

THE SHOOTING OF DAVID KOPELA AND MIRIAM SENARE
ON 3/1/86 AT MUNSIEVILLE BY SAP

A INTRODUCTION

1 KOPELA and SENARE contend that they were
innocently on the street when they were hit
by shots fired by the SAP.

2 Respondents are unable to identify the
incident in which these two were injured but
have advanced a totally different version as
to what happened.

The only deponent who deals with this
incident is CONST. EVANS ("DJW35", p. 1153).
According to EVANS a bus was set alight and
barricades put up at various places in the
streets. It was then decided to send a bus
into the township as a decoy to catch the
culprits who were stoning vehicles. EVANS
was accompanied by MYBURGH, VENTER and
MACPHERSON (p. 1155, par. 18). While they
were moving onfoot they encountered a band of

about 20 youths who were erecting a burning barricade - when they approached the group they ran away and were ordered to stop. The group then started stoning them. Four rounds of birdshot were fired in the direction of the group - they did not find any who were wounded. As they moved further down the street they encountered a big barricade in front of the house where KOPELA and SENARE were eventually found. While they were removing the barricade they heard a noise from the side of the house and went to investigate (p. 1156 et seq., paras. 22 and 23). The people initially refused to let them in. They eventually gained access and found KOPELA under the bed on which SENARE was lying under the blanket. The people in the house denied they live there. He ordered the two to accompany him. According to information received from the other group the two could not have been shot by that group. Both injured persons refused medical treatment and they were then released.

AUGUSTEIN ("DJW42", p. 1212) - he was a

member of the other group that was moving around the township.

B APPLICANTS' EVIDENCE

MIRIAM SENARE

1 Ad paragraph 1

I am not a member of KRO but I am a member of the Munsieville Women's League.

2 Ad paragraph 4

When I went outside I did see some people in the street - they were running in different directions - I did not know why they were running.

3 Ad paragraph 5

The police were about 6 metres away from me when I saw them taking aim and firing at me. At that stage I was still on the side of the road.

4 Ad paragraph 7

I did not see KOPELA enter the house - I found him inside when I went in.

5 She further confirms KOPELA's affidavit (p. 121 et seq.) except that she says she did not see him being kicked as set out in paragraph (p. 123).

6 According to her the police asked her whether she was shot and she initially denied this as she did not want to get involved but the policeman then noticed the blood.

7 She has not made a separate police statement.

DAVID KOPELA ("A8", p. 121)

1 Ad paragraph 1

I am not a member of either KRO or MUYCO; I am not a comrade.

2 Ad paragraph 3

I noticed a burning van further down the street; at the intersection of Dinizulu and Umhlophekaze Streets - there was a burning barricade consisting of inter alia tyres. I saw people running in the street and I could also hear stones hitting metal objects. I did not see anybody throwing any stones. I did not hear any shots being fired.

3 Ad paragraph 4

I was alone but this must be read with what I have set out in the previous paragraph.

4 Ad paragraph 5

I saw three policemen in the street; they started shooting in my direction. I did not see anybody else they could have been aiming at. I did not see MIRIAM SENARE; in fact, I only saw MIRIAM after I was taken out of the house by the police.

5 Ad paragraph 7

I do not know the occupants of this house. The house is across the street from where MIRIAM lives. I live about three blocks away.

6 Ad paragraph 8

One of the policemen who came in asked the woman in the house why the youngsters had set fire to the tyres outside; she said that she did not know. I was at that stage lying on the carpet in the bedroom and they then turned their attention to me and kicked me as set out in paragraph 9 of my affidavit.

7 Ad paragraph 9

When the policemen kicked me they did not tell me to get up. I got up of my own accord. The affidavit is wrong.

8 Ad paragraph 10

This paragraph is wrong; I never saw MIRIAM inside the house.

9 Ad paragraph 11

Outside the house at the gate I was told to take off my skipper; the police then examined my back. At that stage three other policemen joined us at the gate with MIRIAM - she was wounded in her leg. I do not know where they brought her from.

10 MIRIAM appeared to me to be drunk; I base this observation on the way she was talking.

11 I did not witness any other incidents save that I did attend the funeral of LENNOX MATROOS where teargas was fired and people sjambokked by the police.

C COMMENTS

1 I was not unduly impressed by MIRIAM SENARE. She would probably be a fair witness had it not been for the contradictions between her and DAVID KOPELA.

2 I was not impressed by DAVID KOPELA at all; there are such serious contradictions between

his evidence and his affidavit that I doubt whether he will survive cross-examination.

