

IN DIE HOOGGEREGSHOF VAN SUID-AFRIA

(TRANSVAALSE PROVINSIALE AFDELING)

SAAKNOMMER: CC 482/85

PRETORIA

1988-05-20

DIE STAAT teen :

PATRICK MABUYA BALEKA EN 21
ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST en
ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS
ADV. P. FICK
ADV. H. SMITH

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 :

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DIE HOF HERVAT OP 20 MEI 1988

TOM LEUTLWETSE THEBE, nog onder eed -

MNR BIZOS dui aan dat beskuldigde nr.14, Pelamotse Jerry Tlhopane met die hof se toestemming vandag afwesig is. Hy dui ook aan dat beskuldigde nr.9 op Maandag, 23 Mei 1988 die buitepasiënte-afdeling van die Johannesburgse hospitaal moet bywoon. Die aansoek word toegestaan.

VERDERE KRUISONDERVRAGING DEUR MNR JACOBS: Is dit korrek dat in Huhudi was verskeie pamflette en publikasies versprei daarso stem u saam? -- Ja, dit is reg. (10

Deur hierdie organisasies HUYO, HUCA, UDF? -- In die gemeenskapraad.

Ja, en is dit reg dat in hierdie pamflette en ook in die toesprake op die vergaderings wat jy bygewoon het, was propaganda gedurig deur kwytgeraak teen raadslede en die raadstelsel? -- Van die pamflette het wel melding gemaak van die gemeenskapsraad en van hulle het net melding gemaak van wat gebeur het in die woonbuurt.

Stem jy saam dat in die pamflette en ook in die toesprake was dit gedurig beklemtoon deur die sprekers of in die pamflette dat die sisteem van plaaslike besture is 'n stelsel wat deur die blankes ingestel was? Was dit gedurig gepropageer? -- Ja, dit is so. (20

En op die vergaderings en in die pamflette was dit ook aan die gemeenskap gedurig gepropageer dat die stelsel van swart plaaslike besture is op julle afgedwing sonder dat julle geraadpleeg was? -- Ja, dit is so.

En is dit ook herhaaldelik gesê op hierdie vergaderings en in die pamflette dat die boere sonder meer hierdie stelsels aan julle oorgedra het en dat julle dit nie moet aanvaar nie?

Ja / ..

-- Ja, dit is die waarheid.

En dit is ook herhaaldelik in hierdie pamflette en ook op die vergaderings gesê dat as julle aan hierdie sogenaamde halfgebakte stelsel gaan deelneem, dan sal julle julle eie vryheid verdraag en die stryd van vryheid in die wiede ry? -- Nee, dit weet ek nie.

En is dit nie gesê dat die swart plaaslike besture is 'n substituut vir sinvolle politieke regte en dat julle stryd is een vir volle politieke regte? -- Nee, dit weet ek nie van nie.

Is dit nie daar kort-kort ook verkondig op die vergaderings en ook in hierdie pamflette dat waarvoor julle in werklikheid stry is 'n regering van die massas? -- Ja, dit is so, dat daar 'n goewerment moet wees van alle rasse, swart en wit.

En het hulle nie dan daarby gekom en gesê julle moet nie deelneem aan hierdie swart plaaslike besture nie, omdat dit slegs 'n substituut is vir julle regering van die massas? -- Ja.

En is dit nie ook herhaaldelik gesê in die toesprake en in die pamflette en publikasies wat versprei is dat hierdie plaaslike besture het geen gesag nie en dit is net 'n instrument van die blankes om die swartmense uit te buit en te onderdruk? -- Dit is so.

En daar is in hierdie vergaderings herhaaldelik gesê en in die pamflette gesê dat die raadslede is verraaiers of "sell-outs" of "puppets" van die regering wat die inwoners van Huhudi onderdruk deur huurgelde somer net so te verhoog? -- Ja, dit is die waarheid. Dit is wat gesê is.

En daar is ook gesê en gepubliseer dat die mense verder uitgebuit word deurdat hierdie huurgelde deur die raad, die gemeenskapsraad aangewend word om huise in Pudimoe te bou? -- Ja, dit is so.

En is dit daarso ook verkondig op die vergaderings en in die publikasies dat die swart plaaslike besture en die regering mense verder onderdruk deur die verskuiwing van die mense na Pudimoe? -- Ja, dit is die waarheid. Dit is so.

En verder is dit ook op hierdie vergaderings en in die pamflette aangekondig dat die mense van Huhudi ook onderdruk word deur die onderwysstelsel wat daarop gemik is om die mense op te lei as arbeiders? -- Nee, wat die onderwys betref kan ek nie kommentaar lewer nie. Ek is nie in staat om iets te sê nie. (10

En is dit reg dat op hierdie vergaderings en in hierdie pamflette was die mense gedurig aangestig om te verenig en aktief deel te neem aan aksie teen skole, plaaslike besture en ook die polisie en teen die regering? -- Wat die skole betref weet ek nie want ons wou gehad het dat die kinders moet skool toe gaan. Nou ja, ek sal nie in staat wees om enige kommentaar te kan lewer oor wat gebeur het met skole nie.

Is die ander reg? -- Ja, dit is die waarheid.

En die mense het in Huhudi verenig in verenigde aksie teen instansies behalwe wat jy sê die skole? -- Ja, dit is die (20
waarheid.

