

IN DIE HOOGGEREGSHOF VAN SUID-AFRIA

(TRANSVAALSE PROVINSIALE AFDELING)

I 2-36 Vol. 388 Pg. 22 438 - 22 468

SAAKNOMMER: CC 482/85

PRETORIA

1988-04-25

DIE STAAT teen :

PATRICK MABUYA BALEKA EN 21  
ANDER

VOOR:

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

NAMENS DIE STAAT:

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

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON  
ADV. G. BIZOS  
ADV. K. TIP  
ADV. Z.M. YACOOB  
ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS :

LUBBE OPNAMES

VOLUME 388

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COURT RESUMES AT 14h00 ON 25 APRIL 1988.

MICHAEL JOHN ARTHUR HANNA, still under oath

FURTHER CROSS-EXAMINATION BY MR JACOBS : Mr Hanna, we were busy with the meeting during October where you said accused no. 20 spoke about the national convention or the national congress on that day. Did he speak about the national convention or a national congress? -- I think that the term he used was not a major part of the speech. It was almost in passing, he referred to the national convention.

What did he say about the national convention in that(10) meeting? Do you remember? -- I do not remember particularly. I think that he referred to a national convention in terms of one of the processes by which political change could be effected.

What did he say about it as one of the methods? -- That what would be needed is for the people in South Africa to come together in a national convention and discuss among themselves the new constitution.

Did he mention any demands in regard to a national convention? -- The same demands I remember in terms of that(20) all people must be free to take part in such a convention. In other words, political prisoners and those in exile.

At the meeting of the Transvaal launch of the UDF, did anybody - where was that meeting held? -- I think it was at Khotso House. I do not remember specifically where it was.

Can you remember when it was held? -- I think that that was in October.

19? -- 1983.

October 1983. That is the launch of the Transvaal region of the UDF? -- Yes.

(30)

And/...

And at that meeting can you remember whether a committee or an executive was chosen? -- No, I do not. As I have explained earlier I spent a very brief time at that meeting approximately half an hour which was mainly during the preliminaries to the meeting itself.

At that meeting, did anybody speak about a national convention? -- Not when I was there.

And the Lenasia meeting in October 1983, where was that meeting held? -- It was held in the - I think it was the community hall in Lenasia. (10)

Who organised that meeting? -- That was organised by the UDF specifically.

Can you remember whether anybody spoke about a national convention on that meeting? -- No, I do not remember that being referred to. I remember chiefly the main speech by Dr Boesak. I do not recall that phrase being used.

So, is it then correct that only at one meeting you heard about the national convention? -- Yes, one of those meetings that I specified.

Did you hear anything mentioned about a national con-(20) vention that was mentioned in your presence by any other organisation or other group as you call them? -- Yes, indeed. I remember the phrase national convention being scathingly described at the launch of the national forum in I think that was June 1983 where the - I cannot remember which specific speaker it was, certainly criticised the idea of a national convention as such.

Who was the speaker? -- I do not remember specifically who it was. I think it was Dr Neville Alexander.

Was that at the Black Consciousness meeting? -- Correct. (30)

It/...

It was at the launch of the national forum which was once a loose alliance which one could term a black consciousness orientated organisation.

And they were against the national convention? -- Yes, a number of the speakers who actually spoke there were.

Any other meetings that you attended where there was mention of a national convention? -- In that period none that I recall.

The only organisation in favour of a national convention was the UDF then? -- In use of that specific term I have (10) heard at other stages, not in that particular period, but I have heard Dr Van Zyl Slabbert for example refer to a national assembly, a group of people from various groups to come together and discuss the future of the country.

This tape, EXHIBIT 43, was this in your possession or was it in the possession of Radio Capital? -- That was in my possession.

Where did you keep it? -- I kept it in a shelf at my home.

At your home? -- Yes.

(20)

Was there only one tape for this interview? -- There would have been another tape as well, which would have - there were two tapes, one is what we call a reel to reel tape, which is a large tape recording, which would have been running at the same time as this cassette recording was running. Yes, there would be another tape.

This tape recording, was it an original made at the time of the interview or was it made from the real tape? -- No, that was made at the time of the interview.

And later on did you give a copy of this to the defence?(30)

No/...

-- No, I gave the copy of the Lekota interview to the defence after they had subpoenaed me. The AZAPO interview, the tape the defence really had in their possession.

But EXHIBIT 43, where did the defence get the copy from which was handed in to court?

COURT : Wait a minute, does the witness know what is EXHIBIT 43?

MR JACOBS : EXHIBIT 43 is the Cooper, Mabasa interview. -- Is that the one with my handwriting on?

You can have this and you can tell us? -- Yes, that (10) was the tape that was in my possession.

That is the original? -- That is the original, yes.

Was this made at the time of the interview? -- Yes.

And did you give a copy of that to the defence? -- Yes, I did.

