

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

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PRETORIA

1987-11-24/25

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. W. HANEKOM

323

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)

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VOLUME 323

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HOF HERVAT OP 24 NOVEMBER 1987.

FANIE SAMSON MGUDLWA, v.o.e. (Deur tolk)

VERDERE KRUISONDERVRAGING DEUR MNR. JACOBS : Kan u vir die hof sê, toe die mense met die banier daar opgedaag het by die vergadering, op watter stadium van die vergadering was dit? Kan jy onthou? -- Hulle was besig om te praat. Dit was tydens die toespraak dat daardie mense daar gekom het.

Was dit nog voordat die resolusies gestel was?-- Dit is na die resolusies.

Wat het hulle gepraat toe hy daar kom? (10)

HOF : Laat ons net duidelikheid kry daaroor. Kan u net vir my in hooftrekke skets hoe die vergadering verloop het? Net sê wat is gedoen, dan is wat gedoen en dan is wat gedoen? -- Dit was na die resolusie van die wegbly-aksie geneem is.

Ek het vir u gevra, sê vir my hoe het die vergadering verloop in hooftrekke? Was daar 'n openingsgesang, 'n verwelkoming deur die voorsitter of toesprake of resolusies? Hoe het dit verloop? -- Die vergadering is geopen met 'n gebed. Daarna het die voorsitter na die sprekers geroep in volgorde. Na hierdie sprekers nog klaar gepraat het, dié wat die voor-(20) sitter geroep het, was die vergadering dan oop vir die gehoor en die hele gemeenskap daar teenwoordig. Met die gevolg dat die gemeenskap toe deelgeneem het aan die toesprake wat daar gelewer is. Dit was gedurende daardie tyd dat daar 'n sekere man opgestaan het met die oog daarop om iets te sê.

U hoef my nie die detail te gee nie. Dit was nou oop vir bespreking en almal het gepraat. En toe? -- Na dit het die mense met die banier daar aangekom.

En toe? -- Na daardie voorval is iets gesê omtrent die verkiesings van gebied 3. Ek het nie veel ag daarop geslaan(30)

nie/...

nie, want ek het eintlik niks daarmee te doen gehad nie. Na die verkiesings, as ek reg is, is die vergadering toe gesluit.

MNR. JACOBS : Wanneer is die resolusies toe aanvaar? -- Dit was in die middel van die verloop van die vergadering.

Is dit terwyl die vergadering oop was vir bespreking deur die publiek? -- Dit is na almal gepraat het by hierdie vergadering dat die resolusies geneem is.

So, is dit nadat die vergadering oop was vir bespreking en almal toe gepraat het en toe dit afgesluit was, die oop(10) deel van die vergadering, is die resolusies toe geneem? -- Ja, dit is so.

En as jou getuienis reg is, jy het gesê terwyl die vergadering oop was vir bespreking het daardie mense met die vlag daar aangekom? -- Nee, dit is nie wat ek gesê het nie.

Wanneer het hulle dan gekom? -- Dit was net voor die sluiting van die vergadering.

ASSESSOR (MNR. KRUGEL) : As daar van h vlag gepraat word, word die banier bedoel?

MNR. JACOBS : Ek bedoel die banier, ek is jammer. (20)

HOF : Net voor Nkosi? -- Wat gebeur het is die volgende. Die mense met die banier het daar aangekom. Melding was gemaak van die verkiesings van gebied 3. Na die verkiesings van gebied 3 is Nkosi Sikilele toe gesing en dit was die afsluiting van die vergadering.

MNR. JACOBS : Ken jy h persoon met die naam van Esau Raditsela? -- Nee, ek ken nie so h persoon nie.

Die getuienis is dat een van die persone wat saam met die banier daar aangekom het, is Esau Raditsela? Hy was op daardie stadium die waarnemende voorsitter van VCA. (30)

MR BIZOS : Not that it matters very much to this witness, but he was actually the vice-chairman. -- Nee, ek ken hom glad nie. nie. Ek weet nie wat se pos hy beklee het nie.

MNR. JACOBS : Het enigiemand dan, insluitende hierdie persoon wat ek nou aan jou beskryf het as Esau Raditsela of van enige van daardie groep persone wat daar met die banier aangekom het, deel geneem aan hierdie vergadering op enige wyse? -- Nee, ek kan glad nie onthou nie.

Toe hierdie persone daar aangekom het, die banier wat hulle gehad het en daar voor gehou het, het jy gelees daar(10) op dat dit 'n UDF banier was? -- Ja, dit is so. Ek het opgelet dat die letters op die banier is UDF.

Was daar nog letters behalwe UDF of enigiets anders behalwe UDF op die banier? -- Ek kan nie onthou dat daar nog iets geskryf was nie.

Kan u onthou of daar VCA ook op daardie banier gestaan het? -- Ek kan nie onthou nie.

Hierdie resolusies wat daar aanvaar was, hoe was hulle as 'n mosie voorgestel aan die vergadering om aanvaar te word as 'n resoluësie? -- Wat ek kan sê is dat die huur was bespreek(20) op hierdie vergadering. As gevolg daarvan was daar toe resolusies gewees wat uit die besprekings gespruit het.

HOF : Maar gee vir ons 'n bietjie meer konkreet hoe dit was? -- Dit was as gevolg van hierdie bygetelde R5,90 dat ons gevoel het dat dit te veel gaan wees vir ons, dat hierdie resolusies geneem is.

MNR. JACOBS : Miskien kan ek op 'n ander manier probeer en hoor of jy ons kan help. Gedurende die bespreking - laat ek dit so stel, was die resolusies gestel gedurende die vergadering terwyl die vergadering oop was vir bespreking (30) deur/...

deur die publiek? -- Die resolusies was genoem deur h persoon wat by hierdie vergadering opgestaan het en toe gemeld het aan die vergadering dat hy die vorige dag by h vergadering was.

Dit is in verband met die wegbly? -- Ja, dit is so.

HOF : Net die een resolusie of was daar ander resolusies? -- Ja, net die een resolusie het hy van melding gemaak dat dit aanvaar was by daardie vergadering wat hy bygewoon het, dat daar h wegbly-aksie gaan wees op die 3de. Na aanleiding van hierdie wat hy genoem het as h resolusie van die (10) vorige vergadering wat hy bygewoon het, het h ander man toe ook daar opgestaan en die volgende gesê "Wat help dit ons om sommer net weg te bly van die werk af en niks te doen nie?" En toe h voorstel gemaak en gesê wat beter is is dat ons gaan na Houtkop toe waar ons die klagte aan hulle gaan oorgee. Dalk sal hulle genadig wees en simpatie toon.

Kyk, ons het nou - laat ek dit so stel. Daar moet h onderskeid wees tussen h voorstel en h besluit en die woord resolusie is in hierdie saak al deurmekaar gebruik vir voorstel en besluit. h Mens kry h voorstel as iemand voorstel (20) dat die vergadering iets doen, met ander woorde iets moet besluit en jy kry h besluit wanneer die vergadering besluit het dat dit so is. Tot dusver het ek nou twee dinge van u gehoor. Ek het gehoor dat iemand opgestaan het en vertel het wat hy gehoor het die resolusie was, die besluit was van h vorige vergadering. -- Ja.

Was dit net inligting wat hy oorgedra het, was dit h voorstel dat julle vergadering dieselfde moet doen of was dit iets anders? -- Hy het dit net genoem ter inligting by hierdie vergadering van wat gebeur het by die vergadering (30)

wat/...

wat hy te Sebokeng die vorige dag bygewoon het. Dit was nie sy voorstel wat hy oorgedra het aan hierdie vergadering nie.

As dit nou so is, ons weet dat daar uiteindelik 'n besluit was om weg te bly. -- Ja.

Wie het die voorstel gemaak dat julle wegbly? -- Ek kan nie van 'n persoon onthou wat dit voorgestel het by hierdie vergadering nie, behalwe die persoon wat ek alreeds genoem het wat hierdie inligting net aan ons bekend gemaak het wat by daardie ander vergadering is. (10)

Ek kan dit nie begryp nie. Iemand moet dit voorstel aan die vergadering anders kan die vergadering dit nie besluit nie? -- Op dit dan sal ek sê dit kan wees dat daar iets gesê is as 'n voorstel wat ek nie gevolg het nie of waarop ek nie veel ag geslaan het nie.