En is dit so dat op hierdie vergaderings is dit gedurig verkondig en in die publikasies gesê dat die regering en die plaaslike owerhede wat daar is in Huhudi is die gemeenskaplike vyand van die swartmense in Huhudi? -- Nee, dat hulle vyande was dit weet ek nie van nie. Ek het nog nie 'n vergadering bygewoon waar hulle so beskrywe was nie.

Het jy enige pamflette gesien waar hulle wel so beskryf was? -- Nee, ek het dit nie gesien nie.

Dan net 'n ander aspek wat ek met jou na toe wil gaan, (30

is die stigting van HUCA. Kan u net vir ons sê die ad hoc komitee, wanneer het jy vir die eerste keer van 'n ad hoc komitee gehoor? -- Ek het nie voor die dag van die vergadering daarvan bewus geword nie. Ek het net by hierdie vergadering bewus geword daarvan dat daar mense gekies word as leiers tot die stigting van die organisasie.

Het jy enigiets geweet dat sekere mense voorheen al 'n ad hoc komitee gestig het? Onder andere is dit Hoffman Galeng, London, Khotso Crutse, Jomo Khasu en Rathabe. Het jy iets daarvan geweet? -- Ek het geen kennis daarvan gehad nie. (10)

Ek het wel bewus geword van hulle as leiers by hierdie vergadering waar hulle gekies was. Ek het nie kennis gehad van hulle as 'n ad hoc komitee wat alreeds vantevore gekies was nie.

Was dit nie gerapporteer in die vergadering dat hulle al bestaan het en gewerk het alreeds vir die stigting van 'n gemeenskapsorganisasie nie? -- Nee, nie in hierdie vergadering nie. Wat gesê is, is dat die mense wat gekies word hier naamlik die persone wat genoem word gaan die leiers wees tot die stigting van HUCA. As hulle miskien voor hierdie vergadering gekies was as ad hoc komitee dan sal dit wees by 'n vergadering (20) dering waarby ek nie teenwoordig was nie, want daar is van die vergaderings wat ek nie bygewoon het nie.

Ek wil dit aan jou stel dat die ad hoc komitee het die stigtingsvergadering van HUCA georganiseer en georganiseer om 'n groot geleentheid daarvan te maak in Huhudi. -- As u dit vir my so vertel sal ek dit nie betwis nie want u vertel my omdat u miskien goeie kennis daarvan het. Ek het geen kennis daarvan nie, so ek kan nie met u stry nie.

En hulle het op hierdie groot byeenkoms wat hulle beplan het, het hulle mense van ander plekke ook gekry as (30)

gassprekers om die mense van Huhudi toe te spreek. -- Ek ontken dit nie dat sprekers genooi was van buitekant as gassprekers nie.

Daar was byvoorbeeld gassprekers genooi van Johannesburg af? -- Ek weet nie van ander nie, ek weet wel van Chikane wat van Johannesburg af gekom het.

En hy het 'n toespraak daar gelewer namens UDF? -- Ja, dit is die waarheid. Dit is so.

En wat meer is, daar het ook mense gekom van SOYCO af, ook van Johannesburg af, 'n spreker? -- Nee, ek dra geen (10 kennis van SOYCO nie. Ek ken nie die organisasie nie.

Het 'n persoon, Oupa Monareng, nie daar gepraat nie? -- Die enigste persoon wat ek van geweet het by hierdie vergadering wat as 'n gasspreker opgetree het is Chikane. Ek dra geen kennis van SOYCO of Monareng, behalwe Chikane wat gesê was toe hy voorgestel is, dat hy daar was om te simpatiseer met die inwoners van Huhudi.

Was daarso mense van, of ken jy 'n organisasie bekend as Kurumané Youth Unity? -- Nee, ek ken nie so 'n organisasie nie.

Het jy die hele duur van die vergadering daar gebly? (20 Al die sprekers gehoor? -- Ek was nie lank by die vergadering gewees nie, ek het nie gewag tot die verklaring, die vergadering gesluit het nie. Mnr Chikane was nog besig met 'n toespraak toe ek die vergadering verlaat het omdat ek 'n bus moes gehaal het Klerksdorp toe waar ek kledingstukke moes gaan haal het.

En voordat jy nou die vergadering verlaat het was daar heelwat sprekers wat op hierdie vergadering van die stigting van EUCA gepraat het?

MR BIZOS: With all respect, my learned friend has the habit of adding a little bit. This witness has not said that Mr (30

Chikane / ..

Chikane was at the "stigting" of HUCA.

COURT: But we are dealing with the "stigting" of HUCA. That was the subject we are dealing with, he started off like that.

MR BIZOS: Yes, but with the greatest respect the witness is asked whether at the meeting where he was present, there were any speakers from UDF and others. His answer was no, I remember that Mr Chikane came and spoke. That does not mean that they were speaking about the same meeting and it was quite clear in his evidence-in-chief that he was not at the..

COURT: But Mr Bizos, you cannot object. The heading was (10 the "stigting van HUCA", and during the cross-examination it was put: "Hulle het die stigtingsorganisasie gereël as 'n groot geleentheid. Mense het van ander plekke gekom as gas-sprekers, he said he does not deny it: sprekers is genooi van Johannesburg. Ek weet nie, ek weet wel van Chikane. Hy lewer 'n toespraak namens die UDF, ja. Mense van SOYCO, geen kennis nie. On what basis do you object?

MR BIZOS: I will tell your lordship why..

