

K V NAMANE

(Selodkeyo)

wicket 18191 - 18279.

No adverse comment on demeanour. He is wholly untrustworthy and is biased in many respects against councillors and the system.

1. It is improbable (and has not been stated by others) that the song at the meeting of 26 August was alternatively hlanganani ba Christu and hlanganani Basebenzi.
2. He did not participate in the march and stayed at home on 3 September. He only became aware of violence at 11h00 when councillor Nakhiwane's house was on fire. This is strange. From early that morning there was violence in his area. His neighbour's house (Nakhiwane's) was set on fire between 8h30 and 9h00. He notices it only at 11h00. He does not know how and by whom it was set alight.
3. He did not vote in the council elections in 1983 being prejudiced against councillors.

4. He does not know who called the meeting of 26 August 1984 and had not heard of VCA before that date. Or VOW. He does not know what is AZAPO or ERPA.
5. He has never heard of a Sharpeville commemorative day.
6. He says before the elections of 1983 there were no meetings in the Vaal Triangle of a campaign against the elections.
7. He states positively that nobody spoke of cowards at the meeting. Yet it was the defence case that accused No 17 said it.
8. He states that taxi owners were not obliged to honour the stay-away, they could have operated without interruption. If this is so the reference to hospital workers using the ambulance is unclear.
9. He testified that the reference to the resolutions of the meeting of 25 August 1984 was made by a middle-aged man. This is incorrect as it was accused No 5 who spoke of that meeting. He also stated that that man did not refer to notes - whereas accused No 5 says he gave his notes to a reporter.
10. Since September 1984 he has paid no rent at all. He attempts to justify this by stating he has paid his leased house off. This does not cover non-payment of electricity and water charges. He gives the lame excuse for non-payment of these that they are on one account. His opposition in 1983 to the council system and

his refusal to pay rent places him squarely in the resistance camp. That the non-payment of rent is only temporary to force the authorities to the negotiation table is nonsense as he has made no provision at all to pay the arrears eventually.

11. To justify the (illegal) march he equated it with church processions and stated that they would go to Houtkop to pray there and to request reduction of rent. Cross-examined on the praying he retracted this evidence after an egg-dance.
12. It is inconceivable that of the attack on his neighbour councillor Nkhiwane's house he only heard breaking glass and the sound of stones but not one raised voice and did not see one attacker.
13. His hatred for councillors is evident from his total lack of commiseration or help for his "friend" and neighbour councillor Nkhiwane. He states that he was angry about the rent increase and that the councillors were traitors, corrupt (taking bribes) and the enemies of the blacks.

N R NCETYWA

An untrustworthy witness whose evidence at best for the defence did not contribute much.

1. She contradicted herself on whether she knew of the VCA in 1983 or 1984.
2. Her lack of knowledge of the VCA was rather suspect as she knew Bonani Mafa (area representative of the VCA) who lives in the same street.
3. Having testified in chief about three resolutions on the meeting of 26 August 1984, in cross-examination she said there was only one. Her explanation of the difference between "besluite" and "resolusies" is unconvincing.
4. She cannot be a political babe in the woods. Her sister Cynthia was detained after the riots and her brother Toto has not been seen since.

5. In chief she said a person (probably a councillor) walked to and fro on the stage with an object shaped like a gun in his trouser pocket. In cross-examination it became a butt partially sticking out of his trouser pocket. To Mgcina it was put that councillor Mokoena moved in and out of the hall with his gun. She denied this.
6. She denied that anyone drew a gun. Yet it had been put that councillor Mokoena drew his gun and that this upset the audience.
7. She stated positively that the police took the councillors out of the back door after the lights went off on 29 August and that there was no stone throwing. None of this she could have observed. She was blinded when the lights went out and outside she ran away after having inhaled tear-gas inside the hall.
8. Her statement that sunset is at 20h00 winter and summer is silly
9. Since September 1984 they did not pay any rent or lodger's permit fees. Her reason: that the councillors did not give them a reply at the meeting of 29 August (which was disrupted).

DIKHELA BILLY NDWEBISA

Grahamstown

A venerable old man with a very bad memory who at times was evasive and not candid with the court. He is unreliable.

1. The attitude of GRACA is evident from its treatment of the attempted petrolbomb attack on the house of Sandi, its secretary. It gave an interview to the press but did not report the matter to the police (or to the town council) before doing so. Exh DA.191.
2. He initially denied the contents of exh W.78 on the origin of GRACA. But after much questioning he agreed with that version.
3. He told the court in chief that on 1 December 1983 there came into existence for the first time a community council. In cross-examination the date became 1 October 1983. Then

he stated the community council had existed some time but on 1 December 1983 it was replaced by a town council. At the end of it all one was left entirely in the dark.

4. Equally murky was his evidence on the parents committee. If one looks at exh W.79 p.7, however, it is a COSAS inspired committee to represent the scholars in negotiations with the DET. The formation of this committee is seen as a COSAS victory!
5. His denial that the town council had held public meetings was shown to be false. Exh W.56 p.2.
6. He initially attempted to deny knowledge of the letter in Grahamstown Voice May 1984. Exh W.56 p.8. Later he had to admit co-authorship of the letter. Thereafter he was extremely evasive about the use of "aluta continua" therein. Exh C.37.
7. His alleged ignorance that his vice-chairman Phila Nkayi was on the UDF housing committee is suspect. Exh AAZ.16.
8. He was cross-examined on the number of meetings he attended. Whenever the subject of violence, marches, sit-ins, was touched upon his memory failed him.

9. His version that at the funeral of Patrick Ndyagolo on 9 November 1984 the police removed the banners of the organisations, is in direct conflict with the defence version as put namely that AZAPO and AZASM prevented the use thereof.

10. It was put by the defence that an AZAPO flag was draped over the coffin. He denies it.

11. His version was that at the house of the deceased before the funeral he spoke against the AZAPO/COSAS wrangle about who was to take over the funeral and that AZAPO proved the deceased (16 years) was their member and so the dispute was resolved. How this was proved he could not say.

12. Numerous statements made by the defence in cross-examination of state witnesses were either not borne out or totally contradicted by this witness.

Z.392

CAPTAIN W.A. NEL

This was a good witness.

KHALULU SOLLY NGOBESE

This witness does not look like a radical. There is serious criticism against his evidence as set out hereunder. It is possible that he did not feel at home in TCA and left that group for that reason.

1. His evidence is that there was no link between TCA and COSAS except that COSAS once sent representations in respect of the rent increase. This is false. A joint meeting was held. Exh CA.39. TCA was on the COSAS programme of the joint funeral - as first speaker. Exh ABA.46. His evidence is false that they were never invited.
2. In the light of the above his denial of knowledge of the committee of COSAS is very suspect. He is the secretary of TCA.

3. His evidence that TCA was not affiliated to UDF and had nothing to do with UDF is false. Affiliation is evident from exh A.1 p.60. In his possession a lot of UDF documentation was found. Inter alia the declaration and constitution.

4. He was evasive when asked who organised the 5 and 6 November 1984 stay-away. His allegation that TCA did not discuss the stay-away is improbable.

5. He was not candid about the reason why he took over the office of secretary of TCA from Charles Moloko. He said the latter fell behind. It later transpired that Moloko had resigned as secretary for two reasons:
 - (a) the refusal of the TCA to negotiate with councillors;

 - (b) the refusal of TCA to keep proper minutes - as they were afraid the police might "harass" them.

These reasons, which were in writing, place a question-mark over the witness' evidence that the TCA had a policy of negotiation and did keep proper minutes. On the other hand there is documentary evidence before court which indicates that during his period as secretary he did make contact with and representations to the council.

JAMES J. NGUBO

He makes a favourable impression but there are the following unsatisfactory features in his evidence:

1. The defence case was that ERAPO had since 1982 taken up the rent issue on the East Rand and held mass meetings in protest. This is also evidenced by exhs CA.31 and CA.32 for Daveyton. It is improbable that he, chairman of the Daveyton Action Committee, would not know of this or of agitation against councillors or of the ERAPO meeting of 28 June 1984 (exh CA.32) or of the claim that councillors resign or that the ERAPO members of the delegation to the commissioner (who did not go along) would not after 25 June 1984 enquire what the outcome of that meeting was.