From that one and did you, you said you checked the transcript with this original? -- I have not checked right through the transcript with the original. If I may also point out, the initial that I was given by the defence was not from the original. It was another transcript from (20) another tape.

I understood your evidence this morning that you checked the transcript? -- Yes, I read through the transcript. I did not go word for word against the tapes that were in my possession.

But were you not asked to do that to see whether the transcript is correct? -- I was recalling on my memory mainly. I listened to extracts from the tape, but I did not listen through the entire tape.

At the time when you made the copy, did you make a (30)

copy/...

copy from this EXHIBIT 43? -- No, I have made no copy of that tape.

Did you not give a copy of this tape to the defence? -- I am sorry, yes, I made two copies of that tape for the defence.

From this one? -- From that one.

Because we checked through this and checked it with the EXHIBIT V32 and when you check through it and follow it on this transcript - no, it is not V32, it is V29 ... (Mr Bizos intervenes) (10)

MR BIZOS : May I suggest that we call it the Cooper tape and the Lekota tape for the convenience of the witness, because I think confusion arises with numbers. We may be familiar because we are making notes. The witness is not familiar with the numbers.

COURT : Yes, I will see to that, but there are two Cooper tapes. The one is a copy and is before court and the other one is also before court.

MR JACOBS : You see, we checked through the transcript, that is EXHIBIT V29 and we checked it with the original handed (20) in by you as EXHIBIT 43, that is the Cooper tape and it was only till at page 49 of this tape ... (Court intervenes)

COURT : No, page 49 of what? Of EXHIBIT 29?

MR JACOBS : V29, only up till "Good morning, Grace" the third last line. Thereafter there is nothing on EXHIBIT 43. Actually it is the end of the tape. -- Was the other side checked?

Yes, both sides were run. Can you explain that? -- No, that I cannot explain.

You said you made a copy of this one exactly as it is?(30)

Yes/...

-- Yes, I made two copies of that one exactly as it is.

Do you agree then that a part from page 49 onwards could not have been on the duplicate because it is not on this one, on this EXHIBIT 43? -- It may not have been on the duplicate that I made. If I may just point out I did not personally do the duplication of the tapes.

Who did that? -- Somebody who works with me, the actual physical duplication.

Were you present? -- I was present in the room, yes, but I did not physically press the buttons. (10)

Can you then explain why this part that is appearing on the duplicate is not on the original? -- On the duplicates that I made? -- Well, on the duplicate supplied to the defence from which they compiled EXHIBIT V29? -- If I could just ask, we appear to have a number of duplicates. We have the one original and the two duplicates which I made.

COURT : What we in court have is a tape handed in by Mr Bizo probably obtained from you some time ago. Now we have a tape which was handed in this morning as EXHIBIT 43 and the transcript we have is V29 and that transcript runs further (20) than tape 43 goes.-- With respect, I think the initial tape submitted by Mr Bizo was not supplied by me. I think we are referring to it, a different copy of the same tape.

He did not get it from you? -- No, not the initial tape, which was the initial transcript that I read was from that first tape because it was only after reading the transcript supplied to me by the defence that I made the two copies of the original tape which had been in my possession. So, what I am saying is that there was a copy extant before I made these copies which were not supplied to the defence by (30) myself/...

myself.

MR JACOBS : But you said this was the only original? -- No, I said that there was also the reel to reel tape running at the same time from which another recording could have been made. I know nothing about that.

But you said this contained the whole interview? -- To my knowledge it does. It does come as a surprise to me that it does not contain those last - that last question time.

Did you know where the copy that was handed in by Mr Bizos previously comes from? -- That I do not know. (10)  
I think it was mentioned to me by the defence that it had been obtained at some AZAPO meeting. What AZAPO meeting I do not know.

You also gave evidence and you referred - my learned friend referred you to several passages from EXHIBIT V29, that is the transcript of the Cooper interview. -- Yes.

You were referred to phrases like "white minority, sell out, military dictatorship, conscription, oppressed." Where did you hear those phrases being used as a general political rhetoric? -- Do you want specific occasions? (20)

Yes? -- If I could speak in general terms first. I read them in the media at the time and in daily newspapers one would read reference preface some times by what they called "so-called" or putting it in inverted commas so attribute them to some source. Specifically I recall an Inkatha meeting I think it was Shaka day 1983, where I heard a speaker, Chief Mangosotho Buthelezi refer to the oppressed, the exploited. He did not use the term military dictatorship. However I do remember not at a meeting but in conversation with the then leader of the opposition, Dr Patrick van Zyl Slabbert (30)  
referring/...



referring to the possibility of military dictatorship arising out of the new constitution and certainly referring not in the exact same terms, but referring to a new form of presidency. Those terms I remember. As to the question of conscription I recall the view expressed at a conservative party by-election meeting which was the Primrose by-election which I think was late 1982 where one of the speakers there, I think it was Clive Darby Lewis referred to the possibility of the danger of arming people who are not white making them part of a defence force and the danger that that could (10) have in terms of the future within South Africa.