COURT: If the witness differs from his evidence-in-chief you cannot object. (20

MR BIZOS: He has not differed from his evidence-in-chief. The question was started off whether at the launch there were any outside speakers, he said he had no knowledge of that. Thereafter he said when it was put to him whether people came from Johannesburg, he said yes, Chikane came. It is quite clear in the evidence, in the context that the witness was no longer speaking about the launch and in my respectful submission to make an assumption when a witness has specifically said in his evidence-in-chief that where it is not made clear as to whether this speaker spoke at the launch or not, to assume (30 that / ..

that that is what he meant is not fair to the witness. He has nowhere said that at the launch that he was at the..

COURT: Next time you object on this basis, Mr Bizos, I think it is better that we send the witness out of court.

MR BIZOS: I would be only to happy...

COURT: But I think the damage has been done. Yes, have you anything to add?

MR BIZOS: If your lordship is suggesting that..

COURT: I am not suggesting anything, Mr Bizos. Do you have anything to add to your objection? (10

MR BIZOS: Yes, in my respectful submission that Mr Jacobs is asking questions not in a fair manner, not in relation to this but also the witness having for instance said that he knew nothing about schools; instead of breaking up the question into four questions, he puts them all into one which puts a witness of his standard of education under a tremendous disadvantage having to unscramble the portions that he has denied and the portions that he has admitted, when they are jumbled up in one question and I would appeal to your lordship with the greatest respect, control the cross-examination of Mr (20 Jacobs as I remember was controlled to break it up - to break up multiple questions.

COURT: Are you suggesting something? If you suggest something, spell it out so that we have it on record.

MR BIZOS: No, I do not want to spell anything out at this stage.

COURT: Well then, if you do not want to, go ahead with your objection.

MR BIZOS: Yes, and I would submit that your lordship should exercise control over these multiple questions that are being(30 asked / ..

asked.

COURT: Well, as far as the second part of the suggestion is concerned, as soon as the question comes along, object, and I will deal with that. As far as the initial objection is concerned I rule that the question is allowed.

MNR JACOBS: Ek gaan die aspek hierse laat want dit is reeds nou, die getuie is nou gewaarsku. Hy het antwoorde gegee wat duidelik is, ek gaan na ander aspek toe. Wanneer, het jy vir die hof, laat ons nie onduidelikheid kry om hierdie aspek ook nie. Wanneer het jy die eerste keer gehoor van UDF? -- Dit (10 is na Jomo se terugkoms van Kaapstad af dat ek vir die heel eerste keer daarvan gehoor het.

Watter maand was Jomo in Kaapstad? -- Ek kan nie spesifiek vir u sê watter maand dit was nie. Ek kan nie onthou watter maand dit was nie, maar wat ek wel kan sê dit was om en by die einde van die jaar 1984.

19..? Maak jy nie 'n fout met 1984 nie? -- Ek sê as ek reg is dit was in 1984. Ek sê dit nie met sekerheid nie.

HOF: Nou is u seker oor die jaar wat u kind in die tronk was? Dat dit in 1983 was? -- Ja, dit onthou ek dat dit in 1983 (20 was want hy was gearresteer in Meimaand, dit was gedurende die winter van 1983.

En is dit die jaar daarop wat hierdie ding gebeur het? Dit is nou hierdie Jomo wat Kaapstad toe is? -- My kind was gearresteer in 1983. Die jaar daarna, die volgende jaar, toe was Jomo Kaapstad toe.

MNR JACOBS: Weet u enige iets daarvan toe Jomo in Kaapstad was of hy saam met ander mense spesiaal gedelegeer was na Kaapstad toe? -- Nee, ek weet nie.

Weet jy van enige insident waar Huhudi mense afgevaardig (30 was /..

was om na 'n vergadering in Kaapstad te gaan en die gemeenskap ook die kostes betaal het? -- Nee, ek weet nie daarvan nie. Ek dra geen kennis daarvan hoegenaamd nie, dat dit ooit so gebeur het dat mense van Huhudi afgestuur was Kaapstad toe.

As jy sê dit was teen die einde se kant van 1984, is ek reg daar, einde van 1984 se kant? -- Ja.

Kan u vir ons sê was dit nader aan Kersfees of nader aan die winter van 1984? -- Voor Kersfees.

Voor Kersfees, nader aan Kersfees? -- Verskoon my?

Ek sê nader aan Kersfees as na die middel, die winter (10 van 1984? -- Ja, dit is om en by Kerstyd.

Nou is dit so dat, ek gaan na 'n ander onderwerp toe, in Februarie 1985 het die raad, die gemeenskapsraad 'n massaver-gadering gehou in Huhudi en daar verduidelik dat geld vir verbeterings in Huhudi sou gekry word van departement van ont-wikkeling van die Noord-Kaap? -- Ja, dit is so.

En op hierdie vergadering kan jy onthou het daar gedurende vraesteltyd - was jy teenwoordig op die vergadering, laat ons nie daaroor twyfel het nie? -- Ek was nie persoonlik teenwoor-dig by hierdie vergadering nie. Ek het van die mense ver- (20 neem wat teenwoordig was dat volgens die gemeenskapsraad se sprekers was daar 'n sekere bedrag geld wat op pad was vir die gebruik en verbetering van die paaie se toestand.

