

(e) his alleged support for Mrs. Mokati's disfavour of attacks on buses does not appear in exh V.31 p.9 - rather a justification.

42. He lied to captain Steyn on 31 August 1984 when he told him he had no part in organising the meeting of 19 August.

43. His evidence that he did not know of the march before 3 September is false. Steyn told him on 31 August about a form of protest and a march.

44. He was evasive on the accusations of the councillors against him on 28 August till the statement he made to the police was read out in court.

45. It was put to captain Steyn that accused no. 3 would deny that Steyn referred to a meeting in his church on 5 August 1984 during their conversation on 31 August 1984. In cross-examination accused no. 3 stated that Steyn did refer to that alleged meeting.

46. It was put to captain Steyn that accused no. 3 told him that before 26 August 1984 the church had been "booked" for 2 September. That was not true.

47. The English text prepared by accused No 3 and accused No 10 from exh V.31(A) p.10 as appears on V.31 p.10 is false.
48. When he is asked to plot his route - that morning of 3 September to Lebaote he adds point 20 to exh AAR.4. When cross-examined that it does not tally with his evidence in chief he says he marked it wrong.
49. He is blissfully unaware of all attacks, arson, obstructions, etc in Sharpeville on the night of 2 September and the morning of 3 September.
50. He called the NGOYE protest meeting of 3 November 1983 (exh V.3) a prayer meeting. It is anything but!
51. For the riots in the Vaal he blames the police, after first evading the question.
52. His attempt to justify the accusations that councillors raised the rent to increase their own salaries by reference to exh AAQ.19 and his evidence that that document led to such perception is palpably false.

ACCUSED NO. 5

(G.P. MALINDI)

A very intelligent witness with impeccable demeanour in the witness-box and very calm, who tells material untruths without batting an eyelid.

take with see p 29, 119 / 20

1. It is hard to believe that accused No 5, the "great fighter" for the youth organisation in the Vaal, who chaired all the youth bodies, did not know of VAYCO (or its zone 14 branch) of which a big banner was displayed at the funeral of Joseph Sitole. Exh AAU.2, 3 and 5.

2. As he was 50 to 100 metres from the vanguard of the march when the police confronted them, and there were say 800 to 1 000 people in front of him, his evidence of what happened right in front and what the police did or did not do prior to shooting, is unreliable. *p 29 121*

3. His denial in cross-examination that the police blockade of the road indicated that the police intended to stop the march is ridiculous. 29, 122A

4. His evidence that he did not think (until he was in court) that the march was illegal is unacceptable in the light of the fact that he had been arrested for attending an "unlawful" open-air gathering on 27 November 1983 and his case was still pending. He knew there was a prohibition on open-air gatherings, as he admitted.

122B - 23A
have what
10x19

5. He was not consistent in his version of the events at the end of the march:

123 B Memory

(a) he first told the court that he did not run away immediately but stood watching in amazement in certain premises. Later he said he immediately ran into a house;

(b) this house was next to the main road. Later he said it was on a street parallel to the main road;

(c) it appeared under cross-examination that he was in the kitchen and could only look out of a side-window and only had a very limited view;

(d) he later changed his version adding that he had stopped en route to the house to wash his eyes at a tap. This after he had conceded that tear-gas had the effect that one cannot see well. When the cross-examination concluded that he could not have seen well prior to reaching the tap, he denied this, saying he had.

6. After the march he fled from the police. Edith Letlaka as well. This was because the VCA was the leader of the march and of the meetings. 123 C

7. His denial that accused No 17 on the ERPA meeting of 26 August 1984 referred to councillors or the council is in conflict with accused No 6 who said he did (as did some state witnesses). 123 D ← 24 A

8. As he spoke on behalf of the youth and promised the support of the youth at the ERPA meeting on 26 August 1984 it is hard to believe that there is no organisation of the youth, as he said. *fallen with ground!*

9. His attitude towards councillors is one of absolute antagonism - he states at the ERPA meeting of 26 August 1984 that the Evaton councillors crookedly deprived people of

their property. When pressed he could give no details. He stated the community council acted crookedly by assisting the authorities in taking the rights of the people. The town councillors were called oppressors on 27 November 1983 even before the election and before the system came into operation. Photo exh CA.8(c) and (f).

124B

10. That he knew the march to be illegal (yet told the meeting of 26 August 1984 it was legal) is clear from the fact that:

(a) he was requested by Esau at the meeting of 27 November 1983 to stand outside and move loiterers on or into the meeting; and

(b) he was arrested and charged for attending an illegal gathering and the charge was still pending on 3 September 1984.

with instructions for Esau to be arrested

11. In respect of the protest by placards outside the meeting of 27 November 1983 he

(a) denied recalling that there were any handwritten placards. The photos exh CA.8(b) and (c) show him holding one, however;

Memory

124C

- (b) could only recall his brother (ex No 12) being there-
after a reminder;
- (c) denied there was a banner of a youth organisation.
Thereafter it was produced in court. Exh CA.9 the
BOYCO banner. Then he denied knowledge of Bophelong
youth congress. (But he had stood next to the banner!)
Despite the fact that he had been the prime mover for
such organisation in the Vaal. His statement that he
had not seen the wording on the banner is unacceptable.
It is very legible and BOYCO is in large letters;
- (d) said only one person had a placard on which councillors
were called "oppressors" and he did not know who that
person was. When shown exh CA.8(g) he had to admit
that there were two such placards and that he himself
held one of them.

12. He denies attempting to canvass the witness ic.8 for the
Vaal Youth Organisation despite the fact that the latter
is a poet/writer - which accused No 5 says he does not
know. The witness ic.8 said he did try to get him for
VAYCO.

125A

175"8"

13. He contradicted himself, first saying Mamsi Lesito joined the working group (for the youth movement) in zone 14 in 1984 and thereafter saying that all working groups had ceased by 1984. He could not explain this conflict.
14. His denial of COSAS policy as set out on exh C.103 is suspect.
15. When confronted with exh AN.15.4 - resolutions of parents, residents, children and workers - on the basis that children were involved by the VCA, accused No 5 first described himself as a child, then was evasive on the issue, then when pressed stated he did not regard himself as a child.
16. His evidence that he on the spur of the moment decided to refer to the resolutions of 25 August 1984 at the meeting of 26 August 1984 when Rina Mokoena was speaking is a fabrication in the light of the following: at the meeting of 25 August 1984 it was decided that there would be a general stay-away and general protest rallies on 3 September 1984, which was only one week off. There had been no discussion on the method of informing the people thereof. Accused No 5 thought the VCA would take steps. This was a VCA meeting. Accused No 5 had kept the minutes on 25 August 1984 where Esau had presided. It is totally unacceptable that Esau

would leave this important meeting of the VCA without instructing accused No 5 to propose the same resolutions. ✓
It is inconceivable that Edith (the chair of zone 7) and Esau (vice-chair of the VCA) would have left this important meeting without being sure that the resolutions would be put (and passed).

17. His assertion that he would have heard had Masenya been threatened is not necessarily correct as there was such disorder that accused No 8 was helped by accused No 10 to restore order. ✓
18. He is in conflict with accused No 10 who said that accused No 5 referred to a resolution of 25 August 1984 that councillors resign and if not that their businesses be boycotted on 26 August 1984. He denies the latter part. ✓
19. He told the meeting of 26 August 1984 that the resolutions were not illegal - without investigating the legality, knowing of the prohibition on open air gatherings and being under prosecution himself. In fact he misled the audience. ✓
20. That he did not at or before the march notice any of the riotous incidents (except smoke from Motjeane's house) about which many witnesses testified is unacceptable. He conceded

that he could clearly see smoke from his own house later on (300 metres). ✓

21. Whereas 50% of the inhabitants of the Vaal are school children he says only youths of 20 to 22 years, possibly also of 19 years, were in the march. He does not find it strange that no child of 18 years and younger was in the march, saying they are not concerned with the rents issue. The children were not busy with some other organised activity. This is totally unacceptable. The notices referred to resolutions of inter alia children. The schools were closed so they were all on the streets. They were not prohibited from joining the march. The statement that no children of 18 and younger joined the march cannot possibly be true - unless they were on organised activity elsewhere. Then accused No 5's denial of this is an untruth. This is an attempt by accused No 5 to meet the court's expressed concern about the involvement of children in the affairs of grown-ups.

22. His statement that his brother Amos Malindi (COSAS' chairman in 1983) did not participate in the stay-away and march but was at work is hard to accept.

23. Accused No 5 says that he did not sleep at home on the night of 2 September 1984. He says he slept in zone 3 with his aunt to be near the starting-point of the march. Yet he told us he was not at the Roman Catholic Church Small Farms when the march started but only joined it at Masenkeng. He was not a leader or marshall but merely walked in the procession.

The reason why accused No 5 did not sleep at home is thin. Accused No 13 who lives in zone 14 left his home at 7h30 and joined the march at its starting-point. Zone 13 where accused No 5 lives is nearer Small Farms. The evidence of accused No 5 is probably an attempt by him to evade embarrassing questions on his knowledge of the violence in zone 13 before the march. His alleged late arrival at the march is suspect. There is no reason for it.

ACCUSED NO. 6

(M.P. MDKODENA)

An intelligent, well-spoken and composed witness. There is no adverse comment on his demeanour. He was, however, untruthful on various aspects and is an unreliable witness.