3 (JHAM)

I remember the settling of the affidavits in this matter and there were some contradictions which I asked some other juniors to try to sort out between the two of them. They both came back and the only serious problem I can remember there was, was the question of the time that elapsed between the shooting and then being found by the police. The two witnesses weren't at idem. However, I am pretty sure that it was confirmed at that stage by KOPELA that he did see MIRIAM inside the house. I would therefore agree with JOHAN's comments below.

D FURTHER ACTION

I doubt whether it is worthwhile to pursue this incident further.

ASSAULT ON LAURENCE NANNE BY SAP ON 23/1/86

("A29", p. 215)

A INTRODUCTION

1 This event is described by LAWRENCE NANNE and
it involves an unprovoked assault on him by
members of the SAP.

2 It has subsequently been discovered that both
SISTER BERNARD and BONGANI DLAMINI witnessed
this assault and statements should be
obtained from them about this event.

3 NANNE'S version is that he was sitting
playing drafts in a park with his friends
when a police vehicle pulled up two policemen
started chasing him and his friends, joined
by others and that he was caught and
sjambokked. SISTER BERNARD and BONGANI
DLAMINI then intervened and he was released.

B THE RESPONDENTS' EVIDENCE

1 This incident is dealt with by LOUIS STEYN, "DJW52", p. 1289 e.v. and his account is that there were seven policemen, three whites and four blacks and that as they drove past a park a number of blacks started shouting political slogans, held their fists high and called other people together who started gathering "generally" ("in die algemeen begin saamdrom"). He stated that it was clear that they were aggressive and that they wanted to provoke an incident as a result of which they stopped and all the policemen except the driver ran out in order to disperse the crowd with sjamboks. He says he saw when LAWRENCE (? HOW does he know that this was LAWRENCE?) lost his balance for one or other reason and that he fell hard on the tarmac and that this must be the cause of the injury to his head. It is denied that he was assaulted in any way. After he fell, NANNE according to STEYN, ran away and no-one was arrested.

C APPLICANTS' EVIDENCE

STATEMENT BY LAWRENCE NANNE

1 Ad paragraph 1

I am no longer a student and have left school, after attending school for about two months this year.

2 Ad paragraph 3

This is confirmed. The friends I was playing with are KOPANO and TAMBO, the surnames of whom I do not know. I do however know where they live.

3 Ad paragraph 4

3.1 I first saw the yellow Datsun police vehicle driving in a southerly direction along Masedi Street and turning right into Temba Drive in a westerly direction and thereafter, after passing the park which was on its right and the shops which were on its left turning right into Mabalane Street and parking there,

immediately after turning the corner on the side nearest to the park on the south western corner thereof.

3.2 I saw one policeman alighting from the vehicle, which did not have a canopy at the back (a bakkie) and walk towards the Phutaditshaba Supermarket which is situated on the corner of Masedi Street and Themba Drive, on the south western corner thereof. This policeman was white and was playing with a sjambok he held in his hands.

4 Ad paragraph 5

4.1 Shortly after he left the vehicle, two other white policemen, carrying sjamboks alighted from the back of the bakkie and started walking in our direction. They were both carrying sjamboks.

4.2 Upon seeing them coming in our direction we started running away, in an easterly direction, which is the only direction that we could run which was not blocked by the police coming towards us.

4.3 The reason we ran was because we were afraid that they were going to beat us.

4.4 Whilst running I crossed Temba Street and just before I reached the supermarket I fell as described in this paragraph.

4.5 After I fell, the policeman whom I had seen walking towards the supermarket and to whom I was quite close when I fell, started beating me over the head and left shoulder.

5 Ad paragraph 6

5.1 The two policemen that had come towards us where we were playing draughts and after we started running had chased us, joined the policeman referred to immediately above beating me with sjamboks and they were in turn joined by a fourth policeman who I assumed had also alighted from the back of the bakkie.

5.2 The policemen however stopped beating me when SISTER BERNARD who happened to be close by

started pleading with them to stop beating me.

5.3 I then noticed that two policemen had remained at the car, one a black policeman who was still on the back of the bakkie and the other the driver of the above vehicle.

5.4 After the policemen stopped beating me SISTER BERNARD and another person I know by the name of BONGANI (I do not know his surname) took me in a car driven by the said BONGANI to the police station to complain about the actions of the above policemen.

5.5 At the police station we were asked whether I wanted to make a complaint. SISTER BERNARD and BONGANI said that it is up to me to decide whether I wanted to make a complaint or not. I told them that as my head was very sore I could not bother laying a complaint at this stage, whereafter they took me to the Leratong Hospital where I received the medical treatment referred to in this paragraph.