Deur wie? -- Ek kan nie aan iemand dink wat iets te sê gehad het in hierdie verband voor hierdie persoon wat dit genoem is wat in die ander vergadering plaasgevind het nie.

En na hierdie persoon? -- Na hierdie persoon, het 'n ou man gesê "Wat help dit ons dat ons sommer so wegbly en (20) niks doen nie. Dit is beter dat ons na Houtkop toe moet gaan."

Ja-nee, dit begryp ek. Dit is 'n voorstel om 'n optog te hou? -- Ja, dit is so.

Was dit op daardie stadium toe die ou man dit sê al duidelik dat die vergadering besluit het dat daar 'n wegbly-aksie gaan wees? -- Dit is omdat daardie ou man die voorstel gemaak het oor die optog na Houtkop toe. Almal het gesê "Ons aanvaar jou voorstel van die optog, dalk sal hulle dit beter verstaan." (30)

Nee, u het my nie begryp nie. Ek het vir u gesê - ek het vir u gestel dat dit blyk uit u getuienis asof toe die man die voorstel maak dat daar na Houtkop h optog moet wees, dit op daardie stadium al besluit was dat daar h wegbly-aksie sou wees? -- Ja, dit was al duidelik gewees.

Hoe was dit vir u duidelik? -- Na hierdie man dit oorgedra het aan hierdie vergadering wat gebeur het by die vorige vergadering wat hy bygewoon het en wat daardie vergadering besluit het, in antwoord daarop, onmiddellik nadat hy daardie inligting bekend gemaak het, het die vergadering se toeskouers (10) of die gehoor gesê Ja, dit is reg, dit is so, ons moet maar wegbly. Dit is na aanleiding daarvan dat hierdie man dan h voorstel gemaak het dat daar h optog moet wees deur te sê dat dit nie sal help om net weg te bly van die werk af nie.

Nou wil ek net duidelikheid hê. Ek weet daar was nog ander dinge gepraat later en daar mag ook ander dinge besluit gewees het later in die praterij, maar wat ek vir u wil vra is dit. Kom ons kom terug na die besluit tot die wegbly-aksie. Is die besluit tot die wegbly-aksie lateraan in die vergadering ooit weer gestel aan die vergadering deur (20) die voorsitter wat sê "Kyk, (heel aan die end van al die bespreking) ons het nou h voorstel tot h wegbly-aksie, kom ons stem daarvoor of wat sê julle daarvan" of nie? -- Nee, daar was nie gestem gewees daarvoor nie.

So, van die heel eerste oomblik af tot net dat die man vir julle vergadering vertel het wat op die ander vergadering gebeur het en julle vergadering gesê het "Dit is reg, ons maak so", was daardie voorstel h aanvaarde voorstel, h besluit? -- Ja, dit is so.

Nou die ander voorstel wat nou as voorstel gemaak (30)

is/...

is en dit is dat daar 'n optog sou wees na Houtkop deur die ou man, daardie voorstel, hoe het die vergadering daarmee ingeval? -- Dit was baie goed aanvaar deur die vergadering dat hy so voorgestel het.

Het hulle net nadat hy dit voorgestel het gesê "Dit is reg, ons maak so"? -- Ja, hulle het daar gesê onmiddellik na hy dit voorgestel het "Dit is heeltemal reg, dit is 'n goeie idee. Dalk as ons daarheen gaan in 'n groot getal sal hulle dit beter hoor."

Dus, met ander woorde, algemene instemming is betuig(10) deur die vergadering? -- Dit is so.

Het die voorsitter aan die einde van al die besprekings of op nog 'n later stadium hierdie voorstel aan die vergadering weer gestel en gesê "Kyk, wil julle stel oor die vraag of ons na Houtkop toe moet gaan of nie"? -- Nee, daar was geen stemmery gewees nie.

MNR. JACOBS : Was daar 'n voorstel gemaak dat die vergadering moet besluit dat huur nie betaal sou word nie? Die verhoogde huur nie betaal sou word nie? -- Ja, wat gesê was was dat die R5,90 wat bygetel word by die huidige huur nie betaal(20) moet word nie, maar die normale huur moet betaal word.

Was daar so 'n voorstel gemaak dat die vergadering so 'n besluit neem dat die verhoogde huur nie betaal sou word nie? -- Ja, dit was so gewees.

Kan jy vir die hof sê op watter stadium was dit so voorgestel en deur wie? -- Daar was baie sprekers by hierdie vergadering. Ek kan nie onthou watter een van die sprekers hierdie voorstel gemaak het nie.

Was die voorstel gemaak dan tydens die bespreking terwyl die vergadering oop was vir die lede van die gehoor? -- (30)

Dit/...

Dit was iewers tydens die verloop van die vergadering, daar in die middel, dat hierdie voorstel gemaak is. Of dit in die tyd was wat die vergadering oop was vir die gehoor of net voor dit of net na dit was, kan ek nie sê nie, maar dit was in die loop van die vergadering.

En in hierdie geval, kan jy vir die hof sê, aan die einde van die besprekings was dit deur die voorsitter van die vergadering aan die gehoor gestel dat hulle daarvoor moet besluit en dat daar toe besluit was of was dit nie so nie? -- Nee, ek kan dit nie onthou nie. (10)

Kan jy onthou hoe het die mense gestem vir hierdie voorstel dat die verhoogde huur nie betaal moet word nie? -- 'n Spreker wat 'n toespraak daar gelewer het, het gesê dit is nou baie male dat hierdie huur verhoog is en die huur is nou te veel vir ons, ons kan dit nou nie meer bekostig nie. Toe het hy 'n voorstel gemaak dat die beste vir ons om te doen is dat ons nie die verhoging op die huidige huur moet betaal nie, maar ons normale huur betaal sonder daardie verhoging.

Hoe het die mense gestem? Dit was my vraag? -- Die (20) gehoor was tevrede gewees oor dit wat hy gesê het en hulle het dit goed verstaan.

Hoe het hulle hulle tevredenheid aan die voorsitter oorgedra dat dit nou aanvaar is as 'n besluit van die vergadering as 'n resoluësie? -- Hulle het almal hardop in die saal geskreeu en gesê "Dit is reg."

Is u seker u was op hierdie vergadering gewees? -- Ja, ek was daar gewees.

Jy sien, beskuldigde nr. 10 wat hier voor die hof is, het ook getuënis oor hierdie aspek gegee en hy sê tydens (30) die/...

die besprekings het hy notas gemaak en aan die einde van die besprekings was sy notas gebruik en toe was dit gebruik as 'n basis om elke resoluëie een na die ander te stel aan die gehoor en dat daarso toe vir een-vir-een van hulle om die beurt gestem was deur hande in die lug te steek. Stem jy saam dit is 'n baie verskillende weergawe as jou weergawe? -- Ek het nie gesê dat daar iemand gebruik gemaak het van 'n nota waarvan hy gelees het nie.

En dat dit aan die einde van die vergadering net voor die verkiesing was toe hierdie dinge gedoen was en dat daar(10) toe vir die resoluëies gestem was? -- Nee, ek onthou dit nie so nie.

Jy sien, wat hy nog meer sê is, terwyl die laastes van hierdie resoluëies nou gestel was, het die man met die banier en die mense met die banier daar opgedaag. Terwyl hulle besig was om kort gesprekke te voer oor die resoluëies? -- Ek onthou nie dat daar enige nota gebruik is om van te lees nie.

My stelling aan jou is dat daardie man Esau wat daar ingekom het saam met die mense met die banier, het op daardie(20) stadium gekom en nie nadat al die resoluëies reeds kant en klaar aanvaar was nie? -- Nee, dit is nie so nie.

En wat meer is, daardie man Esau, die man wat saam met daardie mense met die banier ingekom het, het aktief daarna deelgeneem aan die vergadering? -- Nee, ek onthou dit nie.

Want die getuënis van die verdediging is dat beskuldigde nr. 8 wat die voorsitter van daardie vergadering was, het toe vir Esau Raditsela, een van daardie mense wat ingekom het, gevra om die vergadering verder oor te neem? -- Nee, ek onthou dit nie. Ek kan dit net nie onthou nie. (30)

En/...