1. Accused No 6 was the Master of Ceremonies at the funeral of Joseph Sithole on 23 September 1984. His evidence that he (who walked with the clergyman in front of the coffin out of the church) did neither there nor at the cemetery notice

- any banners
- the coffin being carried on the shoulder
- accused No 1 right in front of the coffin

- anybody having his fist in the air (prior to 2 September 1984 he had never attended a funeral where this happened!)

is clearly contradicted by the photographs AAU.1-5 and is false.

2. It is unlikely that he does not know what Vaal Youth Congress is as he alleges. See also photo AAU.5.
3. His evidence in chief was that on 6 November 1983, ERPA decided to join UDF as they might come across other organisations with the same difficulty as themselves (the pending replanning of Evaton) or leave the matter with UDF to take further, is not borne out by his later actions - at no stage was contact sought on this point with other organisations and the matter was never put before the UDF or its officials.
4. His evidence in chief that he on behalf of ERPA orally affiliated to the UDF at the 30 June 1984 GCM is in conflict with his evidence in cross-examination and the minutes exh Q.2. In fact according to exh Q.2, ERPA attended as full affiliate at this meeting.

5. His evidence that Nkondo and Shabangu spoke at the meeting of 6 November 1983 is in conflict with UDF minutes exh M.2 which state Gatsby Maswi spoke.

6. His evidence is that exh T.19 is false. It is a VCA contemporaneous report of 22 February 1984 by McCamel to the UDF stating that the VCA invited ERPA as an affiliate of UDF to discuss the local demand for MSC. He says there was no such invitation.

7. He admits that exh AS.4 (the circular of the UDF to affiliates notifying the meeting of 30 June 1984) was found in his possession. As he did attend the meeting the probabilities are that he acted upon this notification. He denies, however, that he received it before the meeting or that it was sent to him, stating he must have got it from the VCA. This is improbable.

8. There is force in the state's argument that the evidence that ERPA only affiliated to UDF on 30 June 1984 is false, for the following reasons:

on 6 November 1983 there was the decision to affiliate;

in January 1984 Speak exh AU.7 p.6 reports that ERPA is affiliated to the UDF;

in February 1984 the VCA approached ERPA as an affiliate of the UDF, exh T.19;

on 30 June 1984 ERPA attended as an affiliate and there was no application for affiliation;

his possession of the notice of the 30 June 1984 UDF meeting dated 14 June 1984, exh AS.4;

the minutes of 30 June and 14 July are sent to him so he must have supplied an address;

the formal admission that ERPA affiliated in April 1984.
Exh AAS.2.

9. There is a direct conflict between his evidence in chief and in cross-examination on whether ERPA requested the VCA to bring along their MSC forms to the joint meeting of the committees.
10. His evidence that he does not know of the existence of COSAS in the Vaal is hard to believe - he has school going children in three schools. Or that he did not know that COSAS campaigned for SRC's. Moreover exh AS.3 found in his possession indicates a number of COSAS in the Vaal and COSAS was involved in the funeral of 23 September. Exh AM.15.6.

11. His denial that the protest against the councillors at the 80th anniversary was to put the councillors in a bad light, cannot be accepted in view of the nature of the wording of the placards (disciples of oppression).

12. In respect of the meeting of 26 August 1984 there were various contradictions and conflicts -

(a) he denied that anybody had attacked (verbally) the councillors, administration board or minister. This conflicts with what was put to Rina Mokoena (namely that he did it);

(b) he asked Esau Raditsela to arrange for a speaker on behalf of the youth

- but denies that it was to be one from a particular organisation

- and yet does not take steps to determine what the speaker is going to say

- or who it is going to be. Accused no. 5 arrives out of the blue and is given the floor.

All this is hard to believe. It is probable that accused no. 6 knew accused no. 5 to be of COSAS/VAYCO and therefore what the gist of his speech would be.

- (c) He contradicted himself on whether accused no. 5 first introduced himself and later helped accused no. 6 during the latter's speech or vice versa.
- (d) It is improbable that accused no. 5 did not speak on behalf of an organisation, as he stated that they (the youth) were willing to help Evaton in its problems.
- (e) Accused no. 5 comes to activate the youth to join ERPA (that is the purpose of the invitation allegedly) but nobody at that meeting asks the youth to join!
- (f) His denial that his request to Esau to explain MSC to the meeting was to further the UDF's campaign is unacceptable.
- (g) His description of Esau's speech in clarification of MSC is illogical. Esau did not explain what MSC was, or why people should sign the form nor did he request them to sign.

- (h) According to accused no. 6 Esau did not have forms and asked nobody to sign. This is in direct conflict with what was put to Rina Mokoena.
 - (i) His denial that the theme of Rina Mokoena's speech was unity brings results is in conflict with what was put to her.
 - (j) His denial that it was made clear to the meeting that the councils and councillors should not be accepted is spurious.
 - (k) His denial that it was said councillors should resign is in conflict with what was put to Rina Mokoena.
13. It is strange that ERPA affiliates but does not know or enquire into the policy of UDF, its declaration or working principles (except that it was against apartheid).
14. That his attitude against councillors is vehement is clear from his evidence - dit wys hulle wou ons verwurg met die bevordering van die regering se stelsel.

15. His evidence is that at 8h00 on 3 September he drove in Selbourne Road from his house to Residensia and returned just before 9h00. He did not see any burning buildings. This conflicts with other evidence.

16. He was requested by Esau Raditsela to obtain marking pens and on his return journey he delivered them (to someone in the yard of the church) - but did not know of the protest march and did not enquire what they were about to do! This stretches credulity too far.

17. That F. Chikane on 4 September asked no questions at all and was not told of the protest march and the causes for the riots and that these topics were not even discussed is incredible.

18. His evidence that at the meeting of 4 September 1984 there was no discussion at all of the assistance by doctors and lawyers is in conflict with the terms of exh AN.15.3 (which they rejected but not for this reason) and exh AN.15.7 which was discussed by them. The pamphlet is in direct conflict with his evidence that the nature of the assistance was only to be discussed at the meeting of 9 September 1984.

19. His evidence that the meeting of 4 September 1984 intended to restore peace in the Vaal by a mass meeting on 9 September is not borne out by the terms of exh AN.15.7 - where the old slogan against the council is repeated - to stop the Lekoa Town Council to function - against the background of the murder of councillors.

20. He contradicted himself on the reason why Sibuso was stopped from speaking further at the funeral of 23 September 1984. He first denied that anyone was stopped because of the riotous nature of the speech - he said he was too long-winded. Later he stated that he had been stopped as his speech was too inciting. (The state evidence is that it was accused no. 1).

ACCUSED NO. 7

(T.D. MPHUTI)

There is no adverse comment on his demeanour. He did, however, not tell the truth throughout. At times he was evasive and at times blatantly untruthful. An unreliable witness.

1. His evidence that he saw no obstructions at all on the morning of the march and saw no destruction of property and nothing burning is suspect.
2. His denial that in zone 7 a working committee existed prior to 19 February 1984 which consisted of twelve members, is in conflict with the VCA's report to the UDF exh 0.3 of 14 January 1984.
3. Asked whether on the meeting (of the interim committee) where problems at the Sokwazi school were discussed it was discussed to found a parents' association, he was first evasive and then denied any knowledge of a discussion of a

parents' committee. This is in direct conflict with exh 0.3 dated 14 January 1984 which states that plans were afoot to form a parents' action committee in Zone 7 (and an appeal is made to the UDF to help orientate it).

4. His denial that the formation of SRC's was discussed at their meetings is in conflict with exh 0.3.
5. His evidence is that he did not at the meeting of 19 February 1984 speak of higher rents and bus tariffs and a boycott, which is what the witness ic.8 testified. The witness ic.8 was not cross-examined thereon. Accused no. 7 says he did instruct his counsel. (This is unlikely).
6. Asked about Modise Mtombeni's speech at the meeting of 19 February 1984 accused no. 7 denied knowledge of English. Yet it appeared soon afterwards that he could read exh 0.3 well and later he did not want evidence in English (read out) interpreted stating that he could follow it well. His denial of knowledge of English was false.
7. His statement that he attended the UDF General Council meetings as an observer and not as a delegate is in conflict with the attendance register exh 26 where he wrote delegate.

When this was pointed out to him he stated that he had made an arrow to indicate he should have written observer. This was false. The arrow is in pencil and the word delegate in ink (which accused No 7 did not notice as he had looked at a photo-copy). The arrow was in fact made by the prosecutor. His statement that Raditsela was the delegate is in conflict with exh 26 wherein Raditsela wrote observer. When asked by the court whether he stood by his evidence that he had made the arrow-mark he said that he did not remember.

8. He had previously stated that he went as delegate to Daleside. Later he denied having said so.
9. During cross-examination on his own speech at the meeting of 19 February 1984 he could not remember that he had spoken on evictions. Yet this he had mentioned in chief. He was evasive when questioned thereon.
10. His version that he left the Daleside seminar early (conveniently before the issue of local authorities was discussed) is in conflict with the documentary evidence of exh U.4(b). In any event his version that he had not known that he was going along for the week-end is unlikely.

11. His evidence conflicts on whether Masondo did or did not explain the programme to them on the evening of their arrival at Daleside.

12. He stated that he had seen accused No 21 for the first time on 11 June 1985 at court and not at Daleside. Accused No 21 was not at the course. He had also not seen accused No 21 at the UDF meeting on 14 July 1984. But accused No 21 was the organiser of the course and the chairman of the UDF meeting who held the opening speech! Exh R.2 para 2. His excuse is in cross-examination that he arrived late at both meetings. It is highly improbable that he had not seen accused No 21 before.