It is interesting that you refer to "I think". Are you not sure? -- As I said we are talking about a large number of meetings over a large number of times and I am attempting to be as specific as I can. It is difficult for me without referring back to detailed reports that I did at the particular time, but I was doing reports on a daily basis. So, events do tend to merge together under those sort of circumstances.

Is it not so that you would not hear these references like the "oppressed", the "oppressors, sell outs" and so (20) on on meetings in the white sector? -- I certainly heard the expression sell out on a meeting in the white sector.

"The oppressed" and "oppressors"? -- "The oppressed" and "oppressors" certainly not in what you term the white sector. By that you refer to parliamentary politics?

No, you said it is politics. I do not know what politics you refer to in your evidence-in-chief? -- I do not quite understand what you mean by white sector.

That is any meeting held in the white sector by white people? -- I have heard the terms "oppressed" and "exploited" (30) used/...

used in universities lectures. I have also heard it used at Black Sash meetings. At a number of white organisations ...

(Court intervenes)

COURT : What subject in the university teaches that? -- They are using it as a phrase that is taken from a number of textbooks which one studies. It is a phrase one comes across regularly.

In what subject? -- In political science and African government.

MR JACOBS : Is it not so that these phrases were more (10) generally used in the black sector by organisations like Inkatha, AZASO, UDF? -- I would agree with you that certain of these phrases would be more regularly used in the black - what you term the black sector by specifically referring to words like "oppressed" and "exploited". Certainly the term sell out I would not think was used, I heard used more than - in the black sector than in the white sector.

I understood you attended quite a lot of UDF meetings? -- Yes.

Did they not call the black local councillors as (20) sell outs? -- Yes, I am not denying that they used the term, that the term was used. What I am saying is that I also heard the term used, in fact a term was used in Hansard by the opposition spokesman. The term was also used by right-winged Afrikaans political parties.

And is it not also used in regard to the leaders of the homelands? -- Yes, I had heard that used once again at UDF meetings, at AZAPO meetings, at Inkatha meetings. I had heard the term used in relation to quite a lot of specific examples. (30)

Is/...

Is it not also used by the ANC? -- Yes, it is certainly used by the ANC on the occasions that I have interviewed any of the members. I have heard that used by the ANC, yes.

And by the SACP? South African Communist Party? -- I could not speak on that. I have not interviewed or had contact with any SACP member.

In your studies in political science, have you not studied any documents from the SACP and the ANC? -- I studied documents from the ANC but no specific documents from the SACP. (10)

And is it not general knowledge these kinds of words referred to by you in your evidence-in-chief used by those organisations? -- Yes, they certainly are, but they are also used by other organisations. It is a term in general currency.

Is it not so that it is not so general, but it is more used in the black sector? -- The term "sell out", are we discussing that or are you talking about this whole range of expressions?

By people engaging in the so-called freedom struggle? -- I would not say that it was used, the term "sell out" (20) was used more by them in my experience. I cannot speak with anything other than my personal experience of these various political groups and factions and without that experience I cannot say that I have heard the term sell out used more by one side or one area of politics and by the other side.

You said with reference to EXHIBIT - is it not also that this kind of phrases were used in revolutionary organisations? -- Yes, certainly, they are phrases that are used in revolutionary organisations.

In actual fact, that is a general knowledge- that is (30)

the/...

the general phrase used by them? -- Well, it is a phrase used generally, yes, by revolutionary organisations, also by non-revolutionary organisations. I believe "oppressed" and "exploited" is in the Bible.

COURT : I am sorry. -- I believe the terms like "oppressed" and "exploited" are also found in something like the Bible. It is terms that are not merely the language of revolutionary movements.

MR JACOBS : I would to refer you again to this question of the national convention. Firstly I would like to refer (10) you to page 10 of EXHIBIT V32 the fourth line from the top "We think that in the circumstances that are prevailing in our country today, not only are we ruled by racial and criminal men really, but they are co-opting even from amongst our own communities selfish men like the Sebes." This was said in that meeting? -- In the interview, yes.

Who are the criminal men referred to here who ruled our country? -- I assume that what Mr Lekota was referring to was indeed the government. He speaks about the current rulers of the country which is the then government. (20)

Did you allow that to be broadcasted over your radio, Capital Radio to have people called criminals or did you try to stop him or anything like that? -- First of all the interview as conducted life. There was no time gap to stop it even if one wanted to. Secondly, I personally at the time found that that was a statement of opinion by Mr Lekota, the fact that it was broadcast, does not mean that either the radio station or I accepted that as an acceptable term. It was certainly I think an acceptable expression of opinion and another interview that we conducted language as strong (30) was/...

was used.

So, you regarded it as a good and for him to refer to the government as criminals, you did not disassociate yourself or your radio from that? -- I did not regard it as good that Mr Lekota referred to that, but I did regard it as his privilege to express his opinion.