En wat meer is dat daardie persoon Esau het die verkiesing van daardie gebied 3 se komitee waargeneem. Dit was gemeensaak? -- Ek kan nie onthou nie. Dalk weet ek nie eers wie Esau is nie. As u dit miskien aan my kan verduidelik watter persoon dit is wat u Esau noem. Dalk sal ek iets daarvan kan onthou, maar op die oomblik kan ek niks onthou van hom nie.

Die persoon wat ek as Esau beskryf, die beste hoe ek hom vir jou kan beskryf is dat hy een van die mense is wat daar by die saal gearriveer het op daardie stadium met die (10) banier; dat toe hy gearriveer het, het hy na die verhoog toe gegaan saam met die mense met die banier en hy was op die verhoog gewees? -- Ek kan nie van 'n persoon onthou wat op die verhoog was wat saam met die mense met die banier daar gekom het nie.

En ek wil dit aan jou stel dat daardie persoon het ook daar vir die gehoor gesê dat hy nou net kom van ander vergaderings wat hy bygewoon het en dat op die ander vergaderings waar hy was, was daar ook besluit dat daar 'n wegbly-aksie sou wees en dat daar 'n opmars sou wees, alles op 3 (20) September 1984. -- Kan u my miskien help en vir my sê volgens u inligting wat die man gesê het, waarvandaan kom hy, vanaf watter vergaderings by watter plekke, dalk sal dit my kan help.

Kan jy onthou of die naam Sharpeville genoem was? -- Nee.

En Boipatong? -- Nee.

En Tsirela? -- Nee.

So, jy kan dit niks onthou nie? -- Nee, ek kan niks onthou nie.

Op hierdie vergadering sê jy was daar ook liedere (30)

gesing/...

gesing? -- Ja, daar was liedere gesing daar. Van hulle het ek vir die eerste keer gehoor dat daar so 'n lied was.

En was daar onder hierdie liedere wat gesing was gesing oor Mandela? -- Ja, daardie een onthou ek baie goed.

Jy onthou hom nou baie goed. Wat het hulle gesing, wat gaan Mandela doen of wat doen Mandela? -- "Somlandela u Mandela." Dit is wat hulle gesing het.

Ken jy daardie lied? -- Ek het dit die eerste keer daar gehoor. Daarvandaan het ek toe geleer hoe om dit te sing en daarna is die lied eintlik orals bekend. (10)

Was daar gesing van Oliver Tambo? -- Nee.

Kan jy vir die hof enige aanduiding gee van die ander liedere wat gesing was? -- Ek onthou van hierdie een nog "Senzeni na". Dit is die twee wat ek kan onthou. Die res kan ek nie onthou nie.

Was daar gesing van soldate? -- Nee.

Kan jy nie onthou nie? -- Om eerlik waar te wees, ek weet nie. Dit kan wees dat dit gesing was, maar ek ken nie die lied nie. Ek weet nie. Al liedere wat ek kon onthou is die twee wat ek genoem het. (20)

Is dit ook 'n geval dat jy nie kan onthou dat daar van Oliver Tambo gesing was nie? -- Nee, daardie een was nie genoem nie Oliver Tambo. Ek het glad nie gehoor van so 'n lied nie.

En dan sê jy jy kan ook nie onthou wat is die slagspreuke wat geskreeu was daar nie, hoewel daar slagspreuke geskreeu was? -- Wat is dit wat u noem 'n slagspreuk? Hoe word dit geskreeu? Kan u vir my 'n voorbeeld gee?

Nee, ek kan ongelukkig nie. Weet jy of daar geskreeu was deur die mense met die opsteek van die vuis? -- Ja, (30)

hulle/...

hulle het gesê "Amandla".

Onthou jy dit nou? -- Ja, dit onthou ek.

So, jou getuienis vroeër dat hulle die hand net opgesteek het en dat jy nie kan onthou nie en dat dit stil was toe hulle die hand opgesteek het, is dan nie heeltemal reg nie? -- Ek kan nie onthou dat ek dit direk gesê het soos u dit nou gestel het nie. Ek kon dit miskien op 'n ander manier gesê het, maar nie soos u dit nou stel nie.

Het die mense op daardie vergadering so geskreeu "UDF UDF UDF"? -- Ek kan nie onthou nie. (10)

Kan jy onthou of hulle geskreeu het "Mandela Mandela Mandela", net so? -- Nee, net die lied van Mandela is gesing.

Kan jy onthou of hulle geskreeu het "Oliver Tambo Oliver Tambo"? -- Nee, sy naam was nie genoem nie.

Op hierdie vergadering die verskillende sprekers het aanvalle geloods op die eerbaarheid en aanvaarbaarheid van die raadslede. Is dit reg? -- Ja, baie was gesê oor die raadslede.

Dat hulle oneerlike mense is? -- Ja, wat gesê was, is dat hulle nie in die gemeenskap betroubaar is nie.

Was dit daar gesê dat hulle die "puppets" van die regering is? -- Die woord "puppet" was gebruik gewees. (20)

Was dit gesê dat die raadslede was "sell-outs" van die swart mense? -- Ek kan nie onthou dat die woord "sell-out" gebruik is nie. Wat ek wel kan onthou is dat hulle na verwys is - dat daar na die raadslede verwys is as "mpimpis". Ek weet nou nie of "mpimpi" gelyk staan aan 'n "sell-out" nie.

Wat is 'n "mpimpi"? -- Ek weet nie hoe om dit duidelik te stel nie, maar wat ek wel kan sê is dat dit 'n persoon is wat nie in die gemeenskap betroubaar is nie.

Was dit op die vergadering ook gesê dat die raadslede (30)

is/...

is verraaiers? -- Nee, ek kan nie onthou nie.

En dat die raadslede is deel van die vyand van die swart mense in die woongebied daar? -- Nee, dit was nie gesê nie.

En die mense het kwaad geword van dié dinge wat gesê is van die raadslede? -- Nee, nee, nee. Niemand was kwaad gewees nie.

En is dit nie so dat jy dan alreeds vir ons vertel het h deel van die gehoor was kwaad toe hulle hoor dat daardie ou man wat daar wou praat h raadslid of gestaan het vir die raad, h kandidaat was nie? -- Nee, hulle was nie kwaad (10) gewees nie. Al wat hulle gesê het was dat hy moet staan en praat. Die ander sê nee, hy moet sit.

Was daar nie besluit op die vergadering dat die raadslede moet verwyder word nie? -- Verwyder word? Hoe? Op watter manier?

Ek vra vir jou. Kan jy so iets onthou? -- Verwyder? Dit wil sê dat hulle moet afstaan van hulle posisies af? Of hoe?

Ons het h getuie hier gehad wat vir die hof gesê het daar was op die vergadering bespreek dat die raadslede (20) moes verwyder word? -- Ek weet nie wat u bedoel met die verwydering nie, maar wat gesê was daar was dat die raadslede moet bedank. Ek weet nou nie of dit is wat bedoel word met die verwydering nie.

En as die raadslede nou weier om te bedank, wat dan? -- Dan moet ons nie by die winkels van die raadslede gaan koop nie.

En as dit nie help nie? -- Dit is toe nie verder verduidelik wat dan gaan gebeur as dit nie help nie.

Was daar op die vergadering enigiets gesê omtrent (30)

die/...

die kook en die eet van marog vir manne wat drink? -- Ek kan nie onthou nie.

Julle het verskeie resolusies nou op hierdie vergadering aanvaar? -- Ja.

Was die idee dat hierdie resolusies oorgedra moes word aan die outoriteite by Houtkop? -- 'n Resolusie moes na Houtkop geneem word en nie resolusies nie.

Watter resolusie moes geneem word na Houtkop toe? -- Dat as ons daar in 'n groot getal gaan na Houtkop toe, dan sal dit duidelik word aan die mense daar, die outoriteite, dat (10) die mense nie die verhoging aanvaar nie.

Maar wat moes nou oorgedra word daar by Houtkop? Wat was die idee? Wat het die vergadering daaromtrent bespreek? As julle by die Houtkop kom, wat gaan vir die outoriteite gegee of gesê word? -- Die rede hoekom ons na Houtkop toe gegaan het, was oor die R5,90 en hoekom ons daar was, moes ons daaromtrent gaan praat het en niks anders nie.