5.6 I was treated as an out-patient and thereafter went home.

6 Ad paragraph 7 of the affidavit of LOUIS STEYN ("DJW52", p.)

6.1 It is possible that there could have been seven policemen in the yellow Datsun police vehicle.

6.2 I am quite sure that there was only one black policeman amongst the policemen that beat me up.

7 Ad paragraph 8 of the above affidavit

7.1 There were only three of us playing draughts and we would not have shouted or made signs at the police.

7.2 I can only laugh at the remaining allegations in that affidavit.

8 Ad paragraph 9.1

This is accordingly denied.

9 Ad paragraph 10

I refer to what I have stated above.

10 Ad paragraph 11

10.1 I deny that I fell on the tarmac.

10.2 My injury is on the right hand side of my head above my ear but slightly behind it and I cannot see how I could have injured my head by falling on the tarmac whilst running away as alleged by them. In any event SISTER BERNARD and BONGANI saw the events that took place and they will be able to confirm my version.

11 Ad paragraph 12

11.1 In view of what I have stated above this is denied.

11.2 I deny that I ever ran away from the scene. As stated above I was taken to a car by SISTER BERNARD and BONGANI and then driven to the police station. The car was parked in

front of Phutaditshaba Supermarket on the corner of Masedi and Themba Drive, a few metres from where I was beaten.

11.3 I have never alleged that anybody was arrested.

Generally about locus standi, KRO, the community councils and the comrades

12.1 I am a member of the Kagiso Youth Congress.

12.2 I support the Krugersdorp Residents' Organisation.

12.3 I am not a very active member, but help them when they need support.

12.4 In this manner, I have helped to remove young people who are in shebeens, as it is the Youth Congress' policy to keep youngsters away from drinking and shebeens. I have been involved with this kind of activity on quite a number of occasions.

- 12.5 Besides this I have not partaken in any activities of the Youth Congress.
- 12.6 I have never been approached by the Youth Congress to help them to throw petrol bombs or stones at vehicles or homes or police or to assist in the implementation of a consumer boycott.
- 12.7 I have heard some members of the Youth Congress talking about burning down one of the new houses of certain policemen. I did not however hear that this was actually done.
- 12.8 None of these people were in any leadership positions in the Youth Congress and although I have attended several meetings of the Kagiso Youth Congress, I have never heard it being announced as policy or encouraged to burn down houses of councillors or policemen. I do not remember the names of the persons I heard saying that they should burn down this policeman's house. The reason I assume they were members of the Kagiso Youth Congress is

because they were wearing Kagiso Youth Congress T-shirts.

12.9 I do not support the community councils, but I cannot give a reason for not doing so.

12.10 I do not like the police and in fact since they beat me up I hate them. I do not see that they have any role to play in the township. When incidents of unrest take place they are invariably not present and can in any event not do anything to prevent the unrest.

12.11 I agree with the consumer boycott as I see this as our only weapon against the present political set-up. I do not see any point in burning trucks or houses and I do not think that this will assist the cause of the blacks in any way.

12.12 I do not know who is responsible for the unrest such as stone throwing and burning of trucks and buildings, but firmly believe that the KRO is not involved in this as I have

never heard any of the leaders of the KRO speaking out in favour of such action.

12.13 I did not lay a charge against the police as I do not think that this would help very much and I do not particularly feel like even talking to them. I am unaware that any channels have been created to lay complaints with any special unit entrusted especially for such task or any higher authority within the police force.

12.14 I never saw any persons during the consumer boycott being searched by anybody on their way back from Krugersdorp.

How it came about that I made a statement
in this application

13.1 BONGANI came to my house at the beginning of February and asked me to make a statement of what happened to me on the 23rd January 1986, as he had also witnessed this event.

13.2 He at no stage told me what I should say.

Politisation

14 I only became a member of the Kagiso Youth Congress after having been beaten up by the police. This happened as a result of being taken to meetings held by the Kagiso Youth Congress by a friend of mine, FREDDY MOKETSI. Before this time I was not really concerned about politics in the township.

Funerals

15.1 I have not been to any funerals of persons killed by the police, although I have attended night vigils.

15.2 No pressure has ever been put on me by anybody to attend these funerals.

Consumer boycott

16 I have never been forced to partake in the consumer boycott and did so willingly. I must however state that before the 23rd I was to a large extent influenced to do so by my

friend FREDDY, who is also a member of the Kagiso Youth Congress.