But did you not interfere and said it over the air that you disassociate or Radio Capital disassociate themselves from this? -- I did not feel it necessary to disassociate ourselves from something that was very clearly a personally(10) stated opinion.

And then again on page and it goes over to page 12 "And we have confidence in the people of South Africa that they will not choose revolution, they will not choose murder, and we have confidence even in those people who are today on the receiving side of oppression that they have sufficient magnanimity within them to accept white people as human beings." It goes on and then the last sentence "That is the only alternative we see." So, there is only an alternative stated by Mr Lekota here between a national convention (20) and revolution. Is that correct? -- No, I see that what Mr Lekota is saying - that the only alternative that he sees is a peaceful revolution rather than a violent one. I think that is the context of what he is saying.

And if there is no peaceful resolution, what is the other alternative then? -- Well, that is not stated. I would not have presumed to speculate on something that he does not state. What he is saying here, what he said in the interview, is that we have confidence that the people - it will not choose revolution. I assume that is the other(30) alternative/...

alternative to which he is referring. The alternative that he says, the only alternative that we see, I understood as meaning the alternative of a peaceful change.

If not, if there is no choice of peaceful change, then the only other alternative is a revolution? -- I did not see that as clearly and implicit in that particular paragraph.

You did not try to find out and to let him make it clear what he was meaning by saying "the only alternative to a national convention" ... -- No, because the grammatical context in which he expresses that made it clear to me that(10) he is not offering an either or. What he is saying there is that this is the only choice that we can take. He is using the term alternative there as a single option rather than the option of two. That is the way I interpreted it at the time in the period of time that one is able to assimilate these things in interviews.

RE-EXAMINATION BY MR BIZOS : We have a playing machine here of the tape and I am going to ask the witness to identify the voices on the last bit that is not on the tape that was handed in this morning. (20)

COURT : Why do you not get the tape that we have? It should coincide with V29?

MR BIZOS : Yes, the tape that we have - let me try and explain. The tape that we handed in, the evidence of accused no. 2 is that he bought it at the national conference of AZAPO and we handed that in in cross-examination subject to proper proof later. It occurred to me on Friday that the original may be asked for. The original EXHIBIT 43 was handed to us over the weekend and if Mr Jacobs's police officer that checked it, apparently it is cut off at a (30) certain/...

certain point which appears to be on page 50 of the transcript  
... (Court intervenes)

COURT : It is 49 we were told.

MR BIZOS : At the end of page 49 it really starts with "Grace."

ASSESSOR (MR KRUGEL) : "Grace did not even get a chance to  
reply" because it was cut off.

COURT : I understand what you are getting at, but you cannot  
identify voices on EXHIBIT 43 that are not there, because  
it is cut off. So, if you want to identify it, you have to  
do it on EXHIBIT 25? (10)

MR BIZOS : That is what I mean. I do not know whether your  
lordship wants us to fiddle around with a machine whilst  
your lordship is sitting here in order to find the correct  
place or whether to take a short adjournment, but may I  
suggest that I ask my questions in relation to re-examination  
and then your lordship gives us an opportunity to use  
EXHIBIT 25 in order to prove the last bit.

COURT : Yes, certainly. Do you have a machine available?

MR BIZOS : We have a machine available here, but it is not  
a very sophisticated one but it will do for the purposes. (20)  
Mr Hanna, in relation to the rally after the national launch  
of the UDF in Cape Town, where you say that Boesak has  
allowed himself to be carried away by his rhetoric, was he  
talking about wanting to participate in the government or  
to take over the government or can you recall the precise  
words that he used? -- The precise words that he used that  
I referred to were "We want it all, we want it here, we want  
it now."

Those may have been the words, but what did he want? --  
I imagine that what he was referring to was that he wanted (30)  
political/...

political participation, he wanted an avenue through which within his view a majority opinion could be expressed.

In relation to the originals, the two originals that were being made simultaneously, do you know how the copies that may according to the evidence have been sold at the AZAPO conference, whether they were made from the original that you have produced EXHIBIT 43 or from the tape to tape the original?

MNR. JACOBS : Ek maak beswaar teen hierdie vraag. Die getuie het nooit gesê dat AZAPO het 'n afskrif gekoop by (10) hulle nie. Ek weet nie waar kom mnr. Bizos aan daardie stelling wat hy aan die getuie maak nie.

MR BIZOS : I will change the question. Do you know from which of the two originals in AZAPO may have made any copies? -- No, I do not, but if I may point out that AZAPO did in fact approach me for a copy of that interview after it was done. Policy was not to give out copies of interviews to anybody. I refused that. I can only imagine seeing that those tapes two have been in my possession ever since and had certainly not been out of my possession, I can only (20) imagine that the copy AZAPO obtained was either a recording off the radio or indeed a copy of the master tape. I find it difficult to think that it could be off the reel to reel master tape, because it is sort of company policy of not giving out our interviews is pretty absolute. I do not imagine that anybody else within the organisation would have done it.