2. His denial that he wrote an open letter to the Sowetan is in conflict with the newspaper report itself (exh CA.33) of 11 June 1984.

3. He is not a political animal.

IVY NGWALANGWALA

A false witness.

1. It is wholly unacceptable that she as co-organiser of the Deborah Memese funeral:
 - (a) did not know that Banzana and Goniwe and Mama General and Calata were to speak;
 - (b) or that she had never heard till she gave evidence that they had spoken. This is a lie.
2. It is totally improbable that she ran away after the funeral and for three years has not returned to the home of the deceased or spoken to the deceased's father, her co-organiser. She was responsible for the borrowing of the utensils for the funeral. It is wholly unacceptable that she would not see to their return.

3. Her version on the five minute warning and the sneeze machine differs from that of the witnesses Gqobane and Mapela and is inherently improbable (as indicated S.V. Gqobane).

THEMBA NGWENYA (Boipetong)

This witness creates an honest impression but is extremely vague.

1. He is very vague in his recollections - he does not even know whether a man or woman spoke at the meeting of 26 August or whether accused no. 11 or Mohapi spoke or whether schools were discussed.
2. He tells of songs sung only at the start and end of the meeting. But he arrived only during Sotso's speech.
3. In chief he did not testify that Sotso had suggested non-payment of the rent increase, despite his counsel's prodding. In cross-examination he said Sotso did.
4. His evidence that Peter Mohapi interpreted portions of Sotso's speech into Sotho is not borne out by other witnesses.

MOSES NHLAPO

Not entirely frank on the campaign against councillors.
Otherwise a good witness, but not very knowledgeable.

1. This witness was totally mixed up on dates, months and years and his dates cannot be relied on at all.
2. He contradicted himself on whether Mkhonza spoke at the first meeting of residents of Silvertown.
3. He says councillors and their property and property of the Administration Board were targets during the riots. But he says there was no campaign against them! He cannot explain why this happened.

M.S. NHLAPO

An unsatisfactory witness who is not averse to telling deliberate untruths.

1. He states he heard no singing in the procession and waited for the whole of it to pass. This conflicts with all the other evidence.
2. He stated in chief he had last seen Bloem months before the funeral of 18 February 1985. In cross-examination he stated he had seen him the previous day - when Bloem fetched meat from his butchery for the bereaved family.
3. He places himself conveniently out of the way of identification of any rioters. He closes his shop and sees no obstructions or rioting on the way home past Seisoville shopping centre. He returns after half an hour at 11h30 to

12h00 and again sees no one doing anything strange, no obstructions, no attack or damage at Seisoville shops, no looting till he gets to Pumelong shopping centre where one shop is burning and others damaged but there is no rioter in sight. On the way he saw no looters and no rioters. This conflicts with other evidence when the times are compared..

4. He differs with the other witnesses on the contents of the speech of accused no. 20 - to an extent - and from Bloem on Bloem's speech.
5. He differs from other witnesses on the position of the police at various stages and his version of a procession splitting in two is new.
6. His evidence that he did not on 11 February 1985 know of the attack on the shops of Seisoville which he passes on the way home is hard to believe.

PAUL NHLAPO

An old man who gave his evidence calmly and without any attempt at evasion. He created a favourable impression in the witness box but on reading his evidence it is clear that he attempts to whitewash the proceedings in the church on 19 August 1984.

1. He cannot remember a petition mentioned at the meeting of 12 August (yet this must be accepted to be the position in the light of exh DA.10 the Rand Daily Mail report of 16 August 1984).
2. The witness volunteered that he had a tendency to forget what he did not consider important. *overdid*
3. He first stated that he had sat right in front of the hall (nearest to speakers) and later retracted this saying he had sat one row back (at the meeting of 5 August 1984).
4. He differs from Nosipho Myesa who says that the meeting

19058

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19059 - 60
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became disrupted when the woman hit councillor Kodisang. He says the meeting was disrupted before that - the woman slapped councillor Kodisang after the meeting had been disrupted and when people were leaving it (he heard).

5. He is rather vague on the meeting of 12 August. He did not see banners² -

6. He did not see the banner in church on 19 August (right in front of him).

7. He stated that at the meeting of 19 August the people were emotional and dissatisfied and that emotional meant angry, wanting to fight. Yet immediately after that he stated the people were not angry and did not want to fight.

*not present
reflected*

8. He is positive that there were no shouts of Amandla Ngawethu in the meeting, only outside after the meeting. This conflicts inter alia with accused No 2.

A/19073

9. He remembered the dates of meetings with accuracy - which is probably indicative of some schooling.

19042 s/r-201
19046 12/8-201
19048 12/8

P19068

That he and his companion Victor Mbatyaswa discussed their evidence before he was called, is indicated by their joint mistake on where accused No 16 was before he was called upon to speak.

10. He denied that there was a scathing attack on councillors. Yet this had been the defence case as put.

P19074

11. He denied that the councillors were called puppets and sell-outs. Yet this is common cause.

12. He denied that anyone asked what should be done with those that paid the rent. This conflicts with the defence case that Botha asked that question and that accused No 2 replied thereto.

del

13. He denied that anybody said that if the people are dissatisfied they could elect other councillors, but immediately afterwards retracted it.

del

14. He could not remember any speaker from AZANYU.

15. He denied that anyone said that as the government had built the (apartheid) houses it should pay the rent. This had been the defence case on the basis of exh AAQ.7.

WARRANT OFFICER A.D. NIEMAND

A good witness.

Z. 407

A. NIENABER

No adverse comment.

THAPELO NKAYI

An unmitigated liar.

1. He performed an egg-dance in cross-examination on the existence of an interim structure of COSAS in July 1985 in Adelaide. Later on it became clear why. He had lied. A COSAS branch existed in Adelaide before June 1985 already, of which he was the treasurer. It was represented at the RGC of COSAS on 17 June 1985. Exhs CA.43, CA.44 and CA.45. This is in conflict with his denial that a COSAS branch ever existed in Adelaide.
2. He was evasive when asked who was the spokesman of the delegation of the acting board to the principal.
3. His evidence on the Katberg RGC meeting of COSAS eastern Cape is a tissue of lies.

4. He was part of the COSAS committee which heeded the COSAS call to make the schools uncontrollable and ungovernable (exh CA.45) - that is clear from the attitude displayed.
5. He contradicted himself on his knowledge of July's offence.
6. His evidence that the mob did not stop at constable Mantewu's house is in conflict with the state and defence cases.

DR. A.S. NKOMO

(Atteridgeville).

Generally a good witness. The following matters might raise an eyebrow:

1. His statement that on 23 October 1983 they were not aware of Dr. Motlana's UDF position is suspect.
2. His position on the new constitution and black local authorities is identical to that of the UDF. Dr. Motlana of the UDF addresses the meeting where it is resolved to form ASRO. At the launch, affiliation to UDF is decided upon. UDF supplies some posters and banners. Yet he says there was no UDF connection. The answer is suspect.
3. He knew of a co-ordinating committee. According to exh W.23 p.5 SASPU national October 1983 it was active in Atteridgeville and Saulsville through its constituent members COSAS, SAYO and MAYO and did house to house meetings. Yet he says he knows nothing of it and it is incorrect.

MONDE PATRICK NKONKI (Adelaide).

A witness with an aggressive manner whose evidence cannot be believed for the following reasons:

1. His version that a mob of scholars who had at a meeting some days previously demanded the release of their co-scholar, would after his release wander about the town for more than an hour singing freedom songs, be saluted by constable Mantewu and shot at for no reason by constable Springbok is very improbable.
2. His reason for joining his friend Joseph Botha after he allegedly had reached his own home and his staying at his home overnight is unacceptable.
3. His evidence is that they did not stand and sing at Mantewu's house. This conflicts with the defence case as put.