Bus boycotts

17.1 I have always been using taxis even before the bus boycott as they are only 5c more expensive than the buses.

18.1 I have never heard any comrades discussing the hiding away of petrol bombs at any stage.

18.2 I do not know about any other people masquerading as comrades who might be responsible for the violence.

STATEMENT OF BONGANI DLAMINI (see also pp. 04/----,
11/----, 17A ----)

STATEMENT OF SISTER BERNARD NCUBE

(see also pp. 04/----- and 10/-----)

ASSAULTS ON SOLOMON MASALA ON 26/1/86 AND JOHANNES
KOPELA AND SOLOMON MATHLATSE ON 31/1/86
(AT MUNSIEVILLE INVOLVING MEMBERS OF SADF)

A INTRODUCTION

1 On the 26th January 1986 three friends were walking in Munsieville when they were confronted by a group of soldiers; one of the three was manhandled by the soldiers. On the 31st January 1986 two of the group were again confronted by a group of soldiers who assaulted them.

2 Respondents do not specifically deal with these allegations.

B APPLICANTS' EVIDENCE

SOLOMON MASALA "A37", p. 244

1 He was the only person who was manhandled on the 26th January.

2 SOLOMON is politically uninvolved; he is not a member of KRO or of any other organisation.

3 He has been searched on a number of occasions
by soldiers especially on Friday afternoons
when returning from work but he has no
complaint in this regard.

4 Made a good impression on me.

5 The following two witnesses witnesses,
according to him, witnessed the incident on
the 26th.

AMOS KOPELA ("A38", p. 247)

1 He is not politically involved and he is not
a member of KRO or any other organisation.

2 He denies that he witnessed the incident
involving MASALA - he states that he ran away
before anything happened.

3 His version of a second incident also differs
in some respects from his affidavit - it
must be remembered that he was under the
influence at the time.

4 KOPELA has made a statement to the SAP,
presumably COL. KING.

5 KOPELA made a bad impression on me and I
would suggest that he not be called.

SOLOMON MATHLATSE (p. 25(a))

1 He is not politically involved and not a
member of KRO or any other organisation.

2 He was also under the influence at the time
of the second incident.

3 He confirms MASALA'S version and stuck to his
own version as to what happened on the 31st
January.

4 He has made a statement to the police
-according to him the police brought him a
statement and asked him to sign - he signed
the statement without reading it.

5 He made a good impression on me.

NOTE: We suggest that the two SOLOMONS be called to establish the two incidents.

D FURTHER ACTION

It should be established, if possible, whether the statements were made to COL. KING or to other police officers; if the latter copies of the statements should be obtained.

THE SHOOTING OF JULIA MOTINGOE, SELBY MAKGOPANYE AND
JOAS KOBOYANKGWE ON 27/1/86

A INTRODUCTION

1 Although there is some difference in the times, it appears that these three persons were injured by the same shot (buckshot) although JOAS KOBOYANKGWE insists that he was shot at about 1pm., we have not had any evidence of any other shots being fired and he could very easily be mistaken, especially as the other evidence shows that the shot was fired from an armoured vehicle travelling close towards to the Phutaditshaba Supermarket.

2 This incident is referred to in paragraph 23.5 of MAKGOTLHO'S affidavit (p. 28) and the witnesses of whom we had affidavits are the following:

2.1 JOAS KABOYAKGWE ("A51", p. 321)

2.2 SELBY MAGOPENYANKGWE ("A49", p. 315)

2.3 EDWIN MSIBI ("A48", p. 312)

2.4 LOUISA WILLIAMS ("A50", p. 318)

B THE RESPONDENTS' EVIDENCE

1 The respondents deal with this shooting, and the others set out in incidents nos. 35, 36, 37 and 38 in the following affidavits:

1.1 VAN WYK, (p. 152)

1.2 KLEE, ("DJW43", p. 1237-1239). He did not personally witness any incidents (p. 1237). He states that the community councillors, administration board officials used the same calibre ammunition as the police.

1.3 HOFMEYER ("DJW36", p. 1174-1176). He does not purport to deal with the aforementioned deponents' affidavits not does he deal with any incidents which may be relevant.