If in fact EXHIBIT 43 is cut short at the end of - if you were to hear what is on EXHIBIT 25, will you be able to identify the voices of - your own voice for a start and (30) that/...



that of Mr Saths Cooper and Mr Barry Lambert?

COURT : Are you not begging the question? Should he not first listen to the tape?

MR BIZOS : Perhaps if your lordship could give us a short adjournment. What we are really trying to avoid is that if that is the only thing that the state found wrong having checked it and having had the transcripts, I was hoping to have an admission to avoid having to call the typist and other people to prove it.

COURT ADJOURNS.

COURT RESUMES.

(10)

MNR. JACOBS : Net voor my geleerde vriend begin. Dit is vir my n bietjie duister nou dat hy n "tape" wil identifiseer deur hierdie getuie wat gesê het die oorspronklike is die "tape" wat hy geneem het wat hy hier ingegee het, dit bevat die hele gesprek en dat daar nou dele by kom. Ek weet nie op watter basis kan my geleerde vriend nou sê dat die ander moet geïdentifiseer word en dat dit gebruik word as deel van hierdie transkripsie van hierdie vergadering of hierdie byeenkoms of onderhoud nie. Dit was sy getuienis gewees dat hy het hierdie "tape" wat hy ingehandig het wat hy (20) beskou het as die oorspronklike, wat hy hier beskryf het as die oorspronklike bevat die hele gesprek. Hoe kan hy nou gaan en n deel wat nie op sy "tape" verskyn nie identifiseer in die transkripsie as deel van daardie hele gesprek?

MR BIZOS : I do not with the greatest respect understand the objection. Presumably some argument can be advanced.

COURT : The objection is that you are breaking down your own witness.

MR BIZOS : I am not breaking down my own witness.

COURT : I do not know why Mr Jacobs should object to that. (30)

MR BIZOS/...

MR BIZOS : And it is certainly not my intention but rather to show as to how important it is perhaps if one is dealing with tapes and should insist on all the material available in order to assess it. I am merely going to ask him about this.

COURT : Yes, the question is allowed.

MICHAEL JOHN ARTHUR HANNA, still under oath.

FURTHER RE-EXAMINATION BY MR BIZOS : It would appear or it appears on EXHIBIT 29, that is the transcript ... (Court intervenes) (10)

COURT : No, it is V29.

MR BIZOS : V29 that something more purports to have been said than appears on EXHIBIT 43 which you say was the original and what is produced by you. Did you listen to EXHIBIT 25 during the short adjournment that his lordship allowed us an indulgence in? -- Yes.

And did you listen to it in the company of Captain Botha at our request and on the recommendation of Mr Jacobs? -- Yes, I did.

What is from the bottom of page 49 to page 53 - page 53, (20) does that appear on EXHIBIT 25? -- Yes, it does.

Does your own voice appear on EXHIBIT 25 on the portions that appear from pages 49 to 53? -- Yes, it does.

Can you be mistaken about your own voice? --No, that I cannot be.

Do the voices of Mr Saths Cooper and Mr Lybon Mabasa appear on that recording as well, as far as you are able to tell? -- On the section I listened to it was only the voice of Saths Cooper.

And the person that apparently called in. Do you (30)

recall./...

recall whether you summed up this interview? -- Yes, I did sum up the interview.

Does your summing appear on the bottom of page 51 to page 53? -- Yes, it does.

From your - and is that in your own voice? -- Yes, that is.

Is that how you summed it up at the time of the interview? -- Yes, it is.

Now that you have heard it and you have read it, are you able to either confirm or not independently of whether it is an original or a copy, whether it has your voice, (10) your style and can you remember whether this is the manner in which you summed the situation up? -- Yes, I can. It is in fact the end of the interview.

Perhaps I should just ask you the final question. Can you think of any reason why this last portion was not on EXHIBIT 43 which is the one that was in your possession? What happens in the studio or at your office? -- I can only assume, I have not examined the tape, because at the end of the tape it simply ran out of tape and stopped automatically. If it is not at the end of the tape the only thing that I (20) could assume happened is that whoever was recording the tape, switched it off early or else there was a faulty connection. I could not be specific about exactly why that last bit is not on.

NO FURTHER QUESTIONS.

DISCUSSION IN CONNECTION WITH TRANSCRIPTION.

- - - - -

MR BIZOS : The next witness is Robert Andrew Leseane Sello.

ROBERT ANDREW LESEANE SELLO, d.s.s. (Through interpreter)

MR BIZOS : This will be a short witness judging by his statement/...

statement. He lives in a house nextdoor to BP Garage. He was at home on that day and will deal with some of the events that occurred around there.

EXAMINATION BY MR BIZOS : Mr Sello, do you live at 5412 Zone 12 Extension? -- Yes.