4. His evidence is that they nor anybody else was taken naked to the police station. This had been the defence case as put.

WARRANT OFFICER Z. NKOSI

Somewhat slow in answering but that is his habit. A satisfactory witness.

DONALD NONYANA

A witness who is not frank and whose evidence is subject to the following criticisms:

1. His version of the meeting of 26 August was rather garbled.
2. His version is that he stood on the square after a crowd had chased the police car, another crowd had run to councillor Mpondo's house and accused no. 11 had tried to get his procession moving. He only saw accused no. 11 while the latter was still on the square crossing Mzimvubu Road. He was on the square a short while and when he left, still on the square he met accused no. 11, Sotso and Mohapi returning from councillor Mpondo's house. This poses two problems:
 - (a) accused no. 11 says he lost Mohapi at Mpondo's house, whereas Mohapi says they stayed together. Here the witness supports the state case;

(b) what was the witness doing on the square all this time when Mpondo's house was being attacked. It is clear he is not being frank with the court.

3. We do not accept that he scarcely gave the attack any attention and went into his house

- unable to identify anybody in the crowd
- unable to say when councillor Mpondo's house was set alight.

It is impossible that he did not know about it when councillor Mpondo's house was burning.

MRS M L NYEMBE

(Sebokeery)

18668 - 18763

No adverse comments on demeanour. A rather timid person. Her memory about events is obviously not clear. No reliance can be placed on details. We do not regard her as trustworthy.

1. On 18 January 1988 she could not identify any of the speakers at the meeting of 26 August 1984 in the dock (accused No 17 was absent). Later she identified No 17 and No 5.
2. She states at the meeting of 26 August 1984 Masenya was stopped before he could utter a word. This conflicts with all the other evidence.
3. She states Masenya asked what would happen if someone was injured in the march. This is the only witness who says this. The others spoke of arrest.
4. She does not know what is meant by puppets and sell-outs (this is unlikely).

5. She is very vague on what was said at the meetings she attended.
6. In conflict with all other witnesses she is positive that Esau Raditsela who chaired for the election of office bearers at the meeting on 26 August did not enter the hall with the group holding the banner. She says that the group entered at the end of the elections.
7. She paid no rent at all since September 1984. The reason she gives is that they decided not to pay rent, after being dispersed by the police, till the councillors come to them. This is in the circumstances facetious. How could the councillors who were hounded from their homes meet the community? And why pay no rent at all?
8. She says nobody at the meeting of 26 August 1984 asked what would happen to those who did pay the increased rent. This conflicts with the version of both defence and state.
9. She denies that there were obstructions on the route, also not at BP garage and saw no smoke in Sebokeng (except at Motjeane's) before or during the march.

10. Her answer to the question how the councillors were to attend at Houtkop - namely that they would be fetched in her opinion - indicates that at the meeting an aggressive attitude was adopted towards councillors. It being unlikely that in the circumstances they would come of their own accord (see the events at Tumahole). This supports evidence of an attitude towards councillors which is in line with the state's case on the statements at the meeting.

MRS MARTHA OLIPHANT

Sebokeng

pp 18764-18883

This witness was coached on certain aspects. She is unreliable.

1. She saw smoke for the first time after the march - in zone 12 near the shopping centre.
2. According to her the march never slowed down till the police were encountered.
3. At the intersection nothing unusual took place and no placards joined the march. This is in conflict with the defence case.
4. When she reached the intersection she did not notice anything unusual (like councillor Motjeane's house on fire). Later she said there was ordinary stove smoke.
5. In evidence in chief she stated that (after having walked from zone 3 to the Roman Catholic Church Small

Farms) she had no problem walking in the march. In cross examination she offered her walking problem as an excuse.

6. She first stated that she and her husband had assisted candidate Alfred Phera in the election November 1983. Later she retracted this after some hedging.
7. It is wholly unacceptable that she did not know till 3 September 1984 that accused No 10 was area representative of the VCA for zone 3 - she attended four house meetings at his house which he organised in that capacity and joined him in organising the mass meeting of 26 August at Roman Catholic Church Small Farms where the area committee of zone 3 was elected. The same applies to her alleged ignorance of the link between Edith Letlaka and accused No 17 and the VCA, and to her alleged ignorance that Lord McCamel was chairman of VCA - they appointed him chairman of the meeting to be held on 19 August on the house meeting of 14 August.
8. The reasons why the petition against the rent increase - put forward as a solution by Selebalo - was not proceeded with are flimsy.

9. It is amazing that after all these years she can remember the dates of (relatively unimportant) house meetings. She has been coached.
10. Her reason why a youth had to speak at the meeting of 26 August 1984 is unconvincing. She says it is to represent families that had no grown up breadwinner.
11. Her version that accused No 8 chairs the meeting of 26 August without explanation (from Esau or anybody else) when McCamel and the alternative accused No 6 had been appointed is unconvincing.
12. She hedged when asked when Esau Raditsela arrived at the meeting of 26 August.
13. She first testified that accused No 17 delivered his speech and did not get up again. Not even to answer a question. Later she contradicted this.
14. She denies that accused No 5 called councillors puppets and sell-outs at the meeting of 26 August - this was admitted by accused No 5. It was clear that she is attempting to shield the accused.

15. It is wholly unacceptable that the witness and the other leaders and planners of the meeting of 26 August had no thought at all as to what was to be done about the rent increase. It is in any event in conflict with the suggestions put before the meeting by accused No 5 and Maruping and accused No 17.
16. She states that Rina Mokoena sat through the speeches of accused No 17 and accused No 10 before herself speaking. This conflicts with the defence case.
17. She denied that the question was posed what would happen to people who did pay the increased rent. This was in fact asked, it is common cause.
18. She denies that exh AN.15.2 is correct where it mentions resolutions of children and where it is imperative instead of a mere request. But as these were the notices emanating from the VCA it is likely they are correct and that her evidence is false.
19. She denies mention was made of tear-gas at the meeting of 3 September. This conflicts with the defence case as put.

20. She states that on 3 September accused No 17 and accused No 8 spoke outside but not inside the hall.
21. She says that Esau addressed the people outside while they were in procession. This conflicts with the other evidence.
22. Her evidence was that Esau set up the procession and joined the march near her at the back. When it was put to her that the defence case is that he stayed behind to close the windows of the hall, she started hedging.

MRS. MARTHA PETER

There is a question-mark over her evidence for the following reasons:

1. The wound to Sibongile Kubeka's head (on the right temple) is difficult to reconcile with the facts as stated by the witness.
2. It happened on 5 November 1984, the first day of the stay-away. Yet, the witness does not know of any rioting at all.
3. On her version it would be a cold-blooded shooting of a solitary onlooker. This is of course possible but rather unlikely.

4. She first stated that it had not happened during any extraordinary event. Yet later she said it was on the first day of the stay-away and that she had told her counsel about it. If so it is likely that the evidence would have been led differently.

SOLOMON PHALA

Extremely vague and at times intentionally false.

1. He stated that at the two meetings held with COSAS and ERAPO there was no talk of outside speakers. He saw the programme (exh CA.29) for the first time after the funeral. This version he changed to the evening before the funeral. This version he changed to the second meeting with the organisation. And all this confusion after he had been consulted on the programme (exh CA.29) during the lunch adjournment.
2. In the stadium he did not hear freedom songs sung (only hymns), no slogans shouted, no banners seen. There was nothing out of the ordinary at this funeral. This is in sharp contrast with the video (exh C.42) of this funeral.

3. He would not admit to rioting after this funeral. He puts the riots a month after the funeral. Yet he must be aware of the serious rioting that broke out.
4. He first stated that the idea of a mass funeral was mooted by the parents, and later said it was the idea of Aubrey Nxumalo of COSAS.
5. He got mixed up between COSATU and COSAS and even when corrected stuck to COSATU. He later switched to COSAS as if he had not been adamant before.
6. He says he does not know what UDF is. He asked but was told that he would not understand. He does not know what "forward to a peoples government" is - which is printed on the funeral programme (exh CA.29). He cannot explain why ERAPO participated in the funeral or SOYCO. He is obtuse.
7. He does not understand English well and cannot say if there were political speeches.
8. He mixes up bishop Nkoane and father Mkhatswa as to who spoke at the grave side. See exh CA.29.