Net oor die R5,90? -- Ja.

Is dit so besluit dat julle gaan net daarso praat oor die R5,90? -- Ja, dit is so. (20)

Wie sou die sprekers gewees het daar by Houtkop? Het julle besluit wie sou die skare verteenwoordig? -- Niemand was al gekies om namens ons te praat met ons aankoms daar nie.

Hoe sou dit dan nou gebeur? Hier stap 'n klomp mense Houtkop toe en nou kom hulle daar, wat sou dan verder gebeur het? Dit moes tog beplan gewees het? -- Daar was net een woord gewees. Die R5,90 wat bygetel word, kan ons nie bekostig nie. Dit was al.

Kom ons kry nou duidelikheid. Aan wie sou dit nou (30)
oorgedra/...

oorgedra word?-- Die persoon in beheer van die kantoor.

Watter kantoor? -- Houtkop.

Is dit nou in beheer van die Munisipaliteit, die raad, die swart plaaslike bestuur of van enige ander liggaam? -- Nee, ons wou die persoon gehad het wat eintlik die hoogste gesag is in beheer van die rade.

Wie is die persoon? -- Ek ken hom nie.

Het julle nie bespreek dat 'n petisie opgetrek sal word en daar aan die raad oorhandig sou word of aan die outoriteite nie? -- Ek kan nie onthou dat daar so iets was nie. (10)

Jy sê daar sou net een ding bespreek gewees het en dit is die R5,90 wat julle nie bereid is om te betaal nie? -- Ja, dit is so.

Jy het gesê ook hierso dit was bespreek dat die raadslede moet bedank. Hoe sou dit nou oorgedra word aan raadslede hulle moet bedank? -- Dit is wat ek nie sal kan verklaar nie. Dalk sou dit genoem gewees het aan die persoon by wie ons gaan praat het oor die geld.

Hoe sou dit nou oorgedra gewees het aan die raadslede dat as hulle nie bedank nie, gaan hulle besighede geboikot (20) word? -- Ek neem aan dit sou ook in hierdie voorstel gewees het wat oorgedra word aan hierdie persoon, maar dit was nie by hierdie vergadering genoem wat gedoen gaan word nie.

Jy het ook gesê dit was ook nie die plan om dit te gaan oordra nie? -- Wat te gaan oordra? Oor die raadslede?

Ja? -- Dit is wat ek sê, dalk sou dit genoem gewees het met ons aankoms daar by die kantore, maar voor dit was daar niks daaromtrent gesê nie.

Kan jy onthou dat die raadslede na hulle verkiesing aan die begin van 1984 (Hof kom tussenbei) (30)

HOF : Is u by 'n ander onderwerp?

MNR. JACOBS : Ja.

HOF : Ons sal eers die verdagting neem.

GETUIE STAAN AF.

HOF VERDAAG.

HOF HERVAT.

FANIE SAMSON MGUDLWA, nog onder eed

VERDERE KRUISONDERVRAGING DEUR MNR. JACOBS : Net voordat ek met hierdie onderwerp begin, kan u vir die hof sê het u enige vergaderings van kandidate van die raad in 1983 voor die verkiesing in November 1983 bygewoon? -- Dit is baie (10) lank terug, ek kan nie meer die jaartal onthou nie, maar dit was iewers in die sewentigs dat ek sulke vergaderings bygewoon het van die kandidate. Ek kan nie meer so goed onthou nie.

En nie in 1983 voor die verkiesing in November 1983 nie? -- Nee.

En jy het dus ook direkte eerstehandse kennis of raadslede enige beloftes gemaak het of nie gemaak het nie? -- Wat se inligting?

Enige kennis omtrent beloftes wat raadslede sou gemaak (20) het, direkte kennis wat jy sou gehoor het? -- Ja, dit is so.

Al wat jy gehoor het van beloftes is wat jy gehoor het op die vergadering van 26 Augustus 1984 en wat daar oorgedra is deur die sprekers? -- Ja, dit is so.

Jou dienende raadslid waar jy gewoon het in gebied 7 was dit mnr. Mkhwane gewees? -- Ja, dit is so.

Dra jy kennis daarvan dat aan die begin van 1984 het raadslede en onder andere mnr. Mkhwane-hulle vergaderings gehou in hulle wyk om hulle eerstens bekend te stel aan (30)

al/...

al die kiesers? -- Nee, ek kan nie onthou nie.

En het jy enige vergadering wat hy gereël het daarso bygewoon in die gebied, gebied 7? -- Ek het glad nie 'n vergadering bygewoon nie.

Onthou jy dat dit daar afgekondig was in daardie gebied met 'n luidspreker dat die vergadering sou plaasvind en dat die mense moes kom om ook hulle behoeftes te kom stel by die vergadering? -- Nee, ek het nie daarvan geweet nie.

Dra jy daarvan kennis dat lateraan na die aanvaarding van die begroting in 1984 het die raadslede vergaderings (10) gehou om aan die inwoners te verduidelik hoekom die huur verhoog moet word? -- Nee, ek kan glad nie onthou dat ek so 'n vergadering bygewoon het nie.

Het jy self enige behoeftes gehad wat jy gevoel het moes aangebring word in woonbuurt of gebied 7 waar jy gewoon het? -- Byvoorbeeld behoeftes soos wat?

Enige verbeterings wat in daardie gebied aangebring moes word wat jy gevoel het moet gedoen word? -- Ja, byvoorbeeld die strate, die toestande is sleg.

HOF : Laat ons net duidelikheid kry. Ons praat nou van (20) 1984, hoor? -- Ja.

Staan u antwoord nog? -- Ja.

MNR. JACOBS : En nog? -- Ons het nie bome daar wat geplant is nie. Stoptekens is nie daar nie. Die beligting in die strate is nie daar nie, behalwe by sekere punte waar hoë masligte gebruik word byvoorbeeld dit sal jy vind by die bushaltes en by die koop sentrum.

Nog? -- Ek sal sê dit is omtrent al wat ek kon gesê het.

Stem jy saam om hierdie dinge te verbeter sou geld (30)

gekos/...

gekos het? -- Ja, dit benodig geld.

Stem jy saam dat hierdie verbeterings moes aangebring word dan deur die raad, die swart plaaslike bestuur? -- Nee, daarop kan ek sê dit is lank wat ons die huur betaal dat dit nie aandag gekry het nie. Selfs nou, dit sou nie aandag geniet het nie.

Antwoord nou maar net my vraag. Stem jy saam dat hierdie dienste om dit daar te stel sou moes geskied deur die swart plaaslike bestuur, die raad? -- Ja, ek kan saam met u stem daar. (10)

Stem jy saam dat in 1984 was ook dienste gelewer soos die lewering van elektrisiteit? -- Waar?

In die woongebied, gebied 7? -- Daar is wel elektrisiteit in my straat, maar nie die hele straat, dit wil sê in al die huise van die straat nie. n Gedeelte daarvan het elektriese krag.

En ook die beligting, die hoë masbeligting en by besighede moes alles elektrisiteit gelewer word? -- Dit is so.

Was daar water gelewer in die hele woongebied daarso? -- Ja, daar was. (20)

Was die paaie in stand gehou daar in die hele woongebied destyds? -- Watter jaar is dit nou?

1984? -- Nee, dit is nie so nie.

Verander jy nou jou getuienis, want gister het jy gesê daardie tyd is paaie in stand gehou? -- Ek het nie so gesê nie.

Was daar absoluut niks gedoen aan paaie in 1984 nie?

-- Nee, ek kan nie onthou dat daar iets gedoen is nie.

HOF : Het u nie vir ons vertel van die padskraper nie en hoeveel manne op die padskraper werk nie? -- Ek het (30)

gesê/...

gesê van lankal af voor 1984 was daar 'n skraper gewees wat na die toestand van strate omgesien het. Ek het my nie bepaal op 1984 nie.

MNR. JACOBS : Sê jy nou voor 1984 was daar 'n skraper, maar nie in 1984 nie. Is dit wat jy nou sê? -- Nee, wat ek sê is dat toe daardie woonbuurt begin het in die tyd van die Munisipaliteit waar ons die geld aan die Munisipaliteit betaal het, die toestand van die strate was heeltemal beter gewees, want dit het aandag geniet, maar tot en met die oorneem van hierdie mense wat ons gekies het, dit is die (10) raadslede, het die toestande begin swak word.