Dan net om dit duidelik te kry, wil ek dit aan jou stel dit is die enigste vergadering wat die gemeenskapsraad gehou het in Februarie 1985? -- Ek ontken dit nie dat daar so 'n vergadering gehou was nie, behalwe dat ek vir die hof sê dat ek nie self teenwoordig was nie. Ek het wel van ander mense gehoor dat daar geld is wat sou gebruik word om die toestand van die strate te verbeter in die lokasie. (30

HOF: Nee, nee, u verstaan nie die vraag nie. Die vraag is dit is die enigste vergadering wat in Februarie 1985 gehou is. Wat die gemeenskapsraad gehou het. -- Ja, ek het daarvan gehoor dat daar so 'n vergadering was maar ek was nie self teenwoordig nie.

Dit lyk my hy verstaan nog nie mooi nie. Die advokaat wil weet was daar net die een vergadering of was daar meer as een vergadering in Februarie van 1985 wat die raad belê het? -- Nee, ek weet nie.

MNR JACOBS: Ek gaan na 'n ander aspek toe. Wat was jou werk, was dit 'n marskramer, wat is jy? -- Ek werk vir myself. Ek (10 verkoop kledingstukke.

Is jy 'n marskramer, 'n man wat smous?

HOF: Is 'n marskramer nie iemand wat lekkergoed verkoop nie?

MNR JACOBS: Of 'n venter dan.

HOF: Is 'n venter nie 'n persoon wat smous nie?

MNR JACOBS: Smous, is jy 'n smous, 'n venter? -- Ja, dit is so.

En uit die aard van jou werk moet jy rondbeweeg in die woongebied van Huhudi gedurig? -- Ja, in Huhudi en ook buite Huhudi.

HOF: Het u 'n vragmotor? -- Ek sukkel, ek is 'n voetganger. (20 Ek dra 'n tas saam met my as ek loop.

MNR JACOBS: En in 1984 en die eerste helfte van 1985, terwyl jy so gedurigdeur in die woongebied rondbeweeg, het jy nooit gesien dat eiendom van die raadslede of polisiebeamptes beskadig was nie? -- Was die tydperk in 1984 en die eerste helfte van 1985?

1985, ja.

HOF: Watter soort eiendom?

MNR JACOBS: Raadslede se eiendom, huise onder andere en polisiebeamptes se eiendom, huise onder andere. -- Nee. Ek (30

het / ..

het nie so-iets gesien nie.

Het jy gesien dat raadslede se besighede beskadig was gedurende dieselfde tydperk? -- Nee, ek het dit nie gesien nie.

En het jy ook nooit gesien in hierdie tydperk met al jou omswerwinge daar dat raadseiendom beskadig is nie? -- Nee.

Nou daar is nog een aspek wat ek kortliks met jou wil opneem. Het jy op verskeie vergaderings opgetree as 'n spreker? -- Nee, ek was nooit 'n spreker by 'n vergadering nie. Ek sit altyd daar tussen die toeskouers, nooit op die verhoog nie.

Jy sien want.. -- Wat wel kan gebeur is dat ek miskien (10 vrae kan vra.

Op 'n HUCA vergadering, kan jy onthou dat jy op 'n HUCA-vergadering opgestaan en gepraat het daar en gesê het dat wat jy nou hier in die hof kom beskryf het as die vigilantes is mense van Inkatha wat gehuur was om soontoe te kom, om daar moeilikhede te maak? -- Nee, dit het nie met my gebeur nie, nooit op 'n vergadering iets daaromtrent gesê nie. Ek het daarvan gister hier gepraat in die hof, maar nog nooit vantevore iets oor hulle gesê nie.

HOF: Dit is nou oor vigilantes? -- Ja. (20

MNR JACOBS: Dan is daar een laaste aspek wat ek net na wil terug..iets spesifiek aan jou wil tuisbring. Na hierdie terug-rapportering van Kimberley se vergadering af, toe die afgevaardigdes saam met die mense, die raadslede na Kimberley toe was. Ek wil dit net aan jou stel dat die mense wat afgevaardigdes was, was nooit uitgesluit by daardie vergadering in Kimberley nie. Die suggestie was gemaak, daar is gesê dat daarna sal hulle nie weer toegelaat word by die vergaderings met die administrasieraad nie.

HOF: Nou verstaan ek nie die vraag nie. Aan wie is dit (30 gesuggereer/..

gesuggereer?

MNR JACOBS: Aan die afgevaardigdes en dit is hier in die hof..

HOF: Nee, maar aan wie is dit gesuggereer, op die vergadering waarop teruggerapporteer is of sê u dit is gesuggereer aan die afgevaardigdes toe hulle nog in Kimberley was?

MNR JACOBS: Ek sal dit meer duidelik stel. Ek sal in die eerste instansie stel dit was aan 'n getuie in hierdie hof gesuggereer dat dit net gesê word in die toekoms sal die afgevaardigdes nie weer toegelaat word om saam met raadslede die (10 administrasieraad te ontmoet of om die minister te ontmoet nie.

HOF: Ja, maar is dit hier in die hof gestel, laat ons nou nie net suggereer nie. Is dit hier in die hof gestel dat dit op daardie vergadering so meegedeel is aan die publiek, want hierdie getuie was nie in Kimberley nie.

MNR JACOBS: Dan verder, ek sal net eers die stelling aan hom stel en dan sal ek verder aan hom stel dat omdat dit die geval is kon hulle dit nie daar gestel het, op die vergadering teruggerapporteer het hulle was uitgesluit nie, maar dit was gesê dat net in die toekoms... Ek sal my stelling so maak, ek wil (20 dit aan jou stel, op die vergadering waarop teruggerapporteer is was dit nie gesê dat die afgevaardigdes was uitgesluit nie, maar dit was slegs gesê dat die afgevaardigdes sal nie in die toekoms toegelaat word om samesprekings tussen die administrasieraad en die gemeenskapsraad by te woon nie. Dit is die stelling wat ek maak.