9. He professes not to know about general riots, road obstructions and attacks on buses and vehicles with stones. The police patrolled because children did not go to school and those that did were hit by the police!

10. He stated he heard Hamba Kahle for the first time at the funeral. In chief he had said it was a general church song. When this was put he retracted his evidence.

11. His evidence that he does not know of the singing of Umkhonto we Sizwe is false. It took place amongst the coffins right in front of him.

A B PHALI

No criticism on demeanour. He was not candid with the court and cannot be relied upon unqualifiedly.

1. He participates in the rents boycott, giving as reason that they are still waiting for an answer after a meeting with the town clerk in October/November 1984 - where they proposed that the town council had already got its money from the sale of liquor and did not need any more. This is spurious.
2. His version that the reduction of rent to R30 was not mentioned at the joint meeting of VCA, Boipatong, Bophelong and Sharpeville is highly improbable as on 5 September 1984 already this was the demand. (Exh AAT.12)
3. He did not pay rent since the riots. His reasons why he did not pay the old rent or the R30 per month that they proposed are spurious.
4. He did not see anyone with a drawn firearm at the meet-

ing of 29 August 1984. Yet it was the defence case that councillor Mokoena had done this and angered the crowd.

5. His version that he has heard the name Bophelong Civic Association but does not know what it is is false. He is the leader of the people of Bophelong - as is evidenced by the fact that he leads the delegation of ten that meets with the VCA and then with Louw. Louw testified that they were the Bophelong Civic Association. That was not challenged.

TETO JOHANNES PHATE

Verbose, accomplished speaker, but he fabricated evidence, giving detail evidence after all these years. Not to be relied on.

1. His allegations that he did not see the funeral programme (exh AAW.12) and that he was not aware of the magistrate's restrictions on the funeral and that he did not understand the Zulu poem (he was chairman of NUM OFS region and a trained nurse) are all possible - but rather unlikely.
2. His version that this was an absolutely normal funeral is in conflict with:
 - (a) the holding of the coffin above the heads in breach of the magistrate's order;
 - (b) exh W.64 SASPU National p.1 photo; p.3 of the report;

(c) the programme (exh AAW.12). It is improbable that the persons advertised thereon would not have spoken in the hall. Those in charge had no respect for the magistrate's order anyway.

3. His version of accused No 20's speech is totally in conflict with that of accused No 20 himself and of the other witness Mrs Leeba. (Accused No 20 says he spoke on education and the setting up of committees). He is the only one who says accused No 20 referred to the UDF.

4. His version of the meeting of 5 September 1984 differs from that of Lucas Leeba in the following respects:

(a) Leeba said after the remark by Mosibi, the whole gallery left and more than half the audience. He says only a few left;

(b) Leeba says the windows of the hall were broken (quite a few behind curtains). He says it was one double-door;

(c) he denies that Mosibi asked people to remain but that they walked out. Leeba said so.

5. He says the coffin arrived at the hall in the vehicle. Mrs. Leeba says it was carried. He says there were no banners at the funeral, whereas at least on an RMC banner there is no conflict between defence and state versions.

6. He says there were only COSAS T-shirts at the funeral. Yet exh W.64 - the original - shows three UDF T-shirts.

ISAAC TEBOGO POONYANG

A wholly unimpressive witness who was ostensibly totally uninformed. He was not candid with the court and is untrustworthy.

1. He accompanies Mamsi all the way to Johannesburg and spends his money for fare to have a banner made. Yet he does not attend the funeral of Joseph Sithole where it was to be displayed.
2. His reason is that he only intended to go to the church, as in 1978 people had been attacked at a service in the cemetery by police. It had been the funeral of Matsobane. He had not known him. This he later retracted saying he had been their neighbour.
3. He says he did not reach the church for Joseph Sithole's funeral as the police were hitting people at the church. He

is the only witness who says so and it was never put to brigadier Viljoen.

4. He says he knows nothing of COSAS in the Vaal. He has never heard of it or of any Malindi's. He has never attended commemorative services. He has never heard of the VCA, VOW or any youth organisation existing in the Vaal. He has never heard of any mass meetings. He does not know who organised Joseph Sithole's funeral. He heard about the stay-away but does not know who organised it. Yet he did stay at home - but he did not join the march.

For a young man with Matric wishing to join the youth organisation, he cannot possibly be so uninformed. He is being evasive.

5. He cannot explain the fist and outstretched thumb on the banner they had made. Exh AAU.3. Mamsi promised to explain it later at a soon to come inaugural meeting of VAYCO - which never took place. Of all those on the photograph he says he knows not one.

All this is improbable.

PATRICIA PHOSISI

This witness did not impress us at all.

She testified that she had made only one statement. Later it transpired that she had made two.

She gave the wrong number of Mokoena's house in which she hid during the disturbances and when she later gave the correct number it became clear that that house was not where she had placed it when asked by the court but approximately some two blocks to the west. This entailed that she could not have seen the marchers go up the lane to Ceasar Motjeane's house, as she had said in her evidence in chief. Later it became clear that she did not even know exactly where Motjeane's house was, having visited it only once and at night.

She was evasive on her electioneering platform, about her fraternisation with the Lekoa People's Party and about abusive language used by councillor Mokati against Rebecca Motloung at the meeting of 5 August 1984.

Z. 437

She gave contradictory evidence on whether the marchers had passed in front of the house in which she was hiding or not.

She has a tendency to draw unfounded conclusions. She is unreliable.

JAMES PLAATJIE

This witness is unreliable and at times deliberately false.

1. He states there was no PRC at the school. This conflicts with Gqobane, the teacher, who says there was.

2. On the events of 11 February 1985 his evidence conflicts with what was put and what other defence witnesses said:
 - (a) on the number of attackers from the beerhall;
 - (b) on their weapons (and here he contradicted himself);
 - (c) on whether Memese came out of the office;
 - (d) whether the premises were entered by the group;

(e) whether Memese called the helpers from the beerhall;

(f) whether children were shot on the school premises.

3. His version that the scholars were attacked by the mayor at the administrative offices and shot at by him without having threatened or thrown stones is so improbable that it is rejected as false.

4. His version of the COSAS meeting with parents in September 1984 conflicts with Mapela's on:

(a) who spoke on behalf of parents;

(b) whether the decision was reached to end the boycott at this meeting or prior to it;

(c) whether classes commenced immediately the following Monday or whether they waited for scholars living far off.

5. His evidence that the whole school, teachers and principal included, attended the prayer meeting of Dr. Boesak at 12h00

in January/February 1985 and that it started at 12h30 and that the school resumed afterwards is in direct conflict with Gqobane.

6. His version that Dr. Boesak prayed for all in gaols and that that was the purpose of the series of meetings in the eastern Cape is not acceptable. His theme was they should all be released - thieves included.
7. His evidence on the contents of Dr. Boesak's speech conflicts with that of Gqobane.
8. He cannot give an explanation why SEYCO chose the ANC colours as its own.
9. His evidence that he and Thozì ordered a banner for SEYCO only in June 1985 when it was wholly dormant is very improbable.
10. His evidence conflicts with that of Mapela on whether they were afraid pursuant to the notices on 4 February 1985.
11. It is unlikely that he knows nothing of the visit by the group of youths on 10 February 1985 to lieutenant Labuschagne. He is one of the leaders of the scholars.

LAURINE PLATZKY

She strikes one as an open witness but intense on her subject - to act against forced removals. She is a member of the UDF Western Cape and was a supporter of it from the outset. She is anti-government. Her expertise is forced removals. Her knowledge of UDF policy is limited to that and only on the local (Western Cape UDF) scene. She has never seen a UDF programme of action (only in the Western Cape). Her evidence does neutralise the state case in so far as it is based on exh E.1. but her views as to how forced removals are to be dealt with clearly do not coincide with those of accused No 20. See exh C.55 page 3.