13. He justified the prevention of transport in the Vaal and the prevention of people to use it by saying that the people were notified on 26 August that they would not go to work.

ACCUSED NO. 8

(N.M. NKOPANE)

Not very sophisticated, but quite intelligent. Verbose and with a tendency not to answer questions directly. Untruthful on material aspects. Not a good witness. Unreliable. No adverse comment on demeanour.

1. His answer to the question "who should the councillors have consulted prior to the rents increase" was "the VCA". He cannot be serious as the VCA did not want to talk to the councillors.
2. His answers on whether Dr Motlana was busy speaking when accused No 8 entered the meeting of 10 October 1983 are contradictory.
3. He contradicted himself on whether he heard Shabangu speak at the meeting.

4. His evidence of the contents of Nkondo's speech is in conflict with the evidence of other witnesses.
5. He gave three conflicting versions of where Kabi was when he spoke and on what he could remember of the contents of Kabi's speech he was evasive.
6. His evidence that Dr Motlana spoke before Nkondo is in conflict with what was put to the state witness. When cross-examined hereon he was evasive.
7. He had a tendency to turn his sails to the wind when confronted with other statements in conflict with his.
8. His evidence that at the house meeting on 14 August 1984 it was decided to have an area committee which was to bring their problems to the attention of the town council and local councillor is hard to believe in the light of the whole history of the VCA. Accused No 10 does not mention this as the aim of the area committees.
9. His evidence on the purpose of Esau Raditsela, accused No 17 and Edith Letlaka's attendance at the house meeting on 14 August 1984 (to see whether he had found the place) is not only unlikely but also in conflict with what was put to Mahlatsi.

10. He said he told the house meeting his roof was still leaking. But it had been repaired by himself in 1979/80.
11. His evidence is in conflict with that of accused no. 10 on whether Zone 3 was to have its meeting in the morning and Zone 7 in the afternoon of 26 August 1984 or vice versa.
12. His evidence on the mandate for the drafting of a petition given to accused no. 15, no. 18 and Selebalo and their failure to comply is unconvincing.
13. On who were appointed speakers for the meeting of 26 August 1984 his evidence is in conflict with that of accused no. 10. Accused no. 8 includes Selebalo and accused no. 10 not.
14. Advocate Bizos put to Masenya that there was an announcement to the meeting that a completely impartial chairman had been appointed being accused no. 6 but that he had not turned up. Accused no. 8 says it was contrary to his instructions. But it is in line with the probabilities and it remains unexplained how this mistake occurred. What was put happens to be in line with the state case.

15. His evidence is in conflict with that of accused no. 10 on whether Mrs. Matsoneng spoke on behalf of VOW and whether she spoke in favour of the march.
16. His evidence that accused no. 5 at the 26 August 1984 meeting referred to the resolutions of the meeting of 25 August and did not speak in favour of them is improbable. It is also in conflict with what was put to Mahlatsi.
17. His evidence is in conflict with accused no. 10's on whether he (accused no. 8) asked "a volunteer" to answer Masenya's question on the arrest.
18. In chief he only mentioned accused no. 17 giving an answer to Masenya's question about the arrest. In cross-examination he stated that the questioner was answered by accused no. 17, accused no. 5 and one other..
19. When asked why at the meeting of 26 August they did not leave the transport services alone, he answered that they took the resolution to prevent that the transport was stoned. A few sentences later he denied having thought of the possibility of transport being stoned.

20. His evidence that Mahlatsi did not speak at the meeting of 26 August is in conflict with what was put to Mahlatsi by his counsel.

21. It is improbable that Esau Raditsela, having attended a meeting at Boipatong where resolutions for a stay-away and march were adopted (at his proposal) would when taking over the chairmanship of the meeting at Small Farms just afterwards not mention that fact at all as accused no. 8 says. It is also in conflict with the evidence of Mahlatsi which was never put in issue in cross-examination.

22. His evidence that he never gave the question whether the march would be lawful or not any thought is unacceptable in the light of his own evidence that Masenya raised the arrest of participants pertinently.

23. He attempted to avoid a conflict between his evidence and exh AN.15.2 on the wording of the resolution ("must") by stating the translation was incorrect.

24. He could not explain the reference to "children" in exh AN.15.2 as having participated in the resolution and could not explain the glaring omission to refer to the march.

25. His evidence that it was never raised at the meeting of 26 August that councillors should account is in conflict with the evidence of Mahlatsi (which was never disputed) that the aim of the march was to visit the councillors at their homes and Masenya's evidence that accused No 17 said that is what they should do (which was also not disputed).

26. His evidence that the memorandum got lost because Esau's house burnt down on 5 or 6 September 1984 is suspect in view of the UDF's report indicating it only burnt down on 19 September 1984, exh W.60 p.12.

27. His evidence that only he and no. 15 made placards and behind a building is in conflict with what was put to Mahlatsi that placards were made by adults and youths and in the quadrangle.

28. He denies that Esau said people must carry wet cloths to use should the police throw tear-gas. Yet this was put to the witness ic.8.

29. The case of the defence, that another group came from the opposite direction and joined the march at the intersection, was never put. The case was that a group joined from the left and that a large number of people were in

the intersection spread over pavements and stood waiting to join the march.

30. His evidence that the front rank of the march remained the three original leaders is in conflict with the case put, namely, that by the time the intersection was reached hundreds had joined the march in front and the vanguard was no longer the vanguard.

31. His evidence that nobody from the march went up the lane (to Ceasar Motjeane's house) is in conflict with the defence case as put.

32. It is highly improbable that accused No 8 did not before the march started or during the march get to know of the destruction in Sebokeng.

33. His evidence that he did not know in advance of the stay-away on 5 and 6 November 1984 although he is active in the VCA and that the VCA had nothing to do with it is in conflict with the press statement exh AB.7(6).

34. His evidence that he stayed behind when the march started (and later joined it) conflicts with the evidence of Ratibisi the care-taker.

ACCUSED NO. 9

(T.E. RAMAGULA)

This witness was excitable, fast spoken, argumentative, at times evasive and at times untruthful. Though semi-literate he is an intelligent man. His evidence is wholly unreliable.

1. His evidence that it was not part of the plan that the march should visit the homes of councillors either before or after the march is in conflict with what the defence case was previously.
2. His evidence that a group of 200 plus tried to join in front of the vanguard but when asked not to desisted and infiltrated behind the vanguard is in conflict with the defence case as put.
3. His evidence is contradictory on whether he saw people at the church from his brother's place on 9 October 1983 or not. Nothing turns on this. It is peculiar that accused No 9

would go to a meeting in a strange church in an area where he does not reside without knowing what it is about and sit through two speakers that he does not understand, without leaving and without knowing what it is all about.

4. His statement that he had not heard of the UDF before the meeting of 9 October 1983 is possibly true, but that he has not heard of the United Democratic Front till questioned in cross-examination and does not know what it is, is palpably false.
5. His evidence that accused No 3 was not at the meeting is in conflict with accused No 10 and accused No 8 who say he spoke and also with the witness ic.8.
6. His evidence on the sequence of speakers on 9 October 1983 differs from accused No 8's.
7. It is improbable that he had not heard of COSAS till the preparation of this case, as he says. He has a son of approximately 16 years.
8. He says he did not follow Shabangu because he spoke a mixture of Sotho and Tswana. But it was put to the witness ic.8 that Shabangu spoke typical southern Sotho.

9. His evidence that the three main speakers were not introduced as being from UDF and that not one of them spoke of the UDF is so unlikely that it has to be rejected.

10. His evidence that councillors bribed white officials of the Administration Board with meat and liquor according to ex-councillor Mofokeng on 9 October 1983, is in conflict with what the defence put to the witness ic.8 namely that councillors obtained meat and liquor for their own use at the council's offices at Houtkop.

11. He stated categorically that he did not know now any of the women who spoke at the meeting of 9 October 1983. Yet a few questions afterwards he stated that Edith Letlaka spoke.

12. His evidence that the first time he heard it proposed that VCA be founded was when the resolutions were read out by accused no. 22 is unlikely, it also conflicts with what was put to the witness ic.8 namely that Edith proposed it orally from the floor.

13. His evidence that Edith spoke after all notes with resolutions had been sent up, is in conflict with what was put to the witness ic.8 namely that while Edith spoke (on the founding of the VCA) little papers were being sent up to accused no. 22.

14. His evidence is in conflict with accused no. 10's. He says Mofokeng proposed affiliation to UDF from the floor orally just after the launch resolution of the VCA was approved. Accused no. 10 says it was a proposal in a note from Mofokeng.
15. He stated the unpopular proposal to put up candidates in the election was made by a man. When it was put to him that accused no. 10 said it was a woman he immediately changed his evidence saying he had not used the word "man" but person and that it was a woman.
16. He was evasive on the question whether the march of 3 September 1984 was a VCA march. He tried to get away with a march "of the people".
17. His attempt to dissociate the area committee of Zone 7 from any actual connection with the VCA is to be rejected in view of exh AN.13 the resolution to form an area committee of the VCA, and McCamel's report to the UDF on their activities exh-T.19.
18. His evidence that his wife and Rina Mokoena stood in the audience at the meeting of 9 October 1983 conflicts with what was put to Rina namely that she and accused no. 9's wife sat on the stage.