- 1.4 PRINSLOO ("DJW37", p. 1187-1190). He does not specifically reply to the aforementioned deponents' affidavits. he replies to RABORIFI and LANGA (p. 1187). He refer to one incident where CONST. DU PLESSIS fired one shot at a crowd of people who were stoning a police foot patrol (p. 1118, par. 7).
- 1.5 DU PLOOY ("DJW33", p. 1111-1112). He did not personally witness any incidents but states that there were several incidents that day during which the police fired several shots.
- 1.6 DU PLESSIS ("DJW47", p. 1266-1268)
(confirms PRINSLOO'S affidavit)
- 2 Their defence in regard to this incident is basically that besides the incidents deposed to in the above affidavits (which do not include any such incidents as described by our deponents) no other incidents occurred or they must have occurred in the incidents described by them in the above pages of their respective affidavit.

D APPLICANTS' EVIDENCE

STATEMENT OF JULIA MOTINGOE

STATEMENT OF JOAS KOBOYANKGWE ("A51", p. 321)

1 Ad paragraph 3

1.1 As far as I can remember it was about 1pm.
when I went to the shop. I do not wear a
watch and judge this time by the position of
the sun.

2 Ad paragraph 4

2.1 The hippo was proceeding along Masedi Street
from north to south.

2.2 I was just outside the shop when I saw them.

2.3 I did not have time to count the number of
policemen in this hippo and the figure 8
mentioned in this paragraph is an estimation
based on the number of policemen I normally
see on a hippo patrolling the townships.

2.4 I can however say that there were
approximately six on the back of the
vehicle.

2.5 When I saw the hippo it was approximately opposite the third house from the beer hall which is situated on the corner diagonally across from the Phutaditshaba Supermarket.

2.6 I cannot tell the difference between a casspir or a hippo and the vehicle concerned might have been a casspir. All I can state is that it was an armoured vehicle.

3 Ad paragraph 5

3.1 The shooting started the same time I saw the armoured vehicle referred to in paragraph 4 of my affidavit.

3.2 Of the people outside about three were grown-ups and the others children. I confirm that in total there were about ten people.

3.3 I base this estimation on the number of people I saw outside the shop on entering it and on leaving the shop I was aware that there were still people outside the shop and I assume that these were the same people and

the same number of people that I had seen when entering the shop.

3.4 At the time of entering the shop I saw the three adults talking and kids playing around the entrance of the shop. I did not see any of the people taking part in any unlawful activity or doing anything unusual which might be interpreted as causing unrest.

3.5 Although things happened very quickly after I came out of the shop and I was unable to see exactly what the people were doing who were standing outside the shop, I did not during the time I saw the armoured vehicle and experienced the pain in my leg after being shot and during the time I remained on the scene see any of the people throwing stones at the armoured vehicle that was approaching.

4 Ad paragraph 6

4.1 The wound still has not healed and there is still scabbing on it.

4.2 The shot did not cause me to fall although my leg was in great pain and I moved back into the supermarket, and after the hippo had passed I then ran in an easterly direction along Temba Drive to my home which is in Monamaladi Street, which runs off Themba Drive to the east of Masedi Street.

4.3 After I felt the pain in my leg I did not hear any noises such as the sound of a shot being fired.

4.4 When I saw the policemen on the back of the armoured vehicle as I came out I remember that I saw guns with long barrels being held in a horizontal position. I however do not recall seeing anyone of these guns being directed at me.

5.1 After my arrival at the hospital, I was operated on under a general anaesthetic.

5.2 Although I never saw what was taken out of my leg, a nurse at the hospital told me that a bullet had been removed from my leg. I do

not know whether she in fact meant a bullet or a pellet.

6 Ad paragraph 51 of the affidavit of
FRITZ KLEE ("DJW42", p.)

6.1 I deny that I was shot anywhere near the St Peters School, the Phutaditshaba Supermarket being in Kagiso 2 and St Peters School in Kagiso 1.

6 Ad paragraph 19 (p. 1174) of affidavit of
HOFMEYER ("DJW36")

I deny that the shooting event took place as late as 19h17 as the sun was still very high and it was not dark at all. Furthermore the shooting took place as described above on the corner of Masedi Street and Temba Drive and not in Tselapedi Street.

7 Ad paragraphs 3-10 of the affidavit of
PIETER WILHELM PRINSLOO ("DJW37", p. 1187)

7.1 I deny that the vehicle was a yellow police

bus or that any of the persons who shot at me were on foot.

7.2 I furthermore deny that this took place on the corners of Molapi and Phatudi Streets or 7.15 in Talami Street.

7.3 I furthermore am quite sure that it was about 1 o'clock and not at about 3.30 or 7.15 pm. I furthermore deny that I saw any stones or petrol bombs being thrown.

GENERALLY

8 The community councils and KRO

8.1 I do not know anything about the community councils.

8.2 I also do not know anything about the Kagiso Residents' Organisation.

8.3 I do however know JOE MAKGOTLA, BONGANI, LAWRENCE and SISTER BERNARD. I do not know the mayor or any of the community councillors.