HOF : Wanneer was dit? -- Ek kan sê vanaf die begin van die jaar 1984 tot vandag toe. Die toestand van die strate is sleg.

ASSESSOR (MNR. KRUGEL) : Van 1984 af tot vandag toe, het die Munisipaliteit enige geld van jou gekry? -- Ek het nie betaal nie.

En is dit van toe af wat die dienste swak geword het? -- Volgens my siening, is die volgende wat ver wag word.

Die geld wat ons lankal begin betaal het, wat het daardie geld gedoen tot vandag toe? (20)

HOF : Wat is u rede waarom u nie betaal nie? -- Ek betaal die huur want ek het my huis gekoop. Ek betaal die huis af by die bank.

U betaal paaie mente? -- ja.

By watter bank? -- Perm.

Dit is die Permanente Bougenootskap? -- Ja, dit is die Permanente Bougenootskap.

U betaal aan hulle paaie mente, maar u betaal nie vir die elektrisiteit en die water nie? -- Toe ek nog gewerk het het ek daarvoor betaal, maar ek is toe afgedank by die (30)

werk/...

werk. Ek het hulle gaan sien en vir hulle gesê dat ek nou nie meer werk nie. Dus het ek nie geld nie.

Wanneer is u afgedank? -- 25 Augustus 1987.

So, was u op datum tot 25 Augustus 1987? -- Ek was op datum gewees tot destyds toe ek ontslaan is, maar ek het hulle toe gaan sê by die kantore in Houtkop dat ek het nie meer geld nie, ek kan nie meer betaal nie.

MNR. JACOBS : Nadat die mense besluit het op die vergadering van 26 Augustus 1984, het jy die dienste, die Munisipale rekening vir dienste, het jy dit betaal? -- Ek het na dit (10) opgehou.

HOF : Maar hoe begryp ek dan. Het u dan weer begin daarna? -- Ja, so vir 'n kort tydjie, miskien twee of drie maande het ek opgehou na daardie besluit.

En toe weer begin? -- Ja, hulle het vir my 'n briefie daar gestuur om vir my te herinner dat ek nie moet vergeet dat ek daardie huis gekoop het nie.

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Wie het dit vir u gestuur? Die SA Perm? -- Die posisie is so, ek het paaielemente gehad wat ek afbetaal het op die huis, dit is ten opsigte van die Permanente Bouvereniging. (20) Ek het aparte rekenings afbetaal by Houtkop by die Administrasiekantore. Dit is met betrekking tot die rekening van die water en elektrisiteit. Toe hierdie vergadering besluit het oor die betaling van hierdie huurgelde, het ek na dit vir twee of drie maande, na die besluit by hierdie vergadering, nie betaal nie, as gevolg waarvan die Houtkop se mense, die outoriteite daar toe vir my 'n brief geskryf het en my herinner het dat ek nie moet vergeet dat ek daardie huis wat ek bewoon gekoop het nie. As gevolg daarvan het ek toe weer begin betaal. Dit wil sê vir die water en ligte. Daardie (30) rekenings /...

rekenings het ek betaal.

MNR. JACOBS : Ook die verhoogde huur?

HOF : Maar stadig nou. Nou moet ons versigtig wees met huur. Die R5,90.

MNR. JACOBS : Ek sal dan sê die R5,90 ook? -- Nee. My kontrak wat ek geteken het was voor die verhoging van die huur, dit wil sê met die R5,90. Met ander woorde, die R5,90 het my nie affekteer nie. Wat ek bedoel is, toe dit in werking gestel word, sou dit my ook affekteer het, maar dit is nog nie bygetel by my huur wat ek betaal nie. Dit wil sê dit(10) is geskors. Ek betaal dit nog nie tot vandag toe.

Stem jy saam dat vir die verskaffing van hierdie dienste wat ons nou hier genoem het, dit is die elektrisiteit, water, riolering, vullisverwydering, vir al daardie dienste het die raad geld nodig? -- Ja, dit het geld nodig, maar nie die R5,90 nie.

En stem jy saam in die verlede was daardie geld wat jy inbetaal het vir dienste aangewend vir die verskaffing van daardie dienste in die woonbuurtes? -- Vir watter dienste praat u nou van? (20)

Vir die aankoop van elektrisiteit, vir die aankoop van water, vir die verskaffing van water? Mense te betaal en voertuie te betaal om vullis te verwyder? Betaling van die rioleringstelsel? -- Kyk, as dit die geval was dat hy die R5,90 daarvoor nodig gehad het, sou hy al lank daar bygetel het, maar dit is nog nie bygetel nie. Ek betaal nog die oorspronklike bedrag wat ek betaal het voor hierdie onluste. So, die geld was eintlik nie nodig vir hom nie.

Ek wil net nog een aspek met jou behandel en dit is nou op 3 September, die oggend, die bushalte bekend as Masenkeng(30)

is/...

is dit die bushalte van gebied 7B?-- Ja, daar is busse wat daar begin oplaai by daardie punt.

En is gebied 7B se bushalte daar die gerieflikste vir die mense wat in daardie omgewing woon? -- Ja, dit is so.

Jy self woon in daardie gebied 7B en maak gebruik van daardie bushalte? -- Ja.

En is jou huis redelik naby aan hierdie bushalte by Masenkeng? -- Ja.

Jy het ook gesê mnr. Mkhiwane se huis is nie ver van jou af nie. Is dit ook die bushalte vir Mkhiwane se huis?(10)
-- Ja, dit is so.

Hoe ver is jou huis van mnr. Mkhiwane se huis af, die raadslid? -- Dit is in die agterste ry, dit wil sê die huise in die ander straat agter my huis. Skuins agter my huis, die derde huis vanaf die huis wat regoor my huis is na regs.

Kan jy daardie huis sien van jou huis af? -- Ja.

En die Teachers Training College, is dit ook daar naby, naby jou huis? -- Dit is 'n entjie ver, maar nie baie ver nie. Heelwat ver van my huis af.

HOF : Is u aan die ooste- of aan die westekant van Mkhiwane(20) se huis? -- Die huise lê op dieselfde blok, maar die son, as die son opkom, gaan die son tussen die twee huise verby. Mkhiwane se huis, as ek by my kombuisdeur staan is skuins regoor my huis, dit wil sê meer na regs.

Seker nie die hele son nie, maar net 'n sonstraaltjie?
-- Ja, ons kan dit so stel.

Nou wil ek net weet, kyk Mkhiwane se huis noord of kyk hy suid? -- Watter kant is noord soos ek nou hier sit? Ka. sy voordeur is na die noordekant.

En u voordeur? -- Suid.

(30)

Julle/...

Julle agterste drade sou gemeenskaplik gewees het as julle reg langs mekaar was? -- Ja, dit is so.

U is aan sy suidekant dus? -- Ja, hy is aan my linkerkant soos ek nou hier sit. Ek is aan die linkerkant, hy is aan die regterkant. Dit wil sê suid en noord.

Julle is nie in dieselfde blok nie. Daar is 'n straat tussen julle twee? -- Nee, ons is in dieselfde blok. Die enigste verskil is dat sy huis se voordeur na die een straat kyk en my huis se voordeur na die ander straat kyk.

MNR. JACOBS : Die betrokke dag, 3 September, hoe laat het (10) u weer teruggekeer by Masenkeng om daardie persoon af te laai nadat u by Western Area weg is? Kyk u het vroeg die oggend na Western Area gegaan om mense te gaan aflaai en toe het u teruggekom voordat u na die depot toe gaan en u breek gehad het, om dit nou vir u duidelik te maak? -- 08h15.

Toe u daar by Masenkeng kom, was daar mense gewees by die busdepot of busstop? -- Ja, daar was mense gewees wat busse daar gery het wat eintlik op die busse geklim het. Selfs die kliënte wat by my afgeklim het, uit my bus, het in 'n ander bus ingeklim. (20)

Was daar ander jong mense daar gewees in die omgewing toe? -- Jong mense wat busse kom ry het daar?