19. His sequence of speakers (Shabangu, Motlana, Nkondo) at the meeting of 9 October 1983 conflicts with what was put to the witness ic.8 (Shabangu, Nkondo, Motlana).
20. His evidence that his wife was at the meeting but that he had no previous knowledge of that and that he did not ask her afterwards why she went, but that he was not surprised to see her there, is improbable. Also his evidence that Sefako Mokoena accompanied him there but he does not know why. The evidence shows that he, Sefako and Rina were all activists.
21. His evidence that even now he does not know that Nkondo is a member of the UDF is nonsense - as he has heard the evidence and seen him on videos in court.
22. His evidence that the group that spoke to the principal and inspector of the school and obtained re-admission for failed children was not a VCA committee or VCA influenced, is in conflict with McCamel's contemporaneous report exh 0.3 which was not disputed when handed in. It is also in conflict with the fact that Edith was the pivot of the action (she had no children at school).
23. His evidence that there were no plans to form a Parents Action Committee and SRC's is in conflict with exh 0.3.

24. His evidence of no VCA involvement in the school issue is also in conflict with accused No 8's evidence that accused No 17 at the meeting of 26 August 1984 claimed it as one of the successes of the VCA.
25. His denial that a working committee of twelve existed on 14 January 1984 is in conflict with exh 0.3 and the fact that they did organise as a group.
26. His evidence of a very friendly conversation with a pliable school principal and inspector conflicts with what was put to Rina Mokoena namely that they really badgered the inspector till all the children were admitted.
27. His evidence that no outside speakers were invited for the meeting of 19 February 1984 is in conflict with McCamei's report of 22 February 1984 complaining that invited UDF speakers did not turn up. Exh T.19.
28. His evidence that at the meeting of 19 February 1984 the introduction of minibuses was not discussed is in conflict with exh T.19.

29. He contradicted accused No 8 on whether the latter opened the meeting of 26 August 1984 and thereafter let accused No 17 offer a prayer or not. When this was put to him he fell back on the excuse that he could not remember.

30. He stated that he had not heard it announced that accused No 17 and accused No 8 would be joint chairmen of the meeting of 26 August 1984 or that a neutral chairman had been arranged for, but that he had not turned up, or that accused No 8 said that it was not right for zones 3 and 7 to appoint a chairman, the audience should do it by itself. Yet this was put to Masenya.

31. His evidence that accused No 8 said he hoped it would be a peaceful meeting is not borne out by accused No 8 himself.

32. His evidence that till the end of the meeting of 26 August 1984 he had no idea of what accused No 5 spoke about is hard to believe in view of the fact that accused No 8 summarised the main points of each speech.

33. His positive evidence that Rina Mokoena was on the stage when she was called upon to speak is in conflict with what was put to her (and to which she agreed) namely that when she was entering the hall she was called upon to speak. His

attempt to extricate himself from this conflict was unsuccessful.

34. His evidence that Masenya declined accused No 8's offer to continue speaking after order was restored on 26 August 1984 is in direct conflict with the defence case put to Masenya namely that he was instructed to repudiate the councillors and because he refused he was not allowed to continue.
35. His evidence that transport was to be resumed at 18h00 on 3 September 1984 is in conflict with the notice sent to transport operators calling for a 24 hours stoppage. Exh AN.15.6.
36. If his evidence is true that Edith the chair person did not attend the meeting of 26 August 1984, that he did not know where she was but that he never enquired about it, it is incomprehensible. The probabilities are that he knew full well that she was organising elsewhere for some purpose. If so, why does he shy away from this fact? What is more when she did arrive at the meeting he walked out and went home without hearing what she had to say whereas it is habitual to convene after a mass meeting to determine what is to be done on resolutions.

37. His evidence that he did not know Mandela was a leader of the ANC and was in gaol for ANC related activities is hard to believe.
38. His attempt to excuse his singing "we are Mandela's soldiers" on the basis that he regarded it as a sacred hymn is spurious.
39. His evidence that accused No 8 and accused No 15 made placards at the back of a building before the march is in conflict with what was put to Mahlatsi namely that adults and youths made the placards in the courtyard.
40. Advocate Bizos put to Mahlatsi that he had been put at the head of the march as it was sort of understood that a zone 3 and a zone 7 person had to lead the march. This is in conflict with accused No 9's evidence that Esau asked for volunteers and got three (accused No 9, Ntombeni and Mahlatsi).
41. His evidence in chief that the placard bearers and leaders walked abreast is in conflict with his evidence in cross-examination that the placards were in front and the three leaders behind them.

42. It was put that a new vanguard (hundreds) formed and that that new vanguard had negotiated the intersection when smoke appeared from Motjeane's house. Accused No 9's evidence is that no new vanguard formed and that he saw smoke when he had not yet reached the intersection.
43. It was put to Masenya that his wife reported threats that his house would be burnt down because of his association with Moagi and other police officers. Accused No 9 denies that this reason was given. This instruction could only have come from accused No 9. Accused No 9 further alleges Masenya had said he had been at at shebeen in zone 13 but to Masenya it was put as zone 14.
44. His evidence that he still does not know what positions were held by F. Chikane in September 1984 is unlikely.
45. He disputed the attacks on buses and obstructions on the route but this was never done in cross-examination of the state witnesses. His attempt to blame a lack of interpretation is to be rejected out of hand as false.

46. It is inconceivable that accused No 7, accused No 17, Esau Raditsela, Edith Letlaka and Matlakala Moeng attend a course on civics at Daleside on 27 - 29 April 1984 and that accused No 9 did not hear of it. They were all on the area 7 committee. Exh U.4(c) and U.4(b).

47. It is inconceivable that the stay-away of 5 and 6 November 1984 was never discussed by the area 7 committee and that accused No 9 did not even give a thought to who the organisers were. The probabilities are that he well knew that VCA was involved together with COSAS as is evidenced by exh AB.7(4) and AB.7(6).

ACCUSED NO. 10

(B.H. VILAKAZI)

Accused No 10 is a very intelligent, eloquent witness. He gave his evidence in a calm manner and there is no adverse comment on his demeanour in the witness-box. He was, however, verbose, frequently evasive and often untruthful. He cannot be regarded as a satisfactory witness. He is wholly unreliable.

There is the following criticism:

1. He made statements which were untruthful or hard to believe:

(a) in conflict with exh AN.15.7 (para 3) he stated that the aim of the VCA was not to stop the Lekoa Town Council from functioning;

(b) that "Tambo is in the bush" and "the burning of the Supreme Court" are not freedom songs and that "on Jesus chest I am free" is one. Further that no freedom

songs were sung at the meeting of 9 October 1983.

(On his own evidence Mandela Wethu is a freedom song);

- (c) that the resolution on affiliation to the UDF was in the draft but was omitted in exh AN.13;
- (d) that the VCA did not discuss approaching the UDF for speakers. This is in conflict with exh T.19 para 6 - the VCA report to the UDF of 22 February 1984;
- (e) that the R128,50 paid by the VCA to the UDF in connection with transport to the Peoples Rally (exh AN.6) was repayment of a loan. It is improbable that that sum was borrowed. It is more likely that it was moneys collected from passengers;
- (f) his statement that there was no contact at all between the executive of COSAS and the executive of the VCA is hard to believe - both were organisations in the same fold and the VCA was mandated to co-operation. It is also in conflict with exh AB.7(6) the Transvaal stay-away press statement;
- (g) his statement that he did not know who the boys were that set the Supreme Court on fire in the song he sang at the Peoples Rally and had never thought about it

is beyond belief. He could give no explanation for the singing of this song recounting the burning of the Supreme Court at a UDF meeting;

- (h) his statement that the song "Come with the rifles" sung at the Peoples Rally is non-violent is absurd;
- (i) he unsuccessfully tried to justify a speech by Prof Mohamed at the Peoples Rally of the UDF lauding convicted murderers and terrorists and a speech by Aubrey Mokoena referring to revolutionaries;
- (j) he gave an absurd interpretation for the phrase "the people's popular liberation movement" used by Aubrey Mokoena. A similar phrase "accredited liberation movements of the people" in para 3.4 of the UDF Working Principles exh A.1 he explained as meaning to the VCA - affiliates of the UDF. Thereafter when COSAS and the Soweto Civic Association were referred to he retracted that statement and after much probing eventually stated that he did not know what it meant. This is nonsense;
- (k) his denial that Dr Motlana called for affiliation to the UDF at the launch of the VCA is hard to believe in view of Dr Motlana's position in the UDF and the time the meeting was held;

- (l) his denial that at house meetings he convened he attempted to persuade people to his point of view on Black local authorities;
- (m) his denial that accused No 5 having reported to the meeting of 26 August 1984 the resolutions of a meeting of 25 August 1984, did not speak in favour of their adoption is highly unlikely and is in conflict with what was put to Mahlatsi and with accused No 5's evidence;
- (n) in the light of the prohibition against open-air gatherings and Masenya's question about the arrest of people on the march, it is hard to believe that the illegality of the march was never considered. The indications are overwhelming that accused No 10 and the other leaders knew that the march was illegal and would lead to confrontation with the police.

2. He was evasive:

- on whether there was stamping of feet at the meeting of 9 October

- on whether at house meetings he campaigned for a boycott of the elections
- on whether the UDF co-ordinated local struggles
- on whether he would use the word "destroy" as in exh U.4(b) p.3

3. His evidence conflicted with what was put on his behalf to state witnesses:

- put: accused do not recollect seeing posters in the hall. Accused No 10 is positive that there were none.
- It was put: one poster was outside. Accused No 10 says there were four posters.
- It was put: "The UDF arranged with Mars to do the printing". Accused No 10 denied that.
- put: "Mars rendered accounts, but we have no knowledge of these accounts ever being paid". Accused No 10 says only one account existed and it was paid.