Where is that in relation to the BP Garage in Sebokeng?  
-- That is the house nextdoor to the garage.

And are you employed as a clerk? -- Yes.

COURT : Are you nextdoor to the garage on the main route or on one of the side roads? -- My house is facing the main (10) road.

MR BIZOS : Just for the sake of completeness, if you are going towards the post office, is it on the post office side of the BP Garage or the Catholic Church Small Farms side of the garage? -- It is on the post office side.

Did you become aware whether or not there was going to be a stay-away on the morning of 3 September 1984? -- Yes, I became aware of that.

When did you become aware of it? -- During the last week of August. (20)

And where did you hear it from? -- I heard this being discussed by people who were passengers in the same train in which I am travelling.

Did you travel to and from Johannesburg every day for your work? -- Yes.

Did you hear whether or not there was going to be a march on the morning of 3 September 1984? -- I heard about that as well.

When did you hear about it? -- It was during the weekend on a Saturday when I heard of that. (30)

Had/...

Had you attended any rallies or any meetings that were held by any organisations in the Vaal before that weekend that you heard about the march? -- No, I have never been to any meetings of the organisations.

Did you make any decisions as to what you would do on the Monday? -- Yes, on a Sunday I took a decision of not going to work the Monday.

Why did you take that decision on a Sunday? -- It was quite clear that many people would not be going to work. So, I therefore took the decision of not going to work as (10) well.

You are married and did you have young children? - I am married and I had one child then.

What work did your wife do at that time? -- She was a nurse.

Was your child at school at this stage? -- Yes, the child was in fact attending a crèche.

Did your wife make any decision as to whether she was going to work?-- I took the decision about that.

What decision did you take? -- That I will remain with(20) the child for the day.

And what would your wife do? -- She went to work.

Why did you have to stay with the child at home? -- Because it was heard, it was in fact made clear that there would not be any schooling on that day.

You told us that you heard about the march during the weekend. Did you hear what the purpose of the march was? -- Yes, I did. The purpose of the march was to proceed to the offices of those in authority of the townships, namely the councillors or whoever is in charge to ask them not to(30)

increase/...

increase the rent. People would not afford to pay the increased rent.

Was this a matter of personal concern to you increasing the rent? -- Yes, it was.

What was your own personal housing position at that time? -- Because of my income I would say my personal position was very low.

COURT : What was your income? -- R514,00.

Per month? -- Yes.

And your wife's income? -- R300,00 plus per month. (10)  
I do not know exactly how much.

Did you live in your own house? -- I was living in my own house in the sense that I had to pay for it every month.

MR BIZOS : Did you hire the house or had you bought the house? -- This was a purchased house under ninety-nine year leasehold, which I was busy paying off.

How much were you paying per month? -- R92,00.

Was there going to be an increase to your payment or not? -- There was going to be an increase, yes.

Would that be R5,90 or something else? -- What was (20) said is was that it was going to be R5,90.

What was your feeling? Did you want to join this march? -- Yes, I wanted to join the march.

Did you join the march? -- No, I did not.

Any reason for that? -- Because of the fact that I had to remain with the child at home, that is why I could not.

On the morning of the 3rd did your wife left for work? -- Yes, she left.

At what time more or less? -- At 05h30.

Did you wake up when she left? -- I got up and went (30)

as/...

as far as the door to close the door.

Do you know whether there was any transport away from Sebokeng to the various places of work at that time of the morning? -- Yes, there was.

What sort of transport was there? -- Buses and taxi's.

Did you remain awake after your wife went to work or did you go back to sleep? -- I fell asleep.

Did you get up again some time? -- Yes.

What time more or less? -- About 07h30.

Did you remain in the house or did you go outside or (10) did you look from inside/outside at about that time? -- I went outside.

What did you see when you went outside at 07h30 or shortly thereafter? -- I saw some boys putting some objects on the road, namely stones and dustbins.

COURT : Where? -- On the road in the direction of the bus stop.

MR BIZOS : Has that bus stop got a name? -- Yes.

What is it called? -- Fowler bus stop.

Is it a bus stop or a bus terminus? (20)

COURT : A terminus is something where the bus turns around. I think you must better define your terms.

MR BIZOS : When you speak in the ordinary way there, do you say "I am going to the bus stop" or "to the bus terminus"? How do you speak about Fowlers? -- We speak of it being a bus stop.

What sort of children were they that were doing this?

MNR. JACOBS : Hy het nie gesê "children" nie.

MR BIZOS : Did he say boys?

COURT : Boys. (30)

MR BIZOS/...

MR BIZOS : I am sorry. I did an injustice to the girls of the township. What was the age of the boys that were doing this? -- Between eleven and fourteen were their ages.

You say that they were using stones and dustbins. Where did they get the stones from? -- Not far from my house, the houses in the vicinity there, there is an open veld. That is where they got the stones from.