L.C.A. PRUIS

This was an honest witness who was prepared to make concessions where necessary.

His field of expertise is, however, very limited and when taken outside that field he was out of his depth. It was also demonstrated by reference to Debray's latest work "A critique of arms" exh AAQ.51 that the witness did not keep up with the latest developments in his field of study.

JACOB M. PULE

Untrustworthy on certain aspects.

1. His evidence of the time of the occurrence tallies with that of the police. But he cannot explain why he took one hour to run one kilometre home. It is probable that he was at the rioting.
2. He contradicted himself on whether he had run all the way home or not - to get out of his predicament during cross-examination.
3. His evidence conflicts on material aspects with the defence witness Moloi (but he is more plausible).

JOSHUA RABOROKO

Vaal

dramatic event

Not a satisfactory witness.

1. He hedged when asked whether he expected violence in the Vaal on 3 September 1984. *20745 in Chief -*

The answer is in fact direct. (Pr XX 20776) accept something
The main point in issue could not be a matter of memory
 His memory of the meeting of 19 August 1984 at St Cyprians

is solely dependent on the reports exhs AAQ.7 (his own) and AAQ.6 (Nkabindi's). *XX 20781 rely on reports*
20739 Hill Fresh Nkabindi Report

3. His version that para 4 of the report exh AAQ.7 was in his draft at the back and was mere background does not have the ring of truth as:

- (a) it is logically in sequence where it is; and *P 20736-7*
if was at the back - it is equally consistent with
sub Editor's comment about it 20 as Justice & wife better flow
- (b) its wording which is his own does not fit his version

that it does not refer to this meeting. *20780*

The contents is correct as far as book grand material
does not mean that appeared in his words

P. mainly - 20736 - para incorrect

on the main point in issue he ignores his evidence that if known had action taken could not have been avoided (the press) P. 20738 -
Issue whether X X on this issue.

Aspects of 4th Para's incoherence corroborated by Koaho?

Z.445

4. He says the sub-editor distorted the report - but he is unable to name him. This is unlikely. 20780

Why unlikely - several sub editors - did not remember which one concerned Daily Express - ordinary course of duty not an improbability

5. He stands by the contents of exh AAQ.7 - which brings him into conflict with the evidence of a number of defence

witnesses - who say the audience was not 'angry'. If the

others are correct it means he is misleading the public to rake up feelings against the councillors. // There is evidence

of this too in the defiance in para 3 linking the security police to black power slogans and the attack on councillors

on 2 September and 3 September. Exhs AAQ.29 and AAQ.12. P20797

20798.

6. His statement that he would have taken down and published all important matters is watered down because he cannot

remember any reference to a court interdict - which he did not report on - and the petition which he said was decided

upon he did equally not report on. Both were important.

7. He is evasive on whom he asked for comment about the report exh AAQ.29 as reported in exh AAQ.12. Interviews with people

people in organisation - his job is to interview people who were on the scene 3 years ago! Why should he remember

8. As in exh AAQ.7 also in exh AAQ.12 there is according to him

a vital mistake caused by the sub-editor, which changes the meaning of the paragraph. If one adds to that a comparison

between exhs AAQ.6 and AAQ.7 which appear to deal with two different meetings one wonders to what extent any reliance

Admits that they were left out of security police on 2/9/70

20794
Talks in original report not reported 20795

20795

Handwritten vertical line with a slash at the bottom.

Handwritten vertical line with a slash at the bottom.

can be placed on the newspaper reports - and that is what he asks us to do - in the absence of an independent recollection.

see p 10-2

9. The information in exh AAQ.29 (2 September) he had for one month. 20798

Asked in chief whether they published a story about exh AN.15.1 and the march (having heard about it from Esau Raditsela) his answer in chief was first that he could not remember. Then that there was another pamphlet in circulation contradicting exh AN.15.1 and they did not want to create a controversy. In cross-examination his version changed. He said it was not published because they were afraid it would be subversive. Incitement to a stay-away.

In re-examination he stated they had at times published reports of stay-aways. This means the march he regarded as subversive.

11. He stated in chief his would-be attackers in Sharpeville had stones and in cross-examination he stated they had no stones.

In X X 20847 - ~~the~~ misunderstanding "stones" 20757 in chief with stones

[He believes him in some respects.]

Again by Judge 20804

A Composite answer & not a contradiction in context with pub

Additional reason in evidence need as a whole

Had to get detail. No suggestion that deliberately held back. Date of publication not his decision

20818 et seq. base open 20819-20 Douglas 21 in story

This not put to him the inference not warranted but in event affecting his credibility adversely.

conflict or confusion

M. B. RADEBE

Sebokeng Zone 8

18996 - 19039.

Rather stupid. Evasive. Wholly untruthful.

1. He is the only witness who says a placard read:
"That councillors resign because of the increase of
rent".
2. He saw no unusual smoke at Motjeane's.
3. The whole day of 3 September he saw no damage or
violence and noticed nothing unusual. Yet he hid in his
parents' home in Zone 11 till 19h00 as there was a big
war on outside.
4. He had difficulty in explaining where his parents' home
was and even where his own home was.
5. He lives virtually next door to Masenkeng and says bus
traffic was normal on the morning of 3 September. People
went to work normally!

6. He said he did not know the date of the march and only heard from people on the way to the church that this was the date (3 September). This does not explain why he did not go to work that morning. When cross-examined on this he was evasive.

7. In conflict with the defence and state cases he says there were no leaders in front of the placard bearers.

MRS. M.M. RADEBE

(Selobekeng)

pp 20887
- 20907.

She is an unsatisfactory witness.

She contradicted herself on when she became aware of the helicopter and conflicts with other evidence on smoke in zone 13 and the attack on the house of Mahlatsi.

She was ill at the time and did not pay much attention.

PITSO RATIBISI (Sebedee).

A witness who is untrustworthy on material aspects.

1. He is sympathetic to the accused. He joined in the march though he does not pay rent.
2. He was vague on which organisations used the church hall in July/ August 1984
 - and whether VCA and ERPA had used the hall before 26 August 1984
 - and who booked the hall first ERPA or VCA
 - and what the speakers said (which is not strange as he left the hall from time to time).
3. His version that he held a catechism class till 13h00 and then

attended the meeting does not tally with the number of speeches he heard. It seems he heard only speakers from the audience (except accused No 8 who was the chairman).

4. He first stated that after the resolutions were passed a list of grievances was compiled. When pressed he retracted that, stating he was mixed up.
5. His evidence is there was no disorder at the meeting of 26 August 1984 otherwise he would have heard it. This conflicts with what is common cause - the disorder around Masenya.
6. The fact that he heard of the stay-away only when the chairman read the resolutions indicates that he did not hear much of what was said at the meeting of 26 August 1984.
7. His evidence that he and Raditsela stayed behind when the march started on 3 September to lock-up the hall, conflicts with that of accused No 8 who says it was accused No 8 and accused No 17 and Raditsela.
8. His version of why he left the march is inexplicable. He saw no police and was not threatened, yet he is frightened and shocked and goes home!

9. Though the defence put that Esau Raditsela in the hall on 3 September 1984 told the people to take wet rags against tear-gas he denies this.

10. His evidence on the arson at Venter's Teachers Training College is suspect. In chief he told of a noise at night and seeing the burnt place the next day. In cross-examination he embellished this version stating he saw the fire at night - otherwise he would not have known the direction of the commotion.

11. Note: He is a tall man and would have been able to see well in a crowd.

12. It should be borne in mind that he as care-taker of the Roman Catholic Church and Sunday school teacher can hardly admit to having permitted meetings where the violence against councillors was advocated or admit to participating in a march which was inevitably destined to end in confrontation with the police.

*calls for evidence ag. councillors
not proved*

H.R. RICH

A sound, solid, dependable witness.

There is not necessarily a conflict between Rich and du Pisani/
Labuschagne on when road obstructions occurred, as the defence argued.
Rich testified what amounted to acts of vandalism. The police were
asked about road blockades in the context of riots.