The correctness of McCamel's mandate on Coloured and Indian referendum exh 0.3 was never disputed. Yet accused No 10 says that point 1 is wrong and points 2, 3 and 4 were never discussed.

Mahlatsi's evidence that Esau Raditsela attended the meeting of 26 August 1984 and left to co-ordinate other meetings, returning later and reporting on them was never disputed in cross-examination. Yet accused No 10 states emphatically it is false and that he told his counsel so. His reason why Esau Raditsela did not attend the meeting of 26 August 1984 is wholly unconvincing.

On whether Maria Dlamini had called on Masenya to renounce the council system (as put) or not and whether Masenya was refused the opportunity to continue his evidence conflicted with what had been put.

4. He tended to make sweeping statements which were devoid of factual basis:
 - (a) that Lekoa Town Council could not draw its own budget;
 - (b) that councillors are not democratically elected;

(c) he tried unsuccessfully to defend the statement in exh AN.15.7 that the people were (recently) deprived of their stands in Evaton.

5. He did not attend meetings of the executive committee of the VCA since the first week of July 1984 and was away from the Vaal from 29 August 1984 to 4 September 1984. This is the crucial period. He was not an important figure in the VCA hierarchy. At times his professed ignorance was surprising, for example his professed lack of knowledge of VCA starting a youth congress (exh 0.3) and VCA participation in the stay-away committee November 1984.
6. He contradicted himself:

- (a) on whether he saw accused No 22 writing at the meeting of 9 October 1983;

- (b) in chief he denied that there were any prepared resolutions emanating from the action committee put to the meeting. In cross-examination it appeared that there were approximately five. When this contradiction arose he attempted to evade the issue by suddenly distinguishing between proposals and resolutions. In

fact it had been put by his counsel to the witness
ic.8 that "the action committee had resolutions and in
addition people from the floor handed up pieces of
paper";

- (c) when the song in exh V.19(a) p.14 was referred to he
said he did not know it. Yet previously he had admitted
to knowing and singing it when it was dealt with on
p.6 of this exhibit. When this was pointed out by the
court he fell back on a lame reference to Siyaya which
he said he did not know what it refers to;

- (d) though he had stated in chief that accused no. 17 at
the meeting of 26 August 1984 referred to "cowards"
in cross-examination he could not remember this.

ACCUSED NO. 11

(S.J. MOKOENA)

His demeanour is beyond reproach but his evidence very unreliable. He was untruthful in numerous respects. An intelligent man.

1. His version that Boipatong Youth Organisation and Boipatong Civic Association existed till May (when exh AN.10 was written) but just ceased to exist and that the ex-leaders (Sotso and accused no. 11) of the two organisations just came together and formed a committee and held a meeting (without any organisations being involved) is far-fetched for the following reasons:

- (a) Esau Raditsela, vice-chairman of the VCA, drafts and prints the pamphlets (free of charge);
- (b) the pamphlets exh AT.5 are VCA pamphlets for a VCA meeting;

- (c) Esau is requested to supply a speaker and Edith is brought by him personally;
- (d) after the riots Sotso and accused No 11 are at a meeting with UDF's F Chikane;
- (e) middle September 1984 accused No 11 and Mohapi go to Ismail Ayob - attorneys - to sign a power of attorney and are funded by the SACC (why would they fund anybody not belonging to organisations?);
- (f) after the meeting of 26 August 1984 Esau again provides the pamphlets notifying residents of the resolutions.
Exh AT.12;
- (g) accused No 11 and Sotso attend the co-ordinating meeting of VCA areas on 2 September 1984;
- (h) Esau with his vehicle and loudspeaker helps accused No 11 to announce the resolutions of 26 August 1984 in Boipatong and accused No 11 does not pay for petrol.

2. His statement (allegedly also contained in the memorandum to be presented to Houtkop) that the majority of the people in the Vaal Triangle were out of work seems an exaggeration.

3. His evidence that he did not know who organised the Wilgespruit conference of 14 and 15 January 1984 nor the time it started and that he did not register at all and signed no roll and does not know the name of any leader anymore is far-fetched.
4. His denial that the organisations discussed at the Wilgespruit meeting were political youth organisations is rejected - in the light of his own notes, exh AT.7.
5. When cross-examined on his note in exh AT.7(c) "popularisation of Freedom Charter transforming youths into democratic youths" he stated that "democratic" meant in accordance with the principles of the Freedom Charter. When asked what he thought those principles were he was evasive and later stated that he was unable to mention them. This is unacceptable. He took the trouble to note this particular phrase.
6. It is strange that he attends the Wilgespruit conference to learn about organising youths and a method discussed was by means of projects. Exh AT.7(a). Yet he cannot mention any project discussed.

7. When cross-examined on the sentence in exh AT.7(d) "harassment by the system and the bantustans" he first stated that only one example had been given - that of the Ciskei, which had not been elaborated upon. Later he contradicted this saying harassment by the system in South Africa had also been explained by way of example.

8. His explanation of his notes in exh AT.7 is totally unconvincing:

(a) the funeral brigade committee -

becomes an orchestra

it was to play no role in organisation of a funeral

never heard of the existence of one;

(b) the "awareness" committee is allegedly to make the members aware of what the committee decides! (Normally the secretary would do this!);

(c) the problem of venues is discussed - but no suggestions are made;

- (d) on his explanation "unity on a non-racial basis" was not seen as a problem - yet it is listed as one;
- (e) he says SOYCO was not mentioned at the conference. His note on SOYCO - on his conference notes, he says was made at night in informal discussions;
- (f) his explanation that the liberation struggle is against an idea (apartheid) and not against people like the police is in conflict with his note on harassment by police on exh AT.7;
- (g) his statement that he does not know the stand of COSAS on education in 1984 is absurd;
- (h) his explanation of the discussion and speeches on militarisation and conscription is in conflict with his notes:
 - that the speakers were neutral on the SADF's actions in Angola, Mozambique and Namibia
 - the note on detentions is absurd in his context
 - that speakers were neutral on the cadet system or soldier teachers in schools

- that no resolution was taken on COSAS is in conflict with his note and previous evidence;

(i) he does not remember the name or organisation of any speaker.

9. His version that the committee of six decided to meet at Khotso House on 18 January 1984 and did meet there without having any relationship with the organisations seated in Khotso House is improbable - especially if it is borne in mind that they were allocated an office and immediately after the meeting went to the UDF offices.

10. He is very vague on the membership of the group. He remembers only two names and of only one of them the area represented.

11. Having been to Wilgespruit conference on 14 and 15 January 1984 and to the committee of six in preparation of a seminar on 4 or 5 February 1984 on 18 January 1984, he does not inform his committee at the meeting of 21 January 1984 of these proceedings. This is unlikely.

12. His statement that he never thought of COSAS when writing to the pastor of the church on 21 January 1984 exh AT.10 about youth and student seminars, is unacceptable as at that same meeting a programme was drafted including a COSAS speaker exh AT.10.

13. His denial that the proposed meeting had a political programme falls flat when the programme is looked at. Exh AT.10.

14. Initially he was evasive on whether the UDF was a political organisation.

15. His explanation why Sotso is described as a UDF speaker on exh AT.10 is not entirely sound.

16. That accused No 11 who left school eight years prior to that date would put himself down as speaker on 21 January 1984 (exh AT.10) on the subject of SRC's at a meeting of a youth organisation catering predominantly for the out of school youth is, to say the least, odd. His denial of knowledge that COSAS aimed at the introduction of SRC's is false. It was common knowledge and would have been known to anyone who was able to speak on the subject of SRC's.

17. It is strange that the programme (exh AT.10) of 21 January 1984 is aimed at school going youth whereas his organisation professed to cater for non school going youth.
18. He could not explain the use of the word "racist" in exh AN.10 by him in the context - as he did not want to admit it was merely abuse. This led to an illogical explanation.
19. If exh AN.10 was a letter to the OVAB as accused No 11 says - the form is totally wrong. It is more likely to be a public statement like a press statement. It is significant that the organisations did not attempt to get an appointment with the OVAB to discuss the closing of halls, etc.
20. His denial that Sotso had any connections with the UDF is in conflict with the programme exh AT.10 and Sotso's own letter exh AT.8.
21. He was very evasive on whether Boipatong Civic Association was a political organisation.
22. His statement that most people in Boipatong had their houses locked up for non-payment of rent turned out to be a gross overstatement.

23. His evidence that it did not occur to the planners of the 26 August 1984 meeting either before or at their preparatory meeting of 15 August to involve the UDF, VCA and other organisations, is totally unacceptable in the light of Sotso's affinity with the UDF and his relationship with VCA and the later contact with Esau and his involvement.
24. His evidence that the meeting of 26 August was not intended as a protest meeting against higher rents but merely a meeting to determine the feeling of the community, is absurd in the light of the wording of the notice exh AT.5 and the speakers and the fact that councillors were not invited to put matters into perspective.
25. His evidence that he would have been happy if Veronica Mbongo told the meeting on 26 August that Bophelong was satisfied with the increased rent is absurd.
26. When he says that he expected the OVDB to rescind the rent increase upon being met with a march at Houtkop, he is either naïve (which clearly is not one of his characteristics) or he is being untruthful.
27. His attitude towards councillors is adamant. Under no circumstances were they to be heard on the rent increase.