8.4 The said BONGANI, LAWRENCE, JOE or SISTER BERNARD have never discussed politics with me or tried to tell me to fight the present situation.

9 The police

9.1 I do not like the police because they shot me for no reason. I do not feel that I can trust them for this reason as it appeared that they wanted to kill me and I do not feel that I can lay any charges with them.

9.2 After I was shot I did not go to the police station and went straight to Leratong Hospital, where I was a patient for two weeks.

9.3 I did not have time to go to the police station before going to hospital and after my discharge I was afraid to lay any complaints as I was scared that I might be falsely accused of throwing stones or petrol bombs and be arrested.

9.4 I have not seen the police doing anything

good in the township and I believe that basically they do not have a role to play.

10 Consumer boycott

10.1 I know nothing about the consumer boycott.

10.2 I normally buy my food in Kagiso and not in the white shops.

11 Bus boycott

11.1 I know nothing about the bus boycott.

11.2 I have just noticed that the Greyhound buses are not running anymore.

12 How I came to give a statement

12.1 My mother knows MR MAKGOTLO as they attend the same church.

12.2 I believe that she told him about my being shot and while I was in hospital a white man came to the hospital to take a statement from me.

12.3 After my discharge from the hospital, I came to Convent one evening to sign my statement.

13 The comrades and violence

13.1 I do not know who the people are who are responsible for the unrest.

13.2 I have heard some people in the township saying that it is the comrades and I again I have heard other people saying that it is not the comrades.

13.3 I have never witnessed any such event myself.

NOTE This witness is very unsophisticated and not too bright. However, this might be an asset and there is no need why he should not be used, although we struggled to get the right sequence of events out of him and to make him understand exactly what we meant.

It appears from the affidavits that there were other shootings that day outside the supermarket. However it all might have been the same shooting and we must check this out.

NOTES BY JS who also interviewed him:

A copy of MUNNIK's consultation notes are annexed to which I wish to add the following:

- 1 The witness states that there was trouble in Kagiso on that day; he saw people running in the street but did not see the burning van or the wreck.

- 2 Ad paragraph 3.2 of consultation notes

 He told me that there were plus minus five adults and three children on the stoep at the time of the shooting.

- 3 He did notice a small boy with a bicycle on the stoep at the time - this may very well be SELBY. He does not know SELBY.

- 4 While he was in hospital he was under police guard but nothing happened after his

discharge - he was not charged with any
offence.

5 He did not see any other people who were
injured.

6 He has not made a statement to the police.

7 He did not witness any other incidents.

SELBY MAGOPENYANKGWE

EDWIN MSIBI ("A48", p. 312)

1 Ad paragraph 1

I am not politically involved and I am not a member of either KRO or KAYCO.

2 Ad paragraph 4

Before this incident a van had been set alight in the street - this was fairly close to the shop. At the time of the incident however, the people had already dispersed and there was no trouble in the street. I can think of no reason why a shot would have been fired at that stage. I did not see who fired the shot.

3 He further confirms his statement.

4 He did not see the other injured people.

STATEMENT OF LOUISA WILLIAMS ("A50", P. 318)

1 Ad paragraph 3

1.1 I started work at approximately 1pm.

1.2 The remainder is confirmed.

2 Ad paragraph 4

2.1 I was not told about any other shootings that had place at the shop that day when I came on duty and I did not hear any other shootings that had taken place at the shop that day when I came on duty and I did not hear any other shootings except for this shooting referred to herein that day.

2.2 At the time when I heard the shot being fired I was cleaning the counter.

2.3 Immediately after the shot was fired I looked up at the door to the outside but could not see where the shot was fired from.

2.4 From where I was standing, looking at the door, I could see only a very small section

of the door as my view thereof was obscured by a wall which acts as a partition between two parts of the supermarket.

2.5 When I so looked up I could not see any persons in that small part of the doorway I could see, but remember that at this point I heard a child screaming from inside the shop. I did however not at that stage see the child as my view was obscured by the above wall.

2.6 I immediately thereafter moved towards where I heard the screaming around the one end of the above wall, and saw a little girl of about nine years of age running into the kitchen at the back of the shop. It appeared that this girl was the source of the screaming.

3 Ad paragraph 5

3.1 The girl appeared to be bleeding from the region of her elbow of the left arm.

3.2 I did not see anybody else with wounds although I was told afterwards by EDWIN MSIBI

that he had taken someone else who had been shot at the same time to the hospital.