SERGEANT L. RIEKERT

A good witness.

Z.455

L. ROSSOUW

A good witness.

MISS. CHARMAINE SAM

An unco-operative false witness. She knows much more than she is prepared to tell.

1. Her evidence that GRAFCOM was only formed in July 1984 conflicts with exh ABA.6, GRAFCOM News.
2. Though she participated in the MSC she did not properly understand what it was all about.
3. She said in 1984 the scholars had no grievances at all. Yet she gives as reason why they joined COSAS regional (and national) that COSAS could take up their grievances in respect of books, teachers, etc.
4. Her evidence that the committee of COSAS initially only consisted of a chairman and secretary is improbable.

5. Her version that the principal gave the scholars permission to hold a meeting during school time to discuss his expulsion of Spiri Pase is too improbable to be true.
6. The same holds for her version that the principal granted the scholars leave to send a scholar to the home of the chairman of the local committee to check whether the principal was lying about his absence.
7. Her version that the police did not request or order the scholars to open the gate which they had locked, before breaking it open is highly improbable.
8. Her evidence conflicts with what the defence put about inspector Blackie giving the scholars five minutes to vacate the premises.
9. Her evidence that children reregistering on 30 April were without cause dispersed by the police and never again given an opportunity to reregister despite attempts to do so, is rejected as false.
10. There was one COSAS branch in Graaff-Reinet of which she is secretary. It encompasses Spandau, Asherville and her high schools. They all start a boycott in August. According

to exh ABA.6 it is called by COSAS. Her evidence is false that the boycotts at the three schools were merely fortuitous and that the boycott at her school was in sympathy with those who had not registered. It was clearly related to the elections in August. This is borne out by exh W.63 p.6 SASPU national. On her version there is no reasonable explanation why the boycott only started in August 1984.

11. She was rather unco-operative in cross-examination in general. Despite exh ABA.4 she stuck to her evidence that 8 June 1984 was a Thursday.

C.V.D.W. SCHLEBUSH

There is no adverse comment on his demeanour but the absence of the reference in his statement shortly after the event to the petrolbomb attack on him is curious.

There is no reason to doubt his evidence on the obstructions in the roads, the arson and the attacks.

MIRIAM SEBETOANE

A lying witness. Wholly untrustworthy.

1. Her version that they sang the hymnal version of senzeni na on the march while shouting "we want SRC's" is very unlikely. Especially as they were angry.
2. She cannot remember the spokesman for the group at Kananelo High School. This is an evasion.
3. It took them half-an-hour to reach Kananelo High School from Bodibeng High School. She lives near Bodibeng High School. Yet it took her two hours plus to get back home after the police dispersed them! She lies when she says she went home directly.
4. She states that in May 1985 she did not know what COSAS was. Before October 1985 she knew nothing of the aims of COSAS. Yet exh CA.28, her own notes, contradict her.

5. She states she became interested in UDF after having seen the UDF T-shirts at the funerals. Thereafter she made enquiries. But she cannot say with whom.
6. She stated she was against Umkhonto we Sizwe as it stood for violence and she was against violence. This conflicts with exh CA.28 in which she wrote "My leader is Mandela. My defence force is Umkhonto we Sizwe".
7. She was evasive when asked whether she had ever seen a "Speak". It then transpired that the police had found a "Speak" March 85 issue in her possession and in it a large poster of accused No 20. She could not remember how she got it and could not explain why she kept it.
8. She gave a false explanation of the document CA.28. These are not personal notes but more likely is a letter to a newspaper under a pseudonym. Her denial that exh CA.28 shows her support for Umkhonto we Sizwe is facetious.
9. Exh AAC.55 SASPU National March 85 "In Kroonstad COSAS and AZASO students formed a joint organisation to fight for democratic SRC's" is in conflict with her evidence that COSAS was not involved and that they had no contact with AZASO.

10. She first stated she was not treasurer of COSAS but of MASO. Later in cross-examination she conceded that that was wrong.

ROBERT A.L. SELLO

His evidence is rejected as false.

1. He testified about the events in front of his house on the morning of 3 September 1984, yet denies that:
 - (i) a serious police action took place wherein rubber bullets and tear-gas were used and youths defended themselves with dust-bin lids;
 - (ii) youths attacked buses with stones.
2. He says the procession had only four to six placards borne by people older than 34 years. This conflicts with all the other witnesses who say there were more and the bearers were youths.
3. At times he was evasive.

4. He stated that he smelt tear-gas yet did not enquire about its origin, though he knew it spelt trouble. Later he said he asked the neighbours who did not know either. That is a lie. Somebody must have known of the police action.

5. His evidence conflicts with the police and that of defence witness Raboroka on vital aspects.

A.D. SIJADU

A very confident young man. No adverse comment on his demeanour.

ALFRED STETI SKWEIYA

An angry old man who is totally out of touch with the thinking and policy of the executives of CRADORA and CRADOYA and not truthful in all respects.

1. The attitude of this witness and others like him was - we don't care if the DET closes the schools and transfers the teachers and that the children have no schooling as Goniwe had not been reinstated.

A strange attitude for a parent - but not for a political activist who would use children as pawns.

2. His statement that an interim committee of COSAS was only mentioned in October 1984 cannot be correct as exh AAY.13 a COSAS pamphlet about the consumer boycott was found in Cradock already on 24 July 1984.

3. He tended to make statements based on hearsay. An example is that Goniwe hit drunken scholars.
4. He is an outsider as far as CRADORA executive meetings are concerned and has no knowledge at all of UDF policy - to which CRADORA tied itself by affiliation - or of CRADORA thinking and language as evidenced by CRADORA's report to the UDF, NEC in January 1984, exh T.24.
5. He denied there was an interim committee before CRADORA was founded. This conflicts with exh T.24.
6. It is strange that he would be so angry about the sliding scale of rents for houses - which did not concern him.
7. He states that though costs increased he never got a raise in salary. This was a lie as was evident in re-examination.
8. They blamed Lingelihle town council for the high rents (caused by service charges) though he knew that costs did increase and that the town council could do nothing about it.
9. He is opinionated. He adamantly insisted that Mbulelo Goniwe's report to the NEC (exh T.24) could not have been written on instructions of the executive committee, but should have been vetted by the whole community.

10. His attempt to create the impression that CRADORA was solely locally orientated falls flat when regard is had to exh T.24.
11. His version that the councillors all resigned in January 1985 after the houses of two had been petrolbombed, but that they had no known enemies and that the attack was inexplicable is hard to believe.
12. His evidence about street committees is unsatisfactory. He does not know, he says, who proposed this. His reason for the initiation of street committees is flimsy (for example local problems like rain-water and buckets) if regard is had to the elaborate structures set up. In any event the UDF's idea behind street committees is to resist the government with impunity as appears from Isizwe March 1986. Exh C.38.
A
A
13. He was evasive when cross-examined on the falsity of accusations against the town council elected in November 1983.
14. He blames the police as the cause of the trouble - without having knowledge on which to base it. When pressed he for the first time in cross-examination alleged that on 12 May 1984 and 16 June 1984 the parents were hit by the police without cause. Had this been true it would have been led in chief by the defence.

15. His allegation that the DET conspired with the security police in transferring Goniwe was shown in cross-examination to have been a wild statement, yet he adamantly stuck to his guns.

SUSAN SMITH

There is no adverse comment on her demeanour. She was tense and appeared to be frightened. This is not strange in view of the attacks on her father.

This was a state witness who was not called by the state.

No conflicting statement was put to her by the state.

One concludes therefore that her version has been consistent throughout.

There is no reason to reject her evidence.

CONSTABLE F.N. SPRINGBOK

A good witness.

There are certain discrepancies between his evidence and that of warrant officer Waters on the time given the children of Amajingqi school to disperse and on the fencing. These are not material.

Z.472

DETECTIVE WARRANT OFFICER H.J. STANDER

A good witness.

MAJOR T.L.A. STEYN

Not satisfactory in all respects. Portions of his evidence are improbable.