Of mense gekeer het om op busse te klim? -- Nee.

Jy sien, hoekom ek jou vra is, mev. Mkhiwane het vir die hof hier getuig dat die oggend 08h00, dit is 3 September het sy 'n gerasery begin hoor daar by die bushalte en 'n rukkie daarna het mense wat gegaan het vanaf hulle huise om busse te gaan haal om te gaan werk, het teruggekeer by hulle huise. Kort daarna het daar jong mense gekom wat dan daardie Sebokeng Training College aan die brand gestee het. (30)

Kort/...

Kort daarna het daardie mense van die Training College af na haar huis toe gegaan, dit met klippe aangeval en ook daarna aan die brand gesteek. Nou wil ek dit aan u stel, as u 08h15 weer terug was by Masenkeng dan moes u tog van hierdie dinge gesien het? -- Nee, dit is nie so nie.

Het u nie gesien dat daardie huis van haar daar begin brand en die Training College brand nie? -- Nee.

Toe jy die middag terugkom by jou huis, het jy gesien dat mnr. Mkhiwane en mev. Mkhiwane se huis afgebrand het?

-- Ja, ek het gesien. (10)

Het jy gesien dat ook die Training College gebrand het?

-- Nee.

Het jy gesien dat die biersaal en die bottelstoor daar in die nabyheid gebrand was? -- Nee, ek het dit nie gesien nie.

Het jy dit agterna gesien? -- Na 'n paar dae het ek eers bewus geword van die biersaal, dat dit beskadig is. Dit is die biersaal van gebied 7.

HOF : En die drankwinkel? -- Ek sal sê dit ook ingesluit, maar baie gering. (20)

MNR. JACOBS : Toe jy die middag by die huis gekom het die 3de, het die huis van die Mkhiwane's nog gebrand? Het daar nog rook uitgetrek? -- Nee.

Is daar raadskantore of administrasiekantore in gebied 7?
-- Ja, daar is.

Is hulle baie ver van jou af? -- Ja, 'n hele ent ver van my huis af.

Is hulle naby die biersaal en die drankwinkel? -- Ja, naby daar. Eintlik is dit die biersaal, die winkels en dan die kantore. (30)

Was dit afgebrand? -- Eers na 'n paar dae het ek daarvan bewus geword dat dit ook gebrand was.

Is dit reg, het jy gesê die middag toe jy van die werk af is en van die depot af huis toe geloop het, het jy padversperrings daar in gebied 7 gesien toe jy daar ingegaan het en ook rook? Of het jy nie rook gesien nie? -- Wat ek gesê het is dat ek padversperrings gesien het en rook gesien het by die Indiërs se winkels.

HOF : Net vir duidelikheid. Was die padversperrings en die rook by die Indiërwinkels of was die padversperrings (10) by gebied 7 en die rook by die Indiërwinkels? -- Die padversperrings was in gebied 7 gewees en die rook was by die Indiërwinkels.

Ek wil u net daaroor iets vra. Ken u Vilakazistraat? -- Ongelukkig kan ek nie onthou watter een dit is nie, want die meeste van die strate daar het nie straatname op nie.

Dit is 'n teerstraat wat tussen gebied 7 en gebied 8 lê waarop die bus loop.-- Ja.

Is dit daar waar u die versperrings gesien het of het u die versperrings op 'n ander plek gesien? -- Dit is (20) by hierdie pad wat die busse gebruik.

Dit is nou op die teerstraat? -- Ja.

MNR. JACOBS : Om na jou huis toe te loop soos jy geloop het, gaan jy weer by daardie bushalte by Masenkeng verby? -- Ek gaan naby daardie plek verby om in my huis se rigting te kom.

Daar by die bushalte van Masenkeng, was daar padversperrings toe? -- Waar? In die nabyheid van die bushalte of waar?

Ja? -- Net die pad het die padversperrings gehad. Ek het toe nie verder opgelet of dit nou gegaan het tot by (30)

die/...

die bushalte nie.

HOF : Bedoel u dat die bushalte nie op die pad is nie? -- Die bushalte is uit die pad uit. Dit is af van die ryvlak van die pad.

MNR. JACOBS : Om van daar af in te kom in die pad, was daar versperrings? Dit is waar hy by die pad inkom, die inrypad as jy in die hoofpad inkom? -- Ek het nie opgelet of die inrypad vanaf die bushalte ook padversperrings opgehad het nie, maar wat ek wel kan sê is dat die hoofpad waar die bus moes aangesluit het vanaf die bushalte, dit(10) het padversperrings gehad.

En in gebied 7 het jy daar enige padversperrings gekry? Behalwe dit wat jy nou beskryf het? -- Nee, ek het nie.

Dan net een finale aspek. Jy het gesê ongeveer 11h00 het jy gehoor van die gevegte daardie betrokke dag? -- Ek het gesê kort na 11h00 was dit gewees.

Toe het julle blykbaar buitekant gaan kyk om te sien wat gaan aan? -- Ja, dit is reg.

En van daar af waar julle nou gekyk het, het jy toe rook gesien? -- Ek het rook gesien in die gebied van gebied(20) 13.

Het jy verskeie rookkolomme gesien in gebied 13? -- Net by een plek het ek die rookkolom gesien.

Die rookkolom, was hy taamlik ver van jou af gewees? -- Ja, ver dieper in die gebied, heelwat diep.

Sal jy vir ons kan sê was dit 'n paar kilometer van jou af of hoe? 'n Kilometer of hoe of kan jy vir ons 'n afstand gee? -- Ek is nie in staat om 'n skatting te gaan van hoeveel kilometers dit kon gewees het nie, maar wat ek vir die hof kan sê is dat dit is heelwat dieper in die lokasie. (30)

En/...

En hierdie kolom rook wat jy nou daar gesien het van iets wat gebrand het, het dit n digte rookkolom gemaak daar? -- Ja, ek kan so sê.

En is dit duidelik, maklik opmerkbaar en sigbaar? -- Ja, vanwaar ons gestaan het kon ons sien dat dit n rookkolom is wat opgaan.

En duidelik opgemerk iets het gebrand daar wat hierdie rook veroorsaak? -- Ek sal so sê, ja.

Het julle nie gekyk na die ander dele, die ander woon-gebiede behalwe net gebied 13 daar om te sien of daar nie(10) ook rook is nie? -- Toe ons in die rigting van gebied 12 uitbreiding gekyk het, het ons gesien dat daar ook rook was.

HOF : Waar lê gebied 12 uitbreiding? Is dit tussen Small Farms en gebied 12? -- Ja, dit is geleë tussen Small Farms en gebied 12.

MNR. JACOBS : Is dit ook n distansie weg van waar julle was by die depot? -- Ja, dit is n entjie ver, maar nie soveel dat n mens nie kon sien as daar rook was nie.

HOF : Ek weet waar is die ontwikkelingsraad se kantore van gebied 12 of gebied 12 uitbreiding. Lê dit in gebied 12 (20) of lê dit in gebied 12 se uitbreiding? -- Dit lê in gebied 12.

MNR. JACOBS : Jy is n man wat baie ry en jy ken die distansies goed, is dit ongeveer n kilometer van jou af of verder of nader? -- Nee, dit was heelwat ver, maar ek is nie in staat om vir u te kan sê wat die kilometers was nie.

Dit is die tweede kolom wat u gesien het. Het u nog rondgekyk en enige ander kolomme gesien? -- Nee, ons het nie.

Hierdie tweede kolom wat jy nou net beskryf het, was dit ook duidelik sigbaar en as jy in daardie rigting kyk, dan sien u in die lug die rookkolom? -- Ja, dit was duidelik(30) sigbaar/...

sigbaar.

Dan die derde kolom wat jy gesien het wat jy van vertel het is daar waar die Indiërwinkels gebrand het? Dit is nou later die middag? -- Ja, op pad huis toe toe ek daar verby is.

Het jy daardie rookkolom waar die Indiërwinkels gebrand het, was dit ook n digte hoë kolom wat daar opgegaan het? -- Die plek het vir my voorgekom dat die plek alreeds gebrand het. Die rook was nie so veel gewees nie. Daar was wel rook, maar nie so baie nie. (10)

Kon jy dit duidelik waarneem die rook? -- Ja, so effentjies.