HOF: Verstaan u die vraag? -- Nee, verstaan dit glad nie.

Ek dink miskien verstaan ek die vraag so. Daar is op die vergadering waarop teruggerapporteer is, nie gesê dat die mense, die afvaardiging, nie by was nie; maar dat daar gesê is aan (30

hulle / ..

hulle, hulle sal in die toekoms nie meer mag by wees nie. --
Nee, ek het dit nie gehoor nie.

MNR JACOBS: Dankie, edele, ek het nie verdere vrae nie.

RE-EXAMINATION BY MR BIZOS: You told us that at the meeting at which Mr Chikane spoke, you did not stay until the end because you had to go to Klerksdorp. -- That is true.

At that meeting at which Mr Chikane spoke were there any elections or confirmation of any elections? -- There were no elections at this meeting. All that was happening there was that the people who had been elected were being introduced (10 to the residents of Huhudi.

Was Mrs Sheena Duncan on the platform together with the Reverend Chikane? -- No, she was not at all there. I had last seen her at the offices where I say she addressed us.

Were there any other strangers on the platform on the occasion on which Mr Chikane spoke? Other strangers besides Mr, Reverend Chikane? -- No, no other strangers were there. He was the only stranger whom I saw being present.

Yes, thank you for those answers. Do you know what a revolution is? -- No, I do not know what a revolution is. (20

Do you know what an uprising is? -- No.

Well, then what did you mean when you said in answer to his lordship that you had "opstande" in Huhudi? -- By that I meant there was a confusion going on in Huhudi as a result of the vigilantes who were hitting people.

Was that a time during which you told his lordship that a number of people were detained under section 29? -- That is so.

Now did you at any meeting hear anyone say that the police should be attacked? -- No. (30

Do you recall that in your evidence-in-chief you said that people had moved or were moving to Pudimoe in 1980? You also told his lordship that people came back from Cape Town having attended the conference in 1984. How much formal education have you had? -- I was not at school for a long time. I left school doing st.IV.

Now the meeting to report what happened in Cape Town, can you remember that it was 1984 or some other year? -- If I said it was in 1984 as I said, then the court knows that it was not in 1984. I am prepared to accept whatever year is being put(10 forward as being the year of the incident, because I may have confused the years but all I know is that a meeting was held after the return of these people from Cape Town. And if I made a mistake by confusing those years, I am then asking this court to pardon me for having done that.

Did the people move to Pudimoe long before the meeting in Kimberley which we know to have been in 1982? It is common cause, m'lord..

COURT: Yes, why do you lead the witness? Why do you tell him it is in 1982? (20

MR BIZOS: Because with respect, m'lord..

COURT: Why don't you merely ask him was it long before the meeting in Kimberley, full-stop?

MR BIZOS: But I thought that common cause..

COURT: Whether it is common cause, you need not put it to the witness. You are putting leading questions.

MR BIZOS: Did people move to Pudimoe long before the people came back from Kimberley to report? -- Yes, it was quite some time that people had left for Pudimoe that the Kimberley trip was made. (30

How long before? -- It could have been about two years after people had moved.

Thank you, I have no further questions.

NO FURTHER QUESTIONS

MR BIZOS: M'lord, as a result of Mr Yacoob's absence from Johannesburg and Pretoria during the week, we were unable to give proper notice to the state that we have a witness not from Huhudi but from Mankweng.

COURT: Mankweng?

MR BIZOS: Mankweng. It is within a very narrow compass I (10 understand. This young man - Mr Yacoob was away for religious reasons and it has not been realised - he has been hanging around for some time and we do believe that the evidence can be disposed of fairly quickly.

COURT: Well, let us do the best we can. Call the witness and we will see how it goes.

MR BIZOS: Yes. We do hope that he does not have to come back but if he has to, then obviously - but I will ask in the circumstances in the hope of getting the witness away, before calling another Huhudi witness for Mr Yacoob to lead this (20 young man.

COURT: Yes, let us see what we can do.

MR BIZOS: May I give your lordship the page numbers so that your lordship has - the evidence-in-chief in relation to this area begins at 5 683 and your lordship will also find 5 705, 5 708 and the cross-examination was very brief from 5 714 to 5 715.

COURT: When did you inform the state of this witness?

MR BIZOS: This morning as soon as Mr Yacoob came back and discovered this witness' desire to get back.

(30

COURT / ..

COURT: Has he been hanging around for this week?

MR BIZOS: He came yesterday on the basis, but he was also here on a previous occasion when unfortunately things did not turn out for him.

COURT: Was he waiting for a sighting of the moon?

MR BIZOS: Apparently there is some uncertainty in relation to that. Thank you.

MR FICK: Voor die getuie ingesweer word, die staat maak beswaar.