3.3 Magda Street runs parallel to Mesidi Street and is one street to the east of Mesidi Street.

3.4 As far as I can recall no-one phoned the girl's mother. What in fact happened was that while I was carrying the girl to my house I came across a person whom I do not know who said to me "Oh, this is my friend's daughter" and then ran off in a northerly direction in Magda Street.

3.5 A short while later after I had got to my house, the mother arrived at my house with this person referred to immediately above. I can only conclude that this person had then run off to the mother's house to fetch her.

3.6 Although this person probably does not know where I live, there were quite a number of people gathered at the corner of Magda Street and Temba Drive and they probably saw where I went to and directed her to my house.

3.7 The statement that I signed was read to me and translated but at the time I did not pick up that I had stated therein that somebody else in the shop had phoned the girl's mother.

3.8 I do not know where this comes from as I do not know the girl's mother or at that time the girl's name and she was crying so much that I could not extract any information from her. I also did not know whether her mother had a phone or not.

3.9 Very shortly after I reached the house, a combi which persons unknown to me had evidently organised drew up outside my house and a minute or two thereafter the mother arrived.

3.10 On the mother's arrival, she fainted and thereafter a young man who claimed to be a cousin of the girl said he would take her to the hospital, after which he left with her in the combi.

4.1 I learnt that the child's name was JULIA from someone after the shooting.

4.2 At the time that the statement was taken from me, the mother of the child, YVONNE, was present and she gave the full names of the child to the persons taking the statement in my present.

4.3 So although the wrong impression might be created in this paragraph, I did learn the full names of the child from the mother, although I of course cannot remember what they are now.

5 Ad paragraph 7

5.1 As stated above I however only looked at the door for a very short and could not really see the doorway itself and it is possible that between that time and the time I could see the doorway after I started looking for where the screaming was coming from persons might have entered the door.

6 Ad paragraph 51 of the affidavit of
FRITZ KLEE ("EJW43") and affidavits of
SGT. HOFMEYER ("DJW36", p. 1166) and
SGT. PRINSLOO ("DJW37", p. 1186)

6.1 I wear a watch and I am quite sure that the
time of this incident was round about 3 and
3.30 pm. and could not have been the
incidents described by the above deponents to
have happened after 7pm.

6.2 In any event Tselapedi Street and Phatudi
Street are far from the Phutaditshaba
Supermarket, as is Balapi Street.

7 KRO and the community councils

7.1 I know about the community councils and
councillors but I have no regard for them.

7.2 As far as their support is concerned, there
are some people I know who favour them and
others who do not, but I think that the
majority do not support the community
councils.

- 7.3 The Krugersdorp Residents' Organisation and the Youth Congresses and members thereof are referred to people I know and including myself as comrades. I support them because they have been helping people with many things.
- 7.4 As a result of their actions there are no more tsotsis carrying knives in the area and Kagiso is now as a result thereof a safer place to live in.
- 7.5 They also help with the organisation of the funerals and in my view play a positive role in here as they help also with the coffin and organising food at the funerals.
- 7.6 I have attended one meeting organised by the KRO, at which JOE MAKGOTLA, LAWRENCE NTLOKOA was present and at this meeting we were shown knives that had been confiscated from people carrying them and were also told that we should not pay for books or school fees.
- 7.7 This meeting was held in the Anglican Church quite close to my home and took place round

about the beginning of the year or end of last year.

7.8 I do not remember the Greyhound bus boycott being discussed at this meeting. I attended the meeting to hear what they were saying at such meetings and left the meeting before it ended.

7.9 This meeting was very well attended and the church hall was filled to capacity with some people having to stand outside.

8 The police

8.1 I feel that police have a duty to fulfill in the township as for instance we need them when there is housebreaking or something of that nature so that they can investigate it and possibly catch the culprits.

8.2 However I am not in favour of a heavy presence of policemen in Kagiso as there has been because these people harass the residents and shoot them.

8.3 When the SA Defence Force was in the township, I did not mind their presence so much because they did not appear to be anything bad towards the residents and just drove up and down the streets.

9 Funerals

9.1 I have not attended any funerals of persons shot by the police, although I was present at the house before the funeral of SEREMULA.

9.2 What I have stated above with regard to KRO's role at funerals I base on what I have heard people saying in the townships.

9.3 I have never been asked or forced by KRO to go to any funerals.

10 Consumer boycott

10.1 I do not understand the reasons for the consumer boycott and am not in favour of it.

10.2 If I was possibly given the reasons for it

and found them valid, I would possibly support it.