Hoe ver weg van die Indiërwinkels was jy toe jy die eerste keer gesien het daar is rook in die rigting van die Indiërwinkels? -- Ek was heelwat ver, want ek het in die hoofstraat van gebied 7 geloop waarvan ek dan hierdie rook gewaar het wat ook heelwat ver is van my.

As jy nou sê heelwat ver van jou af, kan jy vir die hof net n indikasie gee hoe ver dit was?

HOF : Die hoofstraat wat u van praat, is dit Vilakazi- (20) straat wat ek en u bespreek het? -- Ja. Soos ek daar gestap het, die plek lê skuins links van my ver.

MNR. JACOBS : Was daar geboue tussen jou en waar dit skuins links gelê het? -- Bedoel u terwyl ek nog in die straat geloop het?

Ja, terwyl jy hier loop en jy merk die rookkolom skuins links voor jou, het jy dit agter geboue gesien waar dit daar uitkom of kon jy direk sien waar kom dit uit? -- Daar was huise gewees. Dit is gebied 8 se huise.

En die geval van die ander twee kere wat jy die rook (30) gesien/...

gesien het, was dit ook agter geboue waar dit vandaan gekom het of uitgekome het? -- Ja.

Toe jy hier by gebied 8 en 7 gekom het het jy enige rook gesien in die rigting van gebied 11? -- Nee.

HOF : Kan u net vir my sê, u het ongeveer 14h00 weggestap van die depot af as ek reg onthou? -- Ja.

Hoe lank sou u nou gestap het van die depot af na die huis toe? -- Toe ek weg is van die depot, was dit net voor 14h00 gewees. Met my aankoms by die huis, kan dit wees dat dit na 14h30 was of tussen 14h30 en net iets voor (10) 15h00.

MNR. JACOBS : Dankie, U Edele, ek is klaar met die getuie.

RE-EXAMINATION/...

RE-EXAMINATION BY MR BIZOS: This depot at Sebokeng is it situated in a dip or on a hill or where is it situated? -- This is on a place the surface there is equal, it is not sort of a dip or a hill.

Yes. We will leave it at that.

COURT: Well let us clarify that then. To the west of that depot there is a little stream, is that correct? -- Which is dividing?

No it does not divide anything, just water runs. A water course? -- I do not quite remember, let me think. (10)

Well when you get back home have a good look. Anyway from the depot in the direction of Houtkop it is uphill, is that correct? -- Yes it is.

From the depot in the direction of your house is that also uphill? -- Does the Court mean now when I am walking on feet or what kind of transport am I using going home?

Yes, walking on feet, straight across as you went? -- It is uphill then.

Yes, thank you.

MR BIZOS: Did you vote in the 1983 election for councillors?(20)
-- No I did not.

Why not? -- It was because I felt my going there does not help me in any way.

Why would it not help you? -- That is because the candidates while canvassing for elections to outvote their present council are saying a lot of good things even to an extent of saying that they will see to it that there is no increase.

Yes. Was 26 August 1984, the meeting that you attended, the first time that you heard complaints about councillors or had you heard them before? -- I had long heard about that. (30)

Did/....

Did you believe whether the complaints were correct or not? -- I believed the complaints to be genuine complaints.

I have no further questions My Lord.

COURT: We had a witness in this court who told us that he lives in the same vicinity, the same area or zone where you live and that what struck him on the morning of 3 September was that the buses were quiet as from 06h00. Would that be correct or incorrect? -- No that is not correct.

Yes, thank you. Any questions flowing from those put by the Court Mr Jacobs? (10)

MR JACOBS: No thank you sir.

MR BIZOS: No thank you My Lord.

NO FURTHER QUESTIONS.

JACOB MPASANE TAU: d.s.s. (Through Interpreter)

EXAMINATION BY MR BIZOS: Mr Tau are you 40 years of age? -- Yes.

And do you live at 10299 Zone 7, Sebokeng? -- Yes.

Married and the father of six children? -- Yes.

And up to May of this year were you a clerk employed by Massey Ferguson? -- Yes. Vereeniging, yes. (20)

For how long did you work for Massey Ferguson? -- I was employed there since 1974.

And what formal education have you had? -- I went up to standard six.

Are you the member of any church? -- Yes.

Which one? -- Catholic.

Which congregation? -- Roman Catholic Church, Small Farms.

Yes. You remember 3 September 1984? -- Yes I do.

Is that the day that there was a lot of trouble in the Vaal? -- Yes. (30)

Now/....

Now the Sunday which was one week and one day before the 3rd did you go to church? That would be the 26th but there was an objection.

COURT: Very well, as long as you help me along Mr Bizos.

MR BIZOS: As Your Lordship pleases. -- Yes I did go to church.

Yes, did you perform any function there at the church?

-- I am a secretary to the church choir.

Yes.

COURT: A singing secretary or a non-singing secretary? -- A singing one. (10)

MR BIZOS: I see. Yes, this day, 26 August, did you have any visitors there? Or, I am sorry it is my fault. Were you busy in your capacity as a secretary in relation to any visitors that were to come in the future? I am sorry. -- Yes.

What was that about? Who were you expecting? -- A Roman Catholic choir from Bethlehem.

Free State? -- Yes, from the Free State.

COURT: On that day, expected that day? -- No not on that day.

MR BIZOS: Were they going to come on a future date? -- Some two weeks after that week. (20)

Were you preparing for that visit on the 26th? -- Yes.

And did you stay there after the church service? -- Yes I was present there.

Why did you stay behind after the church service? -- We were busy practising a song in preparation for the coming choir which was going to come in two weeks time from that day.

And did you have any secretarial duties to perform about that? -- Yes.

What time did you leave the church premises? -- Immediately after the practice, at about 14h00. (30)

Were/....

Were you aware of the fact that there was a meeting taking place or about to take place at the church hall? -- I heard people going to the hall saying there is a meeting to be held.

What sort of people did you hear that from? -- The residents of the township.

Did you yourself go to this meeting? -- No I did not.

What did you do at the end of your choir practice and your secretarial duties? -- I went into the township.

COURT: Home? -- No.

(10)

MR BIZOS: You went away from the church premises into the township. After 26 August did you hear anything about what was decided at this meeting, if anything? -- Yes I came to hear about that.

What did you hear about? -- I came to hear that there is a day which was going to be a stay away and which day we are going to use to voice our grievance about the rent.

Was this communicated to you in secret by someone or was it talked about generally? -- This was told to me by a friend of mine, a person with whom I grew up in Evaton.

(20)

Yes. Did you become aware whether you were the only one who knew about this or did other people know about it as well? -- I heard of this from the residents of the township where I live as well.

Did you go to church on the morning of 2 September? -- Yes I did.

Did you see any document or pamphlet on the 2nd? Of September? -- I beg your pardon?

On 2 September, on Sunday the 2nd, did you see any document? -- There were papers which were thrown around in (30)

the/....

the street.

Did you pick it up? -- Yes I picked one of those papers up.

What did it say? -- This was saying parents must go to work and children must go to school.

When? Did it say when? -- Yes it was referring to the day of the 3rd, which was the Monday.

Can you recall if it said anything else, used any particular words? -- No I do not recall seeing any other words.

Now did, was what was on this paper in accordance with (10) what you had heard in your community? -- No.

Had you heard that there would be a stay away on the 3rd?
-- Yes.

Yes. Did you discuss this piece of paper with anybody?
-- Yes I did.

COURT: Was this a pamphlet? -- Yes, the small ones.

MR BIZOS: There is a paper serviette apparently in front of you. In relation to that piece of paper how big or small was it? -- About this size.

About three quarters of the ordinary page. (20)

COURT: Fifteen by twenty centimetres.

MR BIZOS: As Your Lordship pleases. Did you discuss this with anybody? -- Yes I did.

With who? -- Mbuti Mkopane.

Do you see him here? Look around and tell us if you see him here. -- Yes I see him.

Who is he?

COURT: Accused number?

MR BIZOS: 8 My Lord. Yes. Did you know him from before? --
Quite well. (30)

And/....

And did you ask him about this document? -- I showed this pamphlet to him.

And did you discuss it with him? -- Yes.

Can you recall what he said about it? -- Well even though that this happened some time ago but I still remember.