HOF: U moet net in die mikrofoon praat, asseblief. (10

MNR FICK: Die staat maak beswaar hierteen. Net voor ek hier ingekom het, net na hierdie hof begin het, het ek gehoor hier kom so 'n getuie. Daar is in die tagtig dokumente oor Mankweng. Ek weet nie watter van hulle is van toepassing op hierdie getuie nie, ek moet hulle lees om te weet. Ek beweer geensins dat al tagtig is van toepassing nie, maar ek weet nie watter nie. Ek verstaan die man gaan getuienis kom gee oor die voorval op 15, 16 Julie 1985 se gebeure. Dit is geweldpleging gewees waarop 'n persoon dood is. Ek het nie die getuienis gelees nie, ek het nie die kruisondervraging gelees nie. Ek is totaal (20 onvoorbereid om hier aan te gaan. Ek het dit vantevore gedoen om wel te kruisverhoor na - maar dit was in die geval van Thabong waar daar vantevore getuienis aangebied was en dit was nie heeltemal 'n nuwe gebied nie. Ek is glad nie in staat om hier..

HOF: Wel, u beswaar word genotuleer. As mnr Yacoob die getuienis wil lei, dan kan ons aan die einde daarvan sien hoe belangrik dit is en of u geleentheid moet kry om voor te berei.

MNR FICK: Soos die hof behaag.

EDWARD THABO MAHLALELA, d.s.s. (through interpreter)

EXAMINATION BY MR YACOOB: As the court pleases. Where do (30
you / ..

you live, Mr Mahlamela?

COURT: He is Mahlalela.

MR YACOOB: I am sorry, Mr Mahlalela. -- I live in Mankweng township.

How old are you? -- 21 years.

COURT: Could you just tell me, is Mankweng township next door to the university of the North, Turfloop? -- Yes.

And how far is that from Pietersburg? -- About 30 km.

Thank you.

MR YACOOB: Are you at school? -- Yes, I am.

What school do you go to? -- Marobathota high school.

COURT: Is Marobathota one word? -- Yes.

MR YACOOB: And since when have you been at this school? -- 1985.

Is this a government school? -- No, it is a school that is controlled by the church.

What school were you in before 1985? -- Hwiti high school.

Is that a government school?

COURT: Could you spell that, please? -- H-w-i-t-i.

Is that also at Mankweng? -- Yes, this is at Mankweng.

MR YACOOB: As your lordship pleases. Is that a government school? -- Yes, it is a government school.

What standard were you in in 1985? -- St.VII.

Did you go to a meeting on 16 June 1985? -- Yes, I did go.

Where was this meeting held? -- It was held at the Lutheran church in the township.

Did you arrive at the meeting before it started or what is the position? -- No, on my arrival there the meeting had started already.

Did you know who had called the meeting when you went? (30

-- Yes, as far as I know MACA was the convenor of the meeting.

Is that the Mankweng civic association? -- Yes.

Yes, was someone speaking when you got to the meeting? --
Yes.

What, can you recall what this person said?

COURT: Well, did you know the person? -- Yes.

Who was it? -- Willy Letswalo.

MR YACOOB: What can you remember of what he said? -- I
remember him in his address making mention of the year 1976
during which people were shot when they were fighting about (10
education.

Yes, can you recall anything else? -- Also giving advice
to us as youngsters saying that we must be careful of death
because we may die still young.

Alright, who spoke after Mr Letswalo? -- A Mr Manale.

Can you recall what he said? -- I remember him praying.

Were there any other speakers after that? -- No, there
were no other speakers after that.

Where did you go after the meeting finished? -- I went
with a friend of mine to his home which is not far from the
church building.

Was anything said at the meeting about any two groups of
people meeting in any place after the meeting? -- No, nothing
of that sort was said.

And while you were there was any violence propagated in
any way at all? -- No, nothing like that was ever said.

Now I just want to ask you some questions about times.
What time was this meeting supposed to start? -- From what I
heard it was supposed to have started at 14h00.

And approximately what time do you think you got to the (30
meeting/..

meeting? -- I remember it being approximately between 14h15 and 14h20.

And approximately what time do you think you went to this house that you speak of? -- About 15h30.

Right. Now for how long did you stay at this house? -- About 19 minutes.

COURT: 19? One nine? -- Yes, 19.

Did you have a watch? -- No, that is my estimation of time.

MR YACOOB: As the court pleases. And did you leave that (10 house alone? -- When we left we were three but the other person, the third one who is in fact the resident of that house, returned to that house again.

Now where is this house situated in relation to the Methodist church where this meeting was held.

COURT: The Lutheran church.

MR YACOOB: The Lutheran church. -- It is on the left of that church building.

And is it opposite..

COURT: When you stand where? -- On my way from inside the (20 church then that house is on my left.

Help us a bit, can you say whether it is north, south, west, east of the church? -- It is on the eastern side. That is, the house is situated on the eastern side.

Is it just next door to the church? -- Yes, just next door.

MR YACOOB: Is it on the same side of the road on which the church is? -- Yes.

Alright. Now after you left, I am sorry - before I ask that question - is this church in fact situated at a corner, at an intersection between two streets? -- Yes. (30

When / ..

When you left the house did you then come back towards the church or what? -- No, the opposite direction. We in fact went to our right, which is leaving the church at our back going home.

Right, and what happened as you were walking along? Did you get home? -- While walking home along that street, I noticed three police vehicles which were approaching from the front.

COURT: Were you on your own? -- No, I was in the company of one of my friends. (10)

MR YACOOB: What was his name? -- Shadrack Mafokwane.

Perhaps this would be an appropriate time to take the adjournment?

THE COURT ADJOURNS FOR TEA/ THE COURT RESUMES

EDWARD THABO MAHLALELA, still under oath (through interpreter) -
FURTHER EXAMINATION BY MR YACOOB: Now shortly before the adjournment you said that you saw three police vehicles at some stage after you had left..