28. That he did not know on 3 September whether his brothers and sisters were going to school or stay away and that it was not discussed is nonsense.
29. His evidence that Edith did not refer to VOW at all (at the meeting of 26 August) is in conflict with what was put to Mohapi on his instructions namely that she called on women to join VOW.
30. Whereas in chief he testified that Veronica Mbongo had said that the problem of rent was a heavy burden on women, in cross-examination he could not remember that she said anything of this sort.
31. His statement that he did not give it a thought that the effect of Esau's letters to the bus and taxi operators about the stay-away would be to prevent those who wanted to go to work from doing so, is nonsense.
32. He did not mention anything about closure of businesses - even when asked in cross-examination - but upon being shown the notice drawn by Esau (exh AT.5) (AN.15.1) he suddenly stated that Esau had mentioned it.
33. His evidence that the legality of the march was never discussed and that he did not give it a thought is absurd.

34. His evidence that he did not foresee problems at the square after having been dispersed by the police is unacceptable.
35. His denials of any road obstructions in Boipatong were never put to the state witnesses.
36. Accused No 11's evidence that he saw no road obstructions in Boipatong is suspect in the light of the clear state evidence which went unchallenged.
37. The evidence of Mohapi which was not disputed was that the resolution on exh AT.6 was that they would march and confront the councillors at Houtkop and if there was no agreement on the increased rent they would be asked to resign. This conflicts with the version of accused No 11 that they would not speak to the councillors but go to the QVDB at Houtkop. This was never put and is in conflict with the wording of exh AT.6 and the evidence of Mohapi. This version has to be rejected.

ACCUSED NO. 13

(S. NKOLI)

There is no adverse comment on his demeanour. He does not give the impression of being a leader of men. He would hardly be the person to lead a mob to attack a councillor.

He was, however, untruthful in a number of respects.

1. His version that he saw no obstructions and no sign of violence on 3 September till the march was dispersed and only smoke at Motjeane's house is unacceptable.
2. So is his evidence that he saw no groups and no police presence before the march between his home and the Catholic church in Small Farms. His home is in zone 14.

3. His explanation of the well-worn RMC membership card is highly improbable. He has it with him every day and his address in Sebokeng is given instead of his permanent address. Exh AV.1.

4. He feigned ignorance of the "struggle" and of the dates set out thereon.

ACCUSED NO. 16

(T.M. MANTHATHA)

His demeanour in the witness-box was above reproach. He is intelligent and well-spoken. On a number of aspects his evidence was false. He is an untruthful witness.

1. His denial of responsibility for exh B.6 was false. The absence of proper repudiation thereof (where his name is set out as a collaborator thereto); the explanation for the revolutionary language and the references to imperialism therein, are unacceptable features of his evidence. There was a formal admission in exh AAS.9 that he is a co-author.

*In chief
P/508
disagreement
with Helson
Would read
not mine.*

??

2. When questioned about the phrase "we are our own liberators" his answer that that includes the Whites of South Africa who have to be liberated is fanciful. P 15085 - 7

Be a Colonel S.A.

NOT fanciful in circumstances described by witness unless the premise is that Whites' attitudes don't have to change.

Choses for
debate

something
in defense
what is a
Marxist
of sorts
but does that
mean anything

3. His statement that he had never really formed an opinion on the economic system of the new South Africa is absolute nonsense - in view of the literature in his possession, his position and his age. In fact he seems to be a Marxist of

sorts. 15082 B...
15083 by judge: Good Review
left to the police in this country
nothing unimpeachable about economic theory.
4. His explanation that Germany was an imperialist for

meddling in South Africa could not stand up to scrutiny.

He explains Germany's support for SA is = unparhast
P15090-1. Maybe under the Marxist Mantans Johns
quo.

5. He contradicted himself. First saying that he does not know of people of the Soweto Civic Association going to the launch of the UDF and later admitting that he knew Dr Motlana was there.

See 8/15114 He distinguishes between people who are SCA member & affiliates
and delegates of SCA & he is inconsistent that none went as delegates

6. We are sceptical about his denial that the SCA received exh AB.31, the invitation, and attended the meeting on the stay-away organised by COSAS on 27 October 1984. His evidence is in conflict with exh AB.7(6).

7. His denial of affiliation between the SCA and UDF, albeit de facto, is false. See the cross-examination thereon and all minutes and attendance-registers there mentioned. His

failure to explain the use of the word "officially" in
 exh AX.14 p.69 and the fact that Lephunya signed this letter
 whereas the latter was not a member of the executive of the
 SCA, is a further pointer to the weakness of his version.

*He admits
 he wrote
 it p. 15016*

8. We do not believe his professed ignorance of the Daleside
 workshop for civics held by the UDF 27 to 29 April 1984.
 There were eighteen participants from seven branches of the
 SCA. Exhs U.4(b) and U.4(c).

Ref to M. Kona that he knew?

f. 15 221 XX

9. His interpretation of the position statement of the SCA
 (exh AX.15 p.37) is intentionally incorrect to evade
 embarrassing cross-examination thereon, for example:

- (a) the words "apartheid regime" are stated to refer to
 the whites since 1652 (to avoid cross-examination on
 "the thousands of our people brutally killed");
- (b) the words "never be peace", "battle line", "enemy",
 "the blood that will be shed" are stated all to be
 non-violent (to avoid cross-examination on violent
 language).

z. 94

SCA
Workshop Wedgespout

10. He denies that ex AM.24 was found in his possession. Yet it was previously admitted formally. Exh AAS:5. No doubt because its contents is highly embarrassing to him. His attempted explanation in re-examination is unconvincing.

~~XX P15255~~ ~~with~~ ~~examination~~ ~~XXXX~~ REXX P15439

84 // 11. His statement that the Black Christmas campaign was to save the people from themselves (as they over-indulged and in January had no money left) is utter nonsense.

~~AAS found~~ ~~with~~ ~~UPP~~ ~~office~~ ~~XXXX~~ ~~XXXX~~

P15261

12. His denial that the SCA had anything to do with the Black Christmas campaign is in conflict with exh AA.8.

taken out of context

~~XX 15276~~ ~~XXXX~~ PRIMARYLY CONCERNED

13. His denial that the SCA concerned itself with broader politics like one man one vote is refuted by Dr Motlana's speech at the AGM of the SCA. Exh W.74 p.5.

long time a great few goals.

Shown by minutes in AX

14. We do not believe his version that he knows nothing of exh C.16 (drafted by accused No 19) and that accused No 19 was not asked to compile it.

15320 at seq.

Cf 22 reason for No 19.

Asked by some members 14127 ~~14133~~ Note in xx it was drafted by me.

15. After a formal admission that exh AL.135 was found in his possession his denial in cross-examination of possession thereof is a transparent attempt to avoid cross-examination on the Joint Civic Committee mentioned therein.

NOT put.

P15347, 6

In condoning what should be done

not asked by whom not put that was one who not asked by whom by branches not discussed 14129 not challenged

He disregards the evidence that UDP Makiso told him corroborated by minutes witness 15013

16. He cannot explain his possession of exh AX.14 p.38, the UDF report on the Anderson visit to the Transvaal secretaries. It does not tally with his version that there was no connection between the UDF and the SCA. Neither can he explain his possession of exh AX.14 p.41 - the UDF report. His evidence that exh AX.15 p.1 - the SOYCO invitation to a plenary meeting of the UDF area committee - was never discussed at the SCA and that he does not know of a UDF area committee is unacceptable. The document was found in his possession.

17. His denial that there was unrest in Soweto was under cross-examination shown to have been wrong. Exh AM.15.

~~Attaching~~ the worse witness in the case -

18. There were certain differences in the versions of accused No 3 and accused No 16 on the meeting of 19 August 1984.

p. 15366 - he explains that by "unrest" he meant generalised disorder rather than isolated disturbances.

19. Accused No 16 is a reckless speaker. He tells the meeting of 19 August 1984 that the central government should pay the rent (which includes the service charges) - with the effect that people would live free and have free services. In cross-examination he could not justify this. He said councillors had not kept their promises (while he had no idea what promises, if any, had been made). Conatols in Soweto

Why cut corners

AA 7, Apartheid houses for Blacks.

houses built a long time ago & paid for 15041 in chief

reduce R5 - genuine example - Tshabalala - p. 15038 in chief. ~~broastly~~ in chief

In xx The folk of the town -

20. His denial of knowledge that service charges were part of the global rent is absolutely false.

P15406-7, The ~~contested~~ denial is not as set out but that some services were separated and often not clear
21. Advocate Bizos put exh AAQ.7, the Sowetan, on the meeting of what

19 August 1984 as correct. Accused No 16 says it is wrong in material respects. He says he did draw counsel's attention to it. ~~XX~~ NOT ENTIRELY CORRECT - Judges

interruption about differences p 1211 - opinions may differ.

22. His evidence on the meeting of 19 August 1984 was in conflict with what had been put to state witnesses in a number of respects. No particulars can be set with it on any matter of substance.

That is what is in his report p 1215 - suggestion of wrongness.

~~Boomerang~~ Whomosed bl. p. slogans & chanting songs
Report

well what is in his reports
~~hymns~~ - Koabo says no singing at all 1216.

Boomerang - ~~XXXXXXXXXX~~ Mawajonga 18951 - 34 =
XXXXXXXXXX

I. Q. 9. p 1397 on basis almost a contemporaneous report is in conflict with his evidence. AAC 6.

AAC 7 In particular ~~is~~ not spoken 1402.