And you said dustbins. Where do you think they got the dustbins from? -- It was not in fact dustbins, but it was dustbin lids. (10)

And where were they getting those from? -- They took those from nearby houses, that is including mine.

Did you hear or see any buses running at this time? -- At what time?

Between 07h30 and 07h45? -- No, at that time they had stopped.

Had you heard them earlier going onto the street? -- Yes, I had heard.

Did you yourself see any buses either near your place or near the Fowler bus stop? -- Yes, I did see them. (20)

At what time did you see them? -- From between 07h45 to 08h00.

What did you see relating to buses then? -- I saw the buses stationary at the open space.

COURT : Where is the open space? -- On the zone 11 side.

MR BIZOS : And in relation to your house and Fowler bus stop? -- There is a small piece of an open veld from the bus stop. Some buses were stationary on that piece of veld and some were at the bus stop itself, some more towards my house. (30)

COURT/...



COURT : Across the road from your house there is a very big open veld? -- Yes.

It is not on that open veld that the buses were stationary? -- No, not there.

Just to the post office side of that open veld, there seems to be a very little - a small spot about as big as three yards or two yards before you get to the row of houses next to Wessels Motha Road? -- Yes. What about that?

Is that where the buses park? -- Let me put it this way. From my house, from the direction of my house from (10) the bus stop you find the shoulder of the road. On that shoulder of the road is where the buses were stationay towards my house and then on the other side of the bus stop, that is where you find that small piece of an open veld where the other buses were.

That is on the Zone 12 side. There were buses on the shoulder of the road? -- Not on the Zone 12 side. On the Zone 11 side but on the shoulder of the road which is across the road from my house.

Yes, but not opposite the houses? -- No, not opposite (20) the houses:

Between the terminus and the end of zone 11 just before you reached the veld? -- It is from the last house in Zone 11 proceeding towards the bus terminus. It is on the shoulder of the road there where the buses are.

MR BIZOS : How many buses were there more or less? -- About five.

Did they have people in them or were they empty? -- Only the drivers were there. Otherwise there were no passengers.

(30)

Did/...

Did you notice whether any new fate had met any of the buses?

COURT : Alternatively put, were they still in spotless condition? -- I noticed one of them which was half facing the garage. The front window, that is the windscreen was broken.

MR BIZOS : Do you know if any of the others were damaged or not? -- I did not pay particular notice to that. It could be that they were also broken, but I did not take any notice of them. (10)

COURT : Did these buses remain there? -- The buses delayed there for some time until the police came to take them away.

MR BIZOS : At what time was that? -- About 08h30 towards 09h00.

How did the police get there and from what direction?  
-- The police were right there in vehicles and then the buses drove in the direction of the post office with the police.

COURT : Where did the police come from? -- They came from the direction of the post office.

And what happened to the obstructions in the road? -- (20)  
One of the police vehicles stopped at this point where there was this obstruction. They removed the stones, throwing them away into that open veld and the dustbin lids were thrown in front of the yards.

MR BIZOS : For how long were the police there whilst these things were happening, that the buses went off and one of the vehicles cleared the road? -- Fifteen to twenty minutes.

COURT : So, when did they leave? -- Immediately after clearing the road.

What time was it? -- I would not say I know exactly (30)

what/...

what time it was. All I remember is that it did not take long.

MR BIZOS : You told us that they came there 08h30, something to 09h00. Can you tell us whether they went away before 09h00 or after 09h00 or at 09h00? -- It could have been about 08h30.

Other than those obstructions that you saw that the young boys were putting and that the police cleared, were there any other obstructions on the road? -- No, there was nothing. (10)

COURT : Were the obstructions erected in one place or in different places? -- This was done starting from the fourth house, that is from my house and it was not just put on a heap at one point. It was all over the road stretching from that point in the direction of the bus stop.

So, roughly one can say the fifth house from the garage up to the bus stop? -- Yes.

MR BIZOS : Did the police clear those obstructions? -- Yes, the police did that.

COURT : Did they clear it all or did they just drive (20) over or around it? -- What I saw happening there is that they had removed everything.

MR BIZOS : When the buses went away, did they use this portion of the road that was obstructed? -- Yes, they used the same portion.

Did the bus drivers go away with their buses alone or were they escorted by anybody? -- They were escorted by the police.

Did the police then go away? -- Yes.

Did you stay outside your house or did you go in? -- (30)

I/...

I went back into the house.

Did you come out again? -- Yes, I did come out again.

Why? -- Because I heard there was some noise there as if people were singing. I therefore went out to see what was happening.

What time did you go out? Can you recall? -- About 09h30 towards 10h00.

What did you see when you got up? -- I saw a lot of people coming in my direction. Those were the people who were singing. (10)

What were they singing? -- They were singing a song in Zulu which I did not understand.

Were any of the people that were coming in your direction carrying anything? -- Yes, they were carrying cardboard boxes.