MNR FICK: Die staat maak beswaar, daar was nie sulke getuienis nie. (20)

COURT: He said he did see police vans.

MR YACOOB: Two?

MR FICK: Not three.

COURT: Yes well, I do not know about the three.

MR YACOOB: Two?

COURT: It seems to me, I did not write down the number, my assessor has three.

MR YACOOB: Oh, my reader has two and I remember three.

COURT: Well, shall we ask the witness?

MR YACOOB: Alright, how many vehicles did you see? -- (30)

Three.

Oh. As your lordship pleases. Where were you when you saw these vehicles? -- In the vicinity of a corner of the street.

What was to your left as you - what is your left if you.. I am sorry, m'lord.

COURT: Well, may I just get some clarity, please. If this Lutheran church in a built-up area? -- Yes.

And is Mankweng township a properly laid out township with rectangular streets? -- Yes. (10

And did you see these police vans when you were still in the township and they were in the township? -- Yes.

Yes, thank you.

MR YACOOB: As your lordship pleases. And you say you saw these vehicles while you were at a certain corner. What was on your right-hand side as you were at that corner? -- It is a shopping complex.

Right, and on your left-hand side? -- It is an open space.

Right, and further to the left-hand side was there any place of importance that you can think of that was there? -- Yes, further up in the direction of the open space, that is the open veld, you find tennis courts. Beyond the tennis courts you find the university.

Right. Now the three police vehicles in which direction were they coming in relation to you? -- They were approaching from my opposite direction.

COURT: From the side of the university? -- No, from the direction of the township, coming in the opposite direction in which I was walking.

MR YACOOB: And did you notice anything at all coming from (30
the / ..

the direction of the university, or any people? -- Yes, just at the intersection I noticed a group of people approaching from the direction of the university.

How many people..

COURT: Could I just get the directions correct? Were they walking from west to east? -- From east to west.

From east to west? I thought that the university was on the western side of the township. Am I incorrect? -- No, it is on the eastern side.

I see. What is on the western side of that university?(10 -- It is the township.

What is it called? -- Mankweng location.

But isn't the Lutheran church in Mankweng location? -- It is also in Mankweng.

But aren't we speaking about that particular location then? -- We are talking about that.

Now is the university then not on the western side of Mankweng? -- No, it is on the eastern side of Mankweng.

I am sorry, I still do not understand it. Is there a township on either side of the university? -- No. (20

There is a township only on one side? -- Yes.

And when driving from Pietersburg you first get to the university and then you get to Mankweng? -- No, first the township and then the university.

Yes, thank you.

MR YACOOB: As your lordship pleases. Now from the direction of the university you say you saw people coming along. What were these people doing? -- I heard some noise of singing.

And did you look behind you at that stage? -- No, my attention was drawn by the people who came from the direction(30 of / ..

of the university singing.

Yes, and what did you do? -- I then looked forward again, that is from my front and saw the three police vans approaching.

Yes, go on. -- I decided to take another street and use that street going home. Just when I decided on that I noticed some other police approaching from this other street I was thinking about.

Yes? -- On seeing that, I did not know what else to do and later decided to take the direction which had no police.

Yes, which direction was that? -- That is the direction from which the students of the university came.

COURT: So you were joining the group then? -- Yes, because of not knowing where to go now I decided to go and join them.

MR YACOOB: And did the students continue to come towards you or what, when you went towards them? -- Yes, they were coming.

Right, and what happened after that? -- Those vans approached further, coming near to us in the direction of the students.

Yes? -- As a result of which we ran away into the direction of the university.

Did you run in the direction of the university? Did you come to the campus? -- Yes, we got there.

And what happened? When you got to the campus did you notice where the police were at all? -- Yes.

Where were they? -- They were behind us, some distance away.

And when you got to the campus where did you go to and how did that come about? -- I got there not knowing where to get to further. While being on the campus I saw a certain young man whose parents are friends to mine. He is a student at the university. I know him, he also knows me. He invited me to(30

come along with him to his room, which I did.

Were you alone at this stage when you were invited to come along with him to his room? -- What happened is I was all alone in the company of Shadrack. On entering the campus with Shadrack we met another person by the name of Moses, so at the time when we were invited to the room of this person, we were three already.

COURT: Three? -- Being myself, Shadrack and Moses.

Plus the student? -- Yes.

MR YACOOB: What was the name of this student who invited (10
you to his room? -- Joel Ramokgopa.

Did all of you accept his invitation and go to this room?
-- Yes.

Now on what floor of the residence is this room situated?
-- On the third floor.

Now when you got to the room could you hear anything going on inside? -- Yes, we heard some noise.

From what direction was that noise coming? -- From the direction of the gate through which we came in.

COURT: Could you just pause there, Mr Yacoob? (20

MR YACOOB: As the court pleases.

COURT: I faintly recollect that this university has a gate on the tarmac main road Pietersburg/Tzaneen, is that correct?
-- There are three gates leading into the campus there, so we used the gate facing the direction of the township.

Thank you.

MR YACOOB: As the court pleases.

COURT: And is this the gate from which direction you heard the noise? -- Yes, that is the gate.

MR YACOOB: Alright, now you say you heard some noise. (30

What was this noise about? What did it sound like to you? -- All I could hear it was some noise by people who were making noise. What they were saying, or the utterances were, I do not know.

COURT: Were they shouting? -- Yes.

Not singing? -- No.

MR YACOOB: For how long did the shouting go on? -- For about thirty minutes.