ACCUSED NO. 19

(P.S. MOLEFE)

Very intelligent, well-spoken, with a retentive memory. He gave his evidence in a dignified respectful manner and answered forthrightly. On demeanour a good witness.

His evidence is not truthful on crucial issues.

1. His statement that "our people" in the UDF declaration (exh A.1) refers to all people of South Africa is clearly incorrect. Compare his own report exh C.102 p.10.
2. His interpretation of the conditions for a national convention laid down by the NEC on 21 July 1984 (exh H.1 para 10) does not tally with the wording in respect of:
 - suspension of racist constitution

and the demands are so ludicrous that they are not genuine in respect of suspension of ~~constitution/disbanding of~~ armed forces.

3. His statement that the letter of the UDF to the prime-minister of 25 October 1983 (exh DA.21) (AL.46) was not intended as a political statement is not true in the light of its release to the press before the prime-minister could reply and of its contents.
4. Accused No 19 states that at the NGOYA students meeting of the UDF (Transvaal) and AZASO on 3 November 1983 he and accused No 20 and Chikane discussed Monareng's speech (exh V.3 p.17) which advocated violence against Inkatha hostel dwellers (p.19) and that accused No 19 told Tiego Moseneke to make it clear that "our struggle" was not against individuals and members of Inkatha and that he must correct it. He did.

The transcript (exh V.3) does not bear him out.

Why could he not repudiate Monareng (and for that matter the other fiery speakers) himself - he did speak after them?

5. His denial that he ever saw exh C.17 (second document), the border secretary's report, is suspect as it was sent through to UDF Johannesburg offices on 30 November 1984 and accused No 19 was released from detention on 10 December 1984.

6. His fencing about the authenticity of documents like exhs C.79, C.19, C.106, C.132 raised eyebrows. It is strange that he was not present at the keynote speech by Curnick Ndlovu at the first NGC in April 1985 - which is probably exh C.106 - of which he disclaims knowledge. A memorandum exh C.132 sent to the NEC to get recognition for the northern Transvaal region, he says he knows nothing about. His evidence about the existence of a region there is vague - which is not to be expected.

7. He states that should the government not be prepared to release political prisoners, unban the banned organisations and allow the return of the exiles (and therefore refuse to comply with the preconditions set by the UDF for a national convention) the UDF would have debated matters in the light of conditions from time to time. This is in conflict with the decision of the NEC and is simply not in conformity with the facts.

8. His statement: "If the ANC is unbanned it will immediately become non-violent. They cannot carry weapons as a lawful organisation" is nonsense.
9. He disclaims knowledge of exh C.106 found in UDF office Johannesburg which is probably the keynote speech of Curnick Ndlovu at the April 1985 NGC of the UDF. He says he did not hear either this speech or the other main speech by accused No 20. This is strange, he was the secretary.
10. It is strange that he does not know the significance of the word "congress" in all the various organisations under the umbrella of the UDF.
11. He alleges that the workshop papers on the Freedom Charter which were found in the UDF office Johannesburg (exh C.97) he has not seen before.

12. In respect of the call for a national convention and its precondition - release of political prisoners - he hedged when asked whether that included murderers for political motives. His denial that the disbanding of the police and army were set up as a precondition, is not in conformity with political thinking in his circles (exhs (C.18 p.9 and C.19 p.5) and the decision of the NEC (exh H.1 para 10) and the NGC (exh C.102). His explanation for the call to disarm the armed forces but no call in respect of Umkhonto we Sizwe is facile. His explanation of how the dissolution of the independent states is to be brought about differs materially from the conditions set in exh C.102. His lame excuse is that it may well be that the whole thing was not carefully thought out.

13. His denial of any knowledge of the existence of the UDF area committee in the West Rand is peculiar. See exh AA.1.

14. His evidence is inherently contradictory on the existence of a campaign against the Ciskei and his evidence is in conflict with the documentation on the existence of an anti-conscription campaign. See exhs C.53 p.10 para 3.5, C.102 p.2 para 3.3, E.1 para 6.1.6.4, exh T.25 (p.5) para 5. He misinterprets exh C.53 p.5 para 1.2.2 on the campaign against removals.

15. His explanation that the resolution on Namibia (exh A.1 pp.31 and 33) ~~only deals with SWAPO (internal)~~ is false.
16. He made sweeping general statements but when confronted to give facts he backed down. An example is the "invasion" of the Black townships by the armed forces.
17. He says he does not know whether point 15 of the SOYCO programme of action is Marxist language. He says he does not know what it means. It should be remembered that he attended the launch and had an important function there.
18. It is hard to believe that he does not know whether Bram Fisher was a Marxist or why he was sentenced to life imprisonment.
19. His attempts to explain some of the inciting portions of speeches at meetings of the UDF and/or its affiliates is nonsensical. See for example exh V.16 pp.5 to 8 and p.23, exh V.18(A) pp.26, 31, 42, 43 and 47, exh V.20 p.4.
20. His statement that people were harassed and beaten by the police and that he himself took them to the advocates, after probing was shown to have been a lie. This is indicative of a general attitude towards the police.

21. His statement that the UDF never contemplated that the government would refuse a national convention is unacceptable.
22. His explanation of "accredited liberation movements" in the working principles is false. This is dealt with elsewhere.
23. He was very vague when pressed for details of when and where accused No 20 allegedly spoke out against the planting of bombs.
24. His alleged lack of knowledge of the powers which the SRC's for which the UDF agitated were to have, is surprising.
25. His allegation that he has never seen and does not know the origin of exhs C.100, C.106 and AAD.5 is hard to believe. They were found in the UDF offices and all relate to the NGC and its theme. These are important documents from a policy point of view. In fact the wording was taken over in exh C.102 the UDF booklet which was found in accused No 19's possession (statement p.2).
26. His version that the international youth year was not under the UDF banner is refuted by the letter-head used as late as April 1985 exh AAA.13.

27. His explanation of the "campaign" referred to in the UDF/
COSAS memorandum drafted by himself (exh AB.19) as being a
campaign to end the schools boycott is false. This document
believes everything he says on the UDF's intention to end the
boycott.

28. When cross-examined on the meaning of portions of exh C.16
he failed to mention that he was the author and created the
impression that it was somebody else's document which he
was interpreting. Two days later it appeared that he was
the author.

See 14127 for 19
See 15320 for 16
15324 " "

29. That nothing is seen to be wrong with a freedom song about
burning the Supreme Court or armed violence is indicative
of the attitude of accused No 19.

ACCUSED NO. 20

(M.G.P. LEKOTA)

Well-spoken, articulate, intelligent, tending to be verbose.
Will tell lies unashamedly.

1. His explanation of his references to Umkhonto we Sizwe in exhs V.12 p.50/51 and V.16 p.33 is unconvincing.
2. It is unacceptable that he had never really thought about the contents of the freedom songs before.
3. His knowledge of the anti-SAIC conference where the UDF allegedly originated is strangely vague.
4. His explanation of "leadership of the working class" in exh A.1 p.27 (which includes Dr Motlana and bishop Tutu) is beyond our understanding.

5. His professed lack of knowledge whether there is leadership of the working class in Mozambique, Angola and Zimbabwe is unacceptable. So is his lack of knowledge of socialism.
6. It is strange that he cannot explain the words "courageous struggle" of the students in exh A.1 p.28. Neither can he tell us what "the increasing crisis in the schools" is, referred to in the minutes of the NEC of 10 September 1983 (exh D.1 para 21) where he was present.
7. His explanation of the term "relevant education" in exh A.1 p.28 and exh C.53 para 3.3 is incomprehensible. It is clear he is evading the real answer. The explanation of democratic education is equally murky. In re-examination he was led to refer to exh AB.28 para 6 which still does not give a concrete answer.
8. He falsely professed ignorance of whether there had been elections in the Ciskei at its independence. The extreme language used in exh A.1 p.28 could not be substantiated.
9. His explanation of the conditions for a national convention in exh H.1 para 10.2 is in conflict with the terms of the document. (He says the conditions are meant to be gradually made effective by means of a controlled process. That is not what the document says.)

10. His explanation that the resolution on Namibia (exh A.1 pp.31 and 34) refers only to SWAPO internal is false. See the wording of paras 2 and 4 thereof.
11. His tendency to make sweeping statements which he cannot substantiate is evident from his allegation that the government turned and twisted the law to get its Black supporters elected. This he could not substantiate when questioned.
12. When cross-examined on exh AE.10 he made the amazing statement that he did not know if the revolutions in Russia, China, Nicaragua, Mozambique and Zimbabwe were violent.
13. He was at first evasive on whether his draft letter exh AJ.52 was in favour of an economic boycott or not.
14. In the light of his historical knowledge his disclaimer of knowledge of Dr Yusuf Dadoo's high position in the ANC and SACP is clearly evasive.

15. Accused No 20 was evasive and untruthful about the author and nature of exh C.106 and about who delivered the keynote speech at the April 1985-NGC. Accused No. 19 testified that Curnick Ndlovu delivered the keynote speech and that this was probably it. Compare also exh C.106 with exh C.102. It is unacceptable that accused No 20 does not know who delivered the keynote address in the place of Dr Coovadia.
16. He is blatantly untruthful when he states that he does not know why Martha Mahlangu was elected as a patron of the UDF. She was a nonentity.
17. Whereas accused No 19 told us that Jabulani Ngcobo (referred to by Prof Mohamed in exh C.26) was an ANC member who died in Swaziland in December 1984, accused No 20 professes to have never heard of him. This is rather improbable.
18. It is striking that accused No 20 disclaims all knowledge of documents found in UDF offices in Khotso House when they might give rise to embarrassing questions. See exh AE.23. He also says he knows nothing of the rally in northern Transvaal referred to in exh AE.23. This is strange. He is the national publicity secretary.
19. He contradicted himself on the existence of the West Rand area committee of the UDF when cross-examined on exh AA.1.