10.3 Before the consumer boycott I used to buy most of my groceries and clothes in town and some of it in the township.

10.4 After the consumer boycott however I started buying in the townships because the comrades (in this sense meaning KRO and the comrades) told us to buy in the townships.

10.5 I was never subjected to any form of intimidation or searches during the period of the consumer boycott.

10.6 Although I heard people complaining about intimidation or searches, I never saw such incidents.

10.7 I complied with the consumer boycott as I was afraid that if I bought things in the town they would be taken away from me.

10.8 I do not know the reasons for the bus boycott

and if I were given them I could possibly agree with the bus boycott.

10.9 The bus boycott has not affected me in any way as I have always taken taxis to town. I do not know what the difference in price is between the buses and the taxis.

10.10 The reason I have always taken a taxi is because I can get to town much quicker by means of a taxi as firstly I do not have wait so long and secondly the journey is quicker by means of a taxi.

10.11 I have heard of other people who have been inconvenienced and have arrived at work late because of the buses not operating at the moment.

11 How it came about that I gave a statement

11.1 The mother of JULIA, YVONNE, came to my house and asked me to come to the Convent with her to make a statement about what I had seen on the day her daughter was shot, and I complied with her request.

11.2 No-one at any stage told me what I must say.

12 Violence

12.1 I do not know who causes the unrest and throws petrol bombs and stones.

12.2 I have never heard anybody saying or alleging that it is the comrades that do this.

12.3 I have never been told by anybody that there was going to be trouble that evening or on a particular day and that I must leave my door open so that they can hide in my house.

12.4 I normally keep my door locked in the evenings.

13 Intimidation by KRO

13.1 Since this shooting incident and my going to the Convent to make the statement, I have come into contact with executive members of KRO.

13.2 At no stage did any of them tried to talk politics to me.

14 Ad affidavit of ZION MOLETSANE ("DJW15"
p. 889)

14.1 I do fear the comrades but only in the sense that they meet out punishment after decisions have been taken by the peoples' courts, if people have been acting anti-socially.

14.2 I however fear the police more than I fear the comrades.

COMMENT

This witness made a favourable impression on me although she is not very sophisticated and we will have to make sure that she can visualise the picture from where she was standing. I say this because when I interviewed her at her home she told me she could see the doorway from where she was standing but she did not see any people in the doorway. On inspection it transpired that she could see almost nothing of the doorway and that was probably the reason why she could not see anybody in the doorway (c.f. evidence of JOAS KOBOYANKGWE).

STATEMENT OF YVONNE MOTINGOE

1 I live at 4147 Dikopane Street, Kagiso. I am employed at the Sterkfontein Hospital - Black Section (Telephone no.: 660-7911).

2 I am the mother of JULIA MOTINGOE who was injured on the 27th January 1986.

3 I am not involved in any politics; I am not a member of KRO but I support the application.

4 On the day in question I had just returned from the shops and preparing to go to work. I realised that I had forgotten to buy something and sent my daughter to the shop. This was between 15h00 and 15h30.

My daughter is eleven years and she is in Std 2. To the best of my recollection she was that day dressed in a white mini dress with a gold stripe. As far as I know she went to the shop alone.

5 When I returned from the shops there was no
trouble on the streets.

6 A while after my daughter left I heard a
shot; I went outside but did not see
anything.

7 A little while later some members of the
public (I do not know who) came and told me
that the police had killed my child. I was
very upset and ran to the shop. My daughter
was not there but I was directed to a nearby
house. In the house I found my daughter with
bloodstained clothes. I was very shocked but
know that somebody arranged transport and
took her to the hospital.

8 The child was in hospital for ten days and
she is still experiencing problems with her
arm - she cannot lift heavy objects and
sometimes the muscles twitch involuntarily.
She was treated at Leratong Hospital.

9 After she was discharged she went back to
have the bullets removed.

10 My daughter told me that when she came out of the shop she saw a hippo in the street and was scared and ran back into the shop. She heard a shot and when she was in the shop she saw that she was full of blood. She did not see the hippo stop.

11 I have not made a statement to the police nor have I laid a complaint - I did not think it would do any good.

12 I have not witnessed any incidents.

C COMMENT

There might be some contradiction between what she has to say and YVONNE MATINGOE with regard to who came to call YVONNE MATINGOE and it might be that she did not actually see this person she thought went to call him at the house afterwards but said so to give an explanation for why she that the person she had come across on her to her home with JULIA had gone to fetch the mother. (In any event this is not very important.)

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