? -- Yes, the local Administration Board was saying that nobody will be forced on these removals and at the same time it was being said that we are all going to be removed.

COURT : By whom? -- This was said by the Administration Board.

So, is what you are saying that the Administration Board said you are going to be moved and the Government said (10) there would not be forced removals? -- No. The Administration Board was saying that nobody will be forced to move from where he is. In the same breath again the same Board was saying that we are going to be removed.

MR BIZOS : During that time 1982, yours was not the only removal project that appeared to be on the way? -- That is so.

And without wishing to go into the details, but merely for the purposes of the relevance in your case, was it being alleged by the Board or officials or the Government that Chief so and so has agreed to the removal or the chairman (20) of some body or other agreed to the removal whilst the people were saying we did not agree and there was a conflict of fact as to whether there was agreement to move or not? -- Yes, for instance in our case they said the Bophuthatswana Government has agreed that we move to Pudimo on which we said they are not the people to move from where they are, we are the people to move from our residents to a new place, and we have not agreed to that.

You see, what I am going to suggest to you is, I am not saying that the suspicion was justified in relation to (30) your case, but there was a suspicion that the people would

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wake up one morning and be told that there was a resolution of the council that they should move? Not because you wanted it, but that you had been manipulated in some way or another by the officials? -- The way it was in this case the Administration Board would not succeed in changing our feelings pertaining to this issue here.

But not everybody in your community was sure as a result of so-called consents by leaders in other places? -- Well, that is possible because a community is composed of different people with different ways of reasoning. (10)

And I am going to put to you that the main reason why the civic association came into being was that it should hold regular meetings which you tried very hard to get well attended so that it could cry from the roof tops so to speak that we will not move? -- I am not disputing that.

WITNESS STANDS DOWN.

COURT ADJOURNS TILL 1 MAY 1986.

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## **DELMAS TREASON TRIAL 1985-1989**

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