Was there anything written on the cardboard boxes? -- Yes, I saw one written "Asinamali".

Anything else? -- The others were written "Away with high rents".

Anything else that you saw? -- No, nothing else more than that. (20)

Did you see anything written on these cardboards saying "Kill Mahlatsi and his brothers"? -- No, I did not see that.

Or "Away with councillors? -- No, that I did not see either.

Were these people loose and disorganised or were they marching in proper order? -- It was a well disciplined march and arranged.

Why did you say that it was a well disciplined and arranged march? -- That is because there were people on the sides of this march. I do not know what to say in Sotho. I would(30)  
rather/...

rather call them body guards. The body guards were seeing to the march to be proper looking after the march.

What would you say the age group of the majority of the people on this march were? -- Between thirty-five and forty.

Were there younger people on the march? -- Yes, a few a small group of younger people.

Were there any children on the march? -- No.

COURT : What is a child? -- Between five and eight years.

What is a younger person? -- Sixteen.

MR BIZOS : Were there any people wearing T-shirts on this(10) march? -- What kind of T-shirts now?

Did you notice whether there was any predominance of T-shirts - let us put it this way. Did you see anybody with yellow T-shirts with UDF written on it? -- No.

Did you see any black and white T-shirt with COSAS written on it? -- No.

Did you on 3 September 1984 know where the late Caesar Motjeane was living or not? -- No, I did not know.

On that particular morning you say you did not know? -- No, I did not. (20)

Did you later that day find out where the late Caesar Motjeane lived? -- Yes, I found that out.

Did you see any smoke coming or being present at the place where you later learnt the late Caesar Motjeane lived? -- Yes, I did.

What did you see precisely? -- I saw some smoke in that direction. I did not take a particular note of that because it happens many times that people burn things in the township.

At the time that you noticed this smoking in that direction, what was happening in front of or near your house? --(30)

At/...

At the time when these people came marching in my direction is when I noticed that smoke.

K1321

Had the first row of the marchers reached your house when you saw that smoke in that direction? -- They were in the immediate vicinity of the garage before reaching my house.

Did the march pass your house - did the marchers pass your house? -- Yes, they passed my house.

Did they all pass your house at the same pace or not? -- No.

What happened? -- Some at some stage when passing my (10) house were slowing the pace of the march.

Could you see any reason for the slowing down of the pace? -- Yes, I could see the reason as to why they were slowing the pace.

Why? -- There were other people who came from the direction of the post office. That is the opposite direction of these that were passing my house. They appeared to me as if they were also on a march procession.

And what happened? -- The two fronts of the two marches met there and there was some delay after they joined. Then (20) they proceeded.

Why do you say that they - the ones that came from the post office - looked to you as if they were on the march? -- Because they were also carrying cardboard boxes high.

Once they came together, did the march proceed? -- Yes.

In what direction did they go off? -- In the direction of the post office.

Later - did all the marchers go past your house and take the turn towards the post office? -- Yes, that is so.

Did you stay in your house for the rest of the day or (30)

did/...

did you go out? -- I went out during the course of the day.

How long after the march had gone past your house? --  
At about 12h00 midday.

Where did you go to? -- As a result of what I heard  
being said about the people who were killed in the vicinity  
of the bus stop, I therefore came out.

Did you go up to the bus stop? -- Yes, I went up to the  
bus stop.

And did you go anywhere near the place where it was said  
that people had been killed? -- Yes, I did. (10)

Where? -- That is where it was said this person Caesar  
lives.

Did you go there? -- Yes, I went there.

And what did you see? -- On arrival there I found that  
a person who was lying in front of the gate who appeared  
to me as if this person was burnt, is what I found there.  
There was another person in the yard across the street oppo-  
site this house who was also lying there. It was said that  
that person lying in the yard is Caesar.

COURT : Were they both dead? -- They looked dead, yes. (20)

MR BIZOS : Did you see whether any premises had been burnt  
there? -- Yes, this one which was said to be his, was burnt  
out.

Did you see any other - sorry, did you see whether the  
person that was said to be the late Caesar Motjeane, whether  
his body was covered with anything? -- There was a board  
on which it was written put on top of his body.

COURT : What was written? -- Asinamali, Away with rent hikes,  
High rents.

MR BIZOS : Did you during the course of that day see any (30)  
people/...

people roaming the streets near or around the garage? --  
Yes, it was late in the day when I noticed that.

What did you notice? -- I saw people carrying some groceries along the street in which I lived.

What were these? Purchases that they had made at the shops or what? -- It did not look like that as if they had purchased some groceries, because I had some information that certain shops had been broken into.

Did you see any other place or places damaged or burning from nearby or from a distance? -- Yes, I did see. (10)

When did you see that? -- On that same day I noticed some smokes from different places, zone 7 in the direction of Evaton.

When did you notice that? -- At about 13h00 or 14h00.

COURT ADJOURNS TILL 26 APRIL 1988.



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

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