1. It is improbable that he does not call in accused No 3 either for questioning or to give him a warning.
2. Had he wanted to request the aid of the church he would not have excluded archdeacon Wilson from the interview.
3. His evidence on the exact words used is vague.
4. The Sowetan was on his table yet he would not concede that he knew about the attack on accused No 3's house.

L I TAU

We have the following comments:

1. His evidence that four councillors only resigned in winter and not due to pressure conflicts with EYE of March 1985 exh W.68. He sticks to his guns despite the fact that it should be clear it could not have been in the winter of 1985.
2. His evidence that only one shop was set alight seems to be refuted by the photographs put to him (except that the date was not admitted).
3. He contradicted himself on whether he passed the bus terminus that day (11 February 1985).
4. His evidence that there were no road obstructions conflicts with the photographs exh CA.26(ii)-(iv).

M J TAU

*Selodney
Zone F.*

pp 18496 - 18558.

A poor witness. Wholly unreliable.

1. He is a friend of accused No 8.
2. He contradicted himself on whether it was normal or not that there were no passengers and no buses on 3 September.
3. His version of how they attempted to join the march is a clear fabrication. They were late - yet they don't rush to Vilakazi Street to join the march (even at the back) but go to the Roman Catholic church Small Farms from where the march left sometime before. Instead of directly taking the route of the march or a short cut, a very long detour is made, first west then south then south-east to eventually arrive at the post office. There is no explanation for this journey. It is clear that this false evidence is given to avoid awkward questions about various places that were on fire and which he would have passed had he taken the direct route.

4. His version that that day everything was absolutely normal till he joined the march and that he never saw any smoke at all is totally false.

5. His serious allegations about councillors inter alia councillor Mohajane buying votes with blankets in the 1983 elections were in cross-examination shown to be based on total hearsay.

6. His version that he could not vote in the elections as councillor Mohajane had declared that he had already been elected (this allegedly said on election day) was in cross-examination shown to be a total fabrication. Councillor Mohajane made his statement that he had been elected the Sunday after the elections.

Z. 477

WARRANT OFFICER S.I. TERBLANCHE

A good witness.

TOM THEBE

A biased political activist who is no friend of the truth.

1. This witness contradicted himself on the occasion when councillor Dikole threw in the towel, and on whether they lost faith in the councillors in 1980 or in 1983, and on whether Dikole reported to the meeting held after the Kimberley visit that the delegation had been allowed to attend, and on the delegation's mandate.
2. His evidence conflicts with London's on whether the reverend Rathebe was on the committee of HUCA.
3. His evidence that HUCA joined UDF after Jomo Khasu's trip to Cape Town conflicts with exh 26 if the Cape Town launch is intended.

4. His evidence that HUYO was launched after HUCA is in conflict with exh AM.20.
5. His evidence that Mrs. Sisulu was invited to the night vigil but only turned up the next day conflicts with both versions of London on this subject.
6. He says he knows nothing of damage to the property of councillors or police. This is hard to believe. We reject this as false. As he is a hawker who moves around the townships he has to know about this.
7. He falsely accused the councillors of assisting the removal to Pudimoe.
8. He made sweeping statements about vigilantes, the SAP and municipal police all headed by Matloko attacking people indiscriminately in 1984 and 1985.
9. This witness is a political activist. He is a member of HUCA, a member of DESCOM executive and a representative of HUHUDI to the Education Charter Campaign meeting in Durban.
10. On the last-mentioned meeting and its organisers he is extremely vague and evasive.

11. He became argumentative and got constricted in his own contradictions about the drawing up of the petition.

M THEKISO

He was not candid and hid behind a veil of ignorance.
An unreliable witness.

1. It is highly unlikely that he would not know of the political activity of people like Mosepedi (a second father to him) and Skosana and company or that he knew nothing of TSO till later (1986) when he heard merely it was a drama group.
2. His version that he just happened to arrive at the meeting in February 1985 and thus was elected to the TCA committee but that he does not know who called this meeting is very improbable.
3. He says he knows nothing of Pro Humanism. For a politically active man this is a surprising statement.
4. He says he knows nothing of agitation against councillors in 1984, or claims that they resign. This is false. It is totally unacceptable that he knew nothing of what went on around him.
5. His evidence that the TCA was formed only in 1985 conflicts with exh DA.115.

MRS. ZODWA THOBELA

Unreliable.

1. She is either intentionally obtuse or has not the faintest idea of the economics of local government. The refusal to pay an increased rent because of the installation of the sewerage system is based on the argument that they were tenants and tenants do not pay for improvements. And further that they had paid rent for many years. That money could be used for the installation as they could not see what it had been used for. Yet in cross-examination she stated they wanted all to be completed and would then pay for it. The argument is illogical and the evidence contradictory. She added "if we pay for installation and again for use of the improvement we pay twice".
2. Her income rose from R22,00 per month in 1964 to R99,00 per week in 1987.

3. Her evidence in chief was that councillors got preferential treatment in respect of installation of services. This was shown in cross-examination to be without substance.

4. Her evidence that she attended two DUCA meetings in 1982 is in conflict with exh C.99 - report on civic workshops p.2 (found with the UDF) in which it is stated that DUCA was formed in October 1983.

5. Her evidence on the DUCA meeting of January/February 1985 conflicts with what the defence case was. She states there were no children inside the hall; the committee attempted to stop the people from going to empty the buckets; the committee remained behind after this vain attempt; a woman proposed it and all adults then left immediately.

The defence case as put was that a woman proposed it for the next day and that the youths then decided to do it at once. The second and third statements above were never put. In fact this was not even led in chief as it would have been had she told her counsel about it.

6. Her evidence that there was no call for the resignation of councillors at the DUCA meeting conflicts with the report exh AAC.55 SASPU National March 1985 p.5 which states that at a mass meeting of DUCA people called for the resignation of councillors.
7. Her evidence in chief and in cross-examination conflicts on the police interference at her home on 18 May 1985 after the funeral.
8. She was vague when asked who she and her husband thought responsible for the attack on their house on 8 May 1985.
9. Her evidence on her condition after the fire conflicts with the affidavit she made to the police on 4 September 1985. When confronted therewith she denied that that part of the affidavit was correct. There is however no possible explanation of how that mistake could occur.
10. In chief she had testified that children who boycotted school were rioters. In cross-examination she denied that she had said it and gave a silly explanation.

MIRIAM THUSI

An untrustworthy witness.

1. Her evidence in chief and in cross-examination about the shooting of the child differed materially. In chief she said the police van emerged after the first shot and after the children started running away. In cross-examination she stated the police van had all along been in the same street as she was.
2. She is extremely vague on the funeral of Peter (Patrick) Phala. She cannot remember if anyone apart from bishop Tutu spoke.
3. Her explanation how she could have seen the boy fall, being twenty yards from the corner and he falls at the second house from the corner around the corner, is unconvincing.

4. She denies knowledge of the schools boycott and says there was none.
5. She attended the funeral of four people but says she does not know if they were riot victims.
6. She said that there was fighting and they were prevented from going to work. Cross-examined thereon she said the boere told them to stay away from work. This is absolute nonsense. She is the only witness who says it. Later in cross-examination it transpired it could have been the trade unionists who prevented them from going to work.

E.M. TSAGANE

A pleasant witness who testified mainly truthfully as he saw it, but who errs in some respects and is subject to the following criticism:

1. His evidence that no workshop was attended by DUCA conflicts with exh C.99, but it may have been held after he resigned.
2. His denial of a public meeting of councillors early in 1983 conflicts with the evidence of Mrs Thobela (on the R9,00 increase). His evidence conflicts also with that of Mhlambi who also speaks of this introduction of the R9,00 increase in 1983. It also conflicts with that of Muller who says DUCA objected to the increase first and then it was rejected at a meeting of councillors and residents.

3. He testified that he only heard freedom songs in 1985 for the first time and that freedom songs are in praise of the UDF and COSAS. Songs about Oliver Tambo and Mandela he has never heard. If this is true he lives a secluded life, or those songs are not as prevalent as the defence makes out.