After the shouting stopped was it quiet for a while? -- Yes.

For how long did it remain quiet? -- It also took about (10 thirty minutes that it was quiet.

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And after the quiet, what did you hear? -- We remained in the room until later when we heard another sound which was from another direction.

Yes, what sort of.. -- It was a noise by people.

Was it anything more than noise by people on this second occasion? -- Yes, there was.

Yes, what was it? -- We heard some noise from guns.

COURT: Which direction was this from? -- Somebody told us that this direction from where the sound comes is in the (20 vicinity of the grounds of the students residence and the cafeteria area.

MR YACOOB: Can you recall for how long these sounds carried on? -- That noise took some time, about an hour.

And what happened after that? -- There was again some quietness after an hour.

Yes, and did you decide to do anything after there was this quietness? -- Yes, we sat there for some time, that is during this quietness and decided to leave and go back, leaving the room.

(30

Right. You left the room then. In what order were you walking when you left the room and were in the process of leaving the residence. Who was in front to start with? -- Shadrack was leading us right in front.

Yes? -- We were walking after another.

Who was behind Shadrack. -- Moses.

And who was behind Moses? -- Myself.

Was there anyone behind you? -- Joel Ramokgopa was behind me.

COURT: Why was it necessary to walk single file? -- It is (10 a narrow passage, it does not accommodate two people walking next to one another.

MR YACCOB: Now you had to go downstairs obviously and make use of landings. Were the stairs covered or uncovered? -- The staircases are covered.

And the landings? -- No, there it is open, you can see.

Please tell the court what happened as you were on your way out of this residence. -- What happened is while following Shadrack and Moses ahead of me, at a landing I noticed that Shadrack stopped for some second and on realising that I (20 paid attention to see what was happening. The next thing I heard some shots being fired.

When Shadrack stopped did you carry on moving? -- No, I also stopped.

And did you look ahead of you? -- Yes, I did.

Before the shot was heard did you see anything from ahead of you? -- Yes.

What did you see? -- I noticed a van which did not have a cover at the back of it and police were riding on that van at the back.

Yes, from which direction did you hear the shot? -- From straight, that is from right in front in the direction where I was looking at.

What did you do when you heard the shot? -- I ran up the stairs going back to the room.

Yes, go on? -- After that I heard Moses screaming.

Yes? -- We went back with Joel and Joel got hold of Moses.

Hold on - okay, carry on. -- I went past Moses.

Yes, go on. -- And noticed that Shadrack was crawling in our direction. I got hold of him, helped him up and carried (10 him to the passage in the vicinity of the toilets.

Right. Did you see any signs of any injury on Shadrack? -- Yes, I did.

Yes, what were the signs of injury which you saw? -- I noticed blood which was flowing from his face and his clothes, as indicated by the witness, on the chest was full of blood.

In any event was Shadrack later taken for medical attention? -- Joel is the person who went to arrange for transport in order to take him for medical treatment.

Did you go to Shadrack's funeral? -- Yes, I did. (20

Can you recall when it was held? -- Yes.

When was this? -- On the 22nd.

COURT: Of June? -- June.

19..? -- 1985.

MR YACOOB: I have no further questions, thank you.

MNR FICK: Die staat vra dat hierdie getuie afstaan. Ek kan aangaan en voortploeter en onnodige vrae wat later blyk as ek beter inligting het, wat totaal onnodig was en ek het die hof se tyd gemors of ek kan gaan sinvol voorberei en hierdie man probeer kruisverhoor oor wat betwis word. Ek is nie in staat (30

om aan te gaan. Ek het my telefoonnommers gegaa vir my geleerde vriende, almal van die verdedigingspan het hom. Hulle het my nooit gebel gisteraand en vir my gesê kyk, daar is so 'n probleem nie en ek is nie in staat om aan te gaan nie.

COURT: What is your attitude?

MR YACOOB: I leave it in the hands of the court.

COURT: Do you have a further witness available? Mr Yacoob, Mr Bizos?

MR YACOOB: My learned friend, Mr Bizos..

COURT: Because what we can do is we can let this witness stand down, have the evidence-in-chief of the next witness and then you can have the cross-examination of whichever witness suits you best.

MR BIZOS: There is a witness, a fairly long witness from Huhudi. If your lordship wants to take the witness obviously we will call her, she is in the immediate vicinity of the court, but there are three other witnesses from Huhudi and they are anxious to go back home for the weekend.

COURT: But where are they?

MR BIZOS: They are here but they want to go back. The matter becomes a little complicated because witnesses have been arranged to come from further away from the Eastern Cape where Mr Tip has been in the last week and I am given to understand that those witnesses are definitely coming on Monday morning. Now we are going to have a situation that if I do call this witness from Huhudi, even if the evidence-in-chief and cross-examination is shorter than the last two Huhudi witnesses, the presence of the people from the Eastern Cape is going to be further extended, so that it would facilitate our programme if this witness is cross-examined on Monday and then Mr Tip continues with those

other witnesses in order to get them back to the Eastern Cape as soon as possible rather than...And also that we can send these Huhudi witnesses back and tell them to come possibly in the middle of the week in order to..

COURT: Will the Eastern Cape people definitely be here on Monday?

MR BIZOS: I was so told over the telephone by Mr Tip last night.

COURT: There is not a very short Huhudi witness?

MR BIZOS: No, m'lord.

(10)

THE COURT ADJOURNS UNTIL 23 MAY 1988.

DELMAS TREASON TRIAL 1985-1989

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