20. He denied that 16 June celebrations were used to mobilise the people for the liberation struggle. This denial is false. See exhs ABA.51 and ABA.49.
21. He denied knowledge of the fact that Francis Baard, patron of the UDF, had been a member of the ANC and ANC Women's League and had been imprisoned for five years. This was false as in exh A.1 p.58, published under his overall direction, these facts are stated boldly.
22. Accused No 20's statement that the UDF did not say that the government is illegitimate is a play with words and is false. It is their usual terminology in the documentation. Exhs C.41(4), C.53, C.102 p.4, C.109, C.114, J.9, AJ.49, AD.2, T.25 p.2..
23. It is unacceptable that he did not know that UDF News (which is his ultimate responsibility) was published by Transvaal for the northern Cape, Border and northern Transvaal.
24. His statement that he did not know who the funding agencies were which Saloojee visited and that Saloojee did not report back on his visit is palpably false. Finances are a vital part of any organisation. Exh F, exh T.6 para 3.10.

25. Apropos his statement in the interview with SALB (exh C.54 p.78) (against imperialism and capitalism) he is asked what he wants in the place of capitalism. His answer is "free enterprise". This is nonsense.

26. His denial that acts of defiance were discussed at the meeting of the national secretariat on 7 July 1984 is false. Both accused No 19 and Trevor Manuel minuted it. Exh C.85 pp.11 and 14, exh T.8 pp.15 and 18. He conceded that the next day.

27. The reason given why in exh AL.8 the preconditions for a national convention are not mentioned, namely lack of space, is flippant.

28. He lied about his visit to Tumahole on 15 July 1984:

(a) he came from Kroonstad but stated he came from Bloemfontein;

(b) he stated he had gone to visit Vuyo Dabi. It turned out he had previously said Feizile Dabi - a different person. He then adapted his evidence;

(c) he told the court he could not reach the home of Dabi.

His statement to the inquest said he went to Dabi's house. Also to Jenkins he gave this version;

(d) he gave this court as reason for his visit to Tumahole the sight of riot police at Parys. His statement at the inquest was that he had passed Parys and decided to visit Dabi. His statement was drafted by his lawyer.

29. Accused No 20 says he told the meeting of the witness ic.17 and bishop Tutu what he had heard from Daphne in Tumahole yet it was put by advocate Bizos to the witness ic.17 that accused No 20 had said he knew nothing except what he read in the newspapers. Accused No 20 says that that was wrong.

30. He professed to know little of Mandela's views on communism, his conviction and the facts against him. He was evasive when pressed whether he would still regard Mandela as his leader if he was proved to be a communist.

31. His statement that organisations that stand for violence will always openly say so is nonsense.

32. His evidence that the letter of 25 October 1983 to the prime-minister (exh DA.21) was not for publicity but to get a discussion is false. It was published three days later before a reply could be had. He did not ask for an interview. When the UDF got the interview on 19 October 1983 they did not avail themselves of the opportunity. They never asked for an interview thereafter.
33. His tendency to make wild (incorrect) statements is apparent from his denial that Ratanda Civic Association was affiliated to the UDF. That had been admitted. Exh AAS.2.
34. His denial that he saw the ANC flag at the one year rally on 20 August 1984 is strange. It is clearly visible on the video. Exh 8. The same blind spot he had on 16 June 1984, when there were a flag and something that looked like an AK.47. Exh V.10.
35. His denial that exh V.15 was a UDF youth rally is peculiar. It was never disputed in cross-examination when the witness ic.14 gave that evidence.
36. It is strange that accused No 20 had no idea what "the internationalist approach" is to which Zinzi Mandela refers in the message by COSAS to SOYCO. Exh V.25 p.42.

37. Exh AM.13 "UDF Border report submitted to UDF special conference P.E. 17 to 18 December 1983" accused No 20 says was not submitted. But he cannot explain how it is that it is found in the UDF office in Johannesburg.

38. In general one can say about his evidence and that of accused No 19 that whenever a document tended to be embarrassing they knew nothing about it, despite the fact that it had been found in UDF offices in Khotso House Johannesburg.

ACCUSED NO. 21

(M.M. CHIKANE)

Intelligent, sharp, well-spoken and knowledgeable about the history of the UDF. Evasive and vague about material matters that may embarrass him. He cannot be believed. He adapts as he thinks fit.

1. His version on the origin of the school boycotts in Atteridgeville dramatically put to the state witnesses differs materially from the version in court. He knew all along since April 1984 that they were not matric papers and that it was an unimportant matter.
2. His evidence is very hesitant about the existence of a list of names and addresses of affiliates. Though he is part-time secretary this is something one would expect him to have seen.

3. In chief he stated that the Daleside workshop had been called for by VCA and SCA. In cross-examination he stated it was KRO and later VCA.
4. His attitude is still after nearly two years of evidence:
"A peaceful march in the Vaal was blocked by the police and then violence started"!
5. It is hard to accept that he does not know the origin of exh AB.28 or that he does not know what is meant by replacement of racist and undemocratic bodies.
6. He states that exh T.2 (secretarial report to the NEC) is wrong where in para 2.2 it states the secretariat is putting together information relating to the councillors. (Does this mean then that the NEC was misled?)
7. His statement that at the Port Elizabeth conference Black local authorities were on the agenda but were not discussed is in conflict with the eastern Cape report exh T.18 dated 17 December 1983.

8. His denial that F Chikane was a member of the NEC is in conflict with ~~exh A.1 p.6.~~ His statement that of those present at the 10 November 1984 meeting of the NEC approximately half were not members of the NEC (exh J.1) would be true if NEC members are elected by the NGC (as he states) but is in conflict with the Working Principles para 9. Exh A.1.
9. He was evasive about the question whether C Ndlovu was an important person in the UDF. (He delivered the input to the NEC of 10 November 1984 J.1).
10. He says he never saw the words "national democratic struggle" used by the UDF.
11. His statement that MACA and MAYCO were not affiliated to the UDF is wrong. He could not be so ill-informed. It was his region. This means he is attempting to evade their documentation.
12. His statement that he did not know what organisations comprised the northern Transvaal area committee is far-fetched.

13. It is strange that he does not remember who the eleven councillors were that resigned in respect of which he issued a press statement.
14. It is hard to believe that he has never seen exh C.110 before this case. It deals with Black local authorities. It is dated February 1985. It was found in UDF offices and he is the man who issued a press statement on Black local authorities and was the secretary of the Transvaal. It is also strange that no one of accused No 19, No 20 and No 21 knows anything about it.
15. Exh T.15, the national secretariat minutes of 12 January 1985, para 12.6 stated that it was decided that the secretary must report on "where UDF is and where it is going to". Accused No 21 says it was not discussed on the national secretariat what this would contain. This is unacceptable.
16. His statement that he only heard of the theme "from protest to challenge" after the April 1985 AGM and only from newspaper reports is in conflict with his earlier evidence that he only read about the theme in the papers before court after he had been indicted.

17. His statements "we have got nothing against the government" "we don't regard the government as the enemy" conflict with the documentation.
18. His denial that a possible theme was discussed at the meeting of 12 January 1985 is in direct conflict with exh T.15 para 12.10 and also totally improbable.
19. When it was put to him that the theme would have been approved by the NEC of February 1985 if there was no NEC in March and April, he said he had not attended it. But he could not give a reason why not.
20. He states he had never seen exh C.53 before this case. It is a motivation for funding, November 1984. If it was what Saloojee or Valli took overseas, it is highly unlikely that it would not have been a product of the national secretariat. Then he would know of it. In any event it is highly unlikely that he would have no knowledge of such an in depth study. [See also exh F para 12(c)].
21. His denial of knowledge of what exh T.15 para 14 "removals - regions must organise volunteer corps" refers to is false. He was at the meeting as secretary of the Transvaal and should know this.

22. There was a big dispute about the knowledge of accused No 21 ~~of the theme "from protest to challenge".~~ He stated that when he ~~ceased to be an official of the UDF on 9 March 1985~~ it had not been mentioned. He only heard of this theme after the AGM of April 1985. The following facts militate against this version:

- (a) the theme has to be decided well in advance as the keynote address has to be prepared;
- (b) the national secretariat meeting of 12 January 1985 (which he attended) decided (exh T.15 para 12.9) that the keynote addresses had to include "UDF offensive - determine programme". This is the same as "challenge";
- (c) it also decided (in para 12.10) as follows: "Theme - referred back to regions for discussion". Even if this is to be interpreted as if the word "back" was not used, it is inconceivable that possible themes were not discussed;
- (d) exh T.29 the circular letter from accused No 19 to the regional secretaries, sets out that the NEC meeting of 23 February 1985 has to agree on matters like the keynote addresses and the allocation thereof. Therefore by 23 February 1985 the theme had to be agreed upon. (The keynote addresses themselves would be finalised by the national secretariat by 23 March 1985);

(e) between the NEC of 23 February 1985 and AGM of April 1985 (exh C.102) the Education and Training Committee prepared exh AAD.5 and exh C.100. Accused No 21 was a member till 9 March 1985. It is inconceivable that he would not know of this or of the NEC meeting decision on the theme.

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