In view of his resignation from DUCA in June/July 1984 his evidence is not very material.

S. S. TSOTSO

Selookey

1883 - 1889.

An obtuse witness who gave his evidence without conviction, hesitantly and unimpressively. His recollection is very vague and his evidence cannot be relied upon. He is not politically aware. He seems honest enough but does not seem to know what happened.

Z. 490

P.I.M. VAN DEVENTER

Good solid type of person and a trustworthy witness.

SERGEANT J.M. VAN TONDER

A satisfactory witness.

M N VILAKAZI

(formerly accused No 18)

A wholly unreliable witness. At times totally mendacious. He did not create a favourable impression when giving evidence. He was defiant and aggressive.

1. He did not see any smoke at Ceasar Motjeane's house while on the march but saw smoke to his left and behind him while in the vicinity of Fowler's. That is a spot nobody else saw any smoke at. It is strange that he did not see the smoke at Motjeane's. It was very black like tyres, according to Themba Mazibukho.
2. His evidence that a group in the form of a march (optog) joined from the front is wholly conjecture. He surmised it because they had placards and were at the front when he noticed them.
3. His evidence on the joining of this group is vague. Despite lengthy cross-examination one still is in the

dark whether they joined right in front or behind the placard bearers as a group or infiltrated in the front portion of the march. It is clear that he does not know what really happened and he is guessing, or that this version is a fabrication.

4. He contradicted himself on whether he held one, two or three meetings of the Youth Organisation in area 3.
5. He contradicts accused No 5 who says that accused No 18 was a member of a working group for the formation of a youth group prior to 16 June 1983.
6. His version that he stopped promoting the Youth Organisation after August 1983 because there was so much work in the foundation of the civic does not sound very convincing.
7. He was very vague on the question whether VAC visited people at their homes to canvass support for the meeting.
8. His denial of the existence of VAYCO is suspect in the light of exh AAU.2 and 3 and exh AN.8 where a VAYCO presence at Sithole's funeral in September 1984 is evidenced.

9. His evidence that the VCA had as its aim to work with the authorities (being councillors and Administration Board) is unacceptable in the light of the fact that they were against the Black local authorities system from the outset and proposed the boycott of the elections. Asked why a prominent councillor was not invited to address the launch the answer was that that would not have worked as the councillors were the cause of the problem. See also exh AN.15.8.
10. He was evasive on whether he and accused No 5 played leading roles in the organisation of youth.
11. His denial that he knew of an ANC call for a boycott of Black Local Authority Elections sounds hollow in the light of exh CA.22 - the ANC pamphlet found in his possession.
12. His denial that he read the two ANC documents and the SASPU National (CA.21, CA.22 and CA.24) found in his possession is blatantly false. The topics dealt with were very relevant to him at the time.
13. His denial that he knew of a country-wide launching of youth congresses is false in the light of the prominent article on the subject in SASPU National (exh CA.24) found in his possession.

14. His excuses why he did not proceed to draft the petition proposed by Selebalo - as instructed at the house meeting in August 1984 - are spurious. It is clear he had no intention of doing so.
15. His allegation that he does not know how he got exh CA.22 (the ANC boycott pamphlet) is wholly unacceptable.
16. His denial of a UDF connection with the VAC before the founding of the VCA is unlikely in the light of exhs AJ.39 page 5, C.110 page 6, L.2 page 2 and the personalities of the main speakers at the founding.
17. On the meeting of 26 August 1984 he is extremely vague when asked what the accused said.
18. He has not paid rents since September 1984. They are still waiting for the officials to reply to their resolution not to pay the increase.

BRIGADIER G.J. VILJOEN

This was an impressive witness. He testified very calmly and answered questions forthrightly, sometimes even volunteering evidence against his own interest.

Though he professed not to be an expert on the pattern of riots, but merely to have knowledge of such situations, that is mere modesty.

He was overall in charge of the Vaal Triangle riot situation, at that time being a colonel and head of the riot police. He had experience of the Soweto riots of 1976 where he worked as a major on riot control throughout that area. In Soweto he had been the first policeman on the scene. He was in riot control in South West Africa, Luipaardsvlei and seven-and-a-half years in Soweto.

In view of his background and experience he is clearly a witness who is entitled to express an expert opinion on the question whether the riots were spontaneous or organised.

Z.497

The fact that he did not deny outright having kicked accused no. 1 after his arrest, but stated that he could not remember it, is the only curious aspect in his evidence.

CAPTAIN J.A. VORSTER

A good witness.

CAPTAIN J.H. VORSTER

No adverse comment on demeanour.

· A good witness.

Z. 500

WARRANT OFFICER A.J. VOSSER

A good witness.

WARRANT OFFICER M.J. WATERS

A good solid witness.

Z. 502

WARRANT OFFICER L. WENTZEL

A good witness.

Z.503

WARRANT OFFICER ROBERT WHITECROSS

A good witness.

ARCHDEACON PETER DUDLEY WILSON

A good witness.

SERGEANT C.R. WOODS

A good witness.

E M XABA

He is a parishioner of accused No 3 and is a participant in the rents boycott therefore would not knowingly give evidence unfavourable to accused No 3 or easily admit that a revolutionary meeting was held in his church.

1. His evidence that he has never heard of COSAS is highly improbable and that he has never heard of VCA is unlikely.
2. On the other hand he did not create an unfavourable impression in the witness box and the cross-examination was totally ineffective.
3. His evidence cannot be rejected although it has to be treated with caution.

ISAAC ZIKHALE

He knows more than he is prepared to tell.

He states that he is ignorant of the reason for the resignation of the councillors, but in the same breath says that their shacks were demolished.

He says the army escorted buses but that there were no problems before the army came.

He says he does not know against whom the army had to protect them.

MARY ZULU

(Sebokwe)

pp. 18280 - 18330

This witness is so vague and contradictory that no reliance can be placed on her whatsoever.

1. She is in conflict with other evidence when she states that at 12h00 on 26 August 1984 the meeting in the hall ended and everyone left the hall.
2. She is extremely vague on what happened at the meeting of 26 August 1984.
3. She states that more than ten women spoke - all from the audience after raising their hands. This conflicts with Rina Mokoena and the defence case. She also stated all men that spoke raised their hands to get an opportunity. The same criticism applies.
4. She says that the VCA and VOW were not mentioned at the meeting. This conflicts with the defence case. She further stated that nobody spoke on behalf of the youth and nobody spoke about youths.

She also said that no freedom songs were sung. Yet in further cross-examination she admitted that a song about Mandela was sung.

5. She contradicted herself about who proposed that spokesmen be mandated at Houtkop.
6. She states she has no knowledge of buses being prevented from operating/passengers being prevented from boarding/buses being withdrawn from the township. This is rather improbable.
7. She states that the Teachers Training College was not set alight on the morning of 3 September. The late afternoon of 3 September she went there with the sole purpose of looking if it had burnt down. This evidence is concocted for the following reasons:
 - (a) she has no business at the Teachers Training College - no children of hers attended and she had no bonds with it;
 - (b) she walks all the way there for the sole purpose of looking - while in Sebokeng riots are rife, shots are fired, mobs roam the streets, and near her intermittently a battle raged between the mob and the police and army;
 - (c) she did not go to look whether her children's school was standing or any other building - saying the school was too far;

- (d) she had nothing to indicate that the Teachers Training College would be attacked. She only knew of councillor Nkhiwane's house and the beerhall complex;
- (e) she stated that she decided to go to look at the Teachers Training College after she had heard of the fire at councillor Nkhiwane's and the beerhall. Later she denied having referred to councillor Nkhiwane and stated she only heard of his house on 4 September.

Incidentally, we do not make a finding whether the College was set alight that morning.

- 8. She did not hear Rabotapi's name mentioned. This conflicts with the evidence of Namane.
- 9. She cannot remember that Evaton was mentioned. This conflicts with the defence case.

DELMAS TREASON TRIAL 1985-1989

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