Yes, what did he say about it? -- What he said was this document, referring to the pamphlet, is against us.

COURT: Is that all? -- No that is not all.

MR BIZOS: What else? -- What he said further was that this day of tomorrow which will be the 3rd there is going to be (10) a meeting here at which we are going to form a march to Houtkop.

COURT: Yes, is that all? -- No he further told me that this meeting was going to start at 09h00.

MR BIZOS: Did he, can you recall whether he said anything else? -- No that is all we discussed.

Did this document say who had issued it? -- No there was not signature attached to this.

Or the name of any organisation? -- No.

You told us that you knew Mr Nkopane well, where did you know him from? -- From Evaton. (20)

Did you know whether or not he was an office bearer of the Soweto Civic Association, sorry the Vaal Civic Association, VCA? -- No.

Had you heard of the Vaal Civic Association by 2 September 1984? -- Yes I had heard about that.

COURT ADJOURNS UNTIL 14h00.

COURT RESUMES AT 14h00.

JACOB MPASANE TAU: d.s.s. (Through Interpreter)

FURTHER EXAMINATION BY MR BIZOS: You recall that you told us that on the afternoon, on Sunday the 2nd you heard from Mr Nkopane, accused no. 8, that the stay away and march were on for the next day? -- Yes.

Yes, what did you do after that? -- I attended the singing practice after the church service.

And thereafter? -- I then went into the township with my other people who were in my company, friends. (10)

Who were they? -- Mr Mokati and Mr Ncube.

Is that M-o-k-a-t-i and N-c-u-b-e? -- Yes.

And where did the three of you go or do? -- We went to Mr Mokati's resident as usual because we always go there after church service and be together at his place.

Did you have any discussion as to what you were going to do the next day, the 3rd? -- Yes what we discussed there was that we as parents are also bound to go and show up with the people as we also have grievances.

COURT: That you as parents? -- Yes. (20)

MR BIZOS: What grievance? -- Because of the adding of the R5,90 on the present amount which we were paying as rent.

Did you decide what you would do the next day? -- Yes.

What did you decide? -- That we were going to see the authorities of the township. To go and talk to them about the additional R5,90 which is being added.

And in making the decision to go on to Houtkop the next day did you feel that you would be doing anything unlawful? -- No. I deemed it necessary and right for me to go there.

Did you make any arrangement to meet the next day? -- (30)

Yes./....

Yes.

What was the arrangement? -- The arrangement was that I would come to Mr Ncube, to Mr Mokati from where I and Mokati would then go to Ncube's place from where we will be joined by Ncube in order to go and join the march.

COURT: Where does each of you live? -- We all stay in Zone 7 but Zone 7 is divided into two, there is Zone 7A and B.

MR BIZOS: Which part are you living in? -- Zone 7A.

And Mr Mokati? -- B.

And Mr Ncube? -- Also in B.

(10)

Did you arrange what time you would meet?

COURT: Is it very important what they arranged? Did they not just go the next day and join the march? If so say so?

MR BIZOS: No My Lord it is of some importance because the appointment was not kept and this is why they did not join the march at the arranged place.

COURT: Very well.

MR BIZOS: What time did you arrange to meet? -- 08h30 was the time arranged.

Did you keep the appointment to be there at 08h30? -- (20)

No I was delayed at home.

And at what time did you go to Mr Mokati and at what time did you go to Mr Ncube? -- Although this happened some time ago I would estimate that it was at about 09h30 or 09h45.

COURT: When you arrived at Mr Mokati's place? -- Yes.

When did you arrive at Mr Ncube's place? -- When I came to Mokati's place Ncube was already at Mokati's.

MR BIZOS: And did you and the others go anywhere? -- Yes.

Where to? -- We were on our way to the Roman Catholic Church premises.

(30)

COURT:/.....

COURT: Small Farms? -- Yes.

MR BIZOS: Even though it was after the time that the march was supposed to start? -- Yes.

Why? Why did you go to Small Farms? -- That was because we felt even if we come across this march on its way then we were going to join it wherever we meet with the march.

Did you reach the Roman Catholic Church or its immediate vicinity on the morning of the 3rd, the three of you? -- We went as far as the Roman Catholic Church premises.

Were the people still there? -- No there was nobody (10) there.

On your way to the Roman Catholic Church did you see any obstructions on the road? -- No.

Did you see any ...

COURT: Just a moment now. Going there what route did you take? -- The Masenkeng route.

You struck across the Masenkeng open space? -- Yes but more to the left and not to the right.

Well let us get this clear then. You know the road, the tarmac road which is the bus route which is called Selbourne (20) Road or Nyembezi Road at the stage which passes the Roman Catholic Church? -- If I am not mistaken that is Selbourne Road.

Yes, very well. Did you walk along Selbourne Road? -- Yes.

From where to where? -- Just after passing Masenkeng we then joined into Selbourne Road.

Up to the Catholic Church? -- Yes.

Thank you.

MR BIZOS: Did you see any obstructions on that road? -- (30)

No./....

No.

Did you see any property burning as you were approaching the Roman Catholic Church? -- No.

Did you see any damage to any bus company property at Masenkeng? -- No. To me that place was just as it was before and usually when I pass there.

Do you know a teacher's training college called Venter's? -- Yes I do.

Was that burning in any way or was it damaged in any way as you were near it there? -- No I did not see any difference(10) from it. We did not pass close to it but from the distance where I passed I could not see if there was any difference from the usual appearance of the place.

I think you have already told us when you reached the Roman Catholic Church there were no people there, that the march had left? -- Yes.

And what did you then decide to do? -- We decided that we take a shorter way to go and meet this march somewhere at a certain point by cutting in front of their route which they were following. That is via, through Small Farm. (20)

And did you go along a road or did you go along the veld? -- We were following the shorter routes to the point where we were supposed to meet the march.

COURT: On a road? -- What happened is this, one finds that some of the stands there they do not have a fence surrounding the yard. Therefore we were just walking past such yards up to the point where we reached the post office, not necessarily through the veld or the direct through the road.

ASSESSOR (MR KRUGEL): So did you make for the post office then? -- Yes we went to the post office. (30)

COURT:/.....

COURT: But now I have not got clarity. Do you know a road called Vilakazi Street? -- Yes I remember that road.

It becomes Wessels Mota Road, is that correct? It runs past the BP Garage, also called Moloantoa? -- I do not know what the name of the road is in the vicinity of Moloantoa Garage. I have not seen what the name is there.

Well it is the main tarmac road which runs from the post office up to Masenkeng and it is the bus route. -- Yes.

Now where did you strike that route? -- This Vilakazi Street does it start at Masenkeng or where does it start? (10)

Yes, it starts at Masenkeng. -- We followed the route to Small Farms, that is the Roman Catholic Church road to Small Farms.

Yes? -- When we came at the Roman Catholic Church we went through Small Farms which led us into Zine 12 to reach the post office.

So you did not come onto the bus route at all until you came to the post office? -- Yes.

Yes, thank you.

MR BIZOS: The portion of the tarred road that you saw when (20) you were going to the church was that in any way obstructed?

COURT: Well we have dealt with that, that was Selbourne Road Mr Bizos.

MR BIZOS: As Your Lordship pleases.

COURT: We are now busy with the route from the church to the post office.

MR BIZOS: Now when you got to the post office had the march reached the post office or not? -- No when we came there looking in the direction of the east because we were trying to locate them I noticed that they were heading for this point. (30)

COURT: /.....

COURT: Where were they then? -- They were quite near the post office.

How far is quite near, or how near is quite near? --
About twenty metres.

From you? -- Yes.

And from the post office? -- From the direction in which they came it was about twenty metres.

To where you were or to where the post office was? --
From there to where I was standing.

And where was the post office? -- It was more to my (10)
right as I was standing there.

You were looking east? -- I was facing south.

You faced south? How could you then see the march? --
I came from the northerly direction facing south and the march came from my left which was the eastern side.

Yes. And the post office was on your right? -- Yes.

But why did you not turn to face the march? -- I looked in the direction and saw the march coming.

But you still faced south? -- No, no, no, my body was facing south but otherwise my face was turned in the direc- (20)
tion of the march.

Yes well we will keep it like that. What was the time?
-- 10h15-10h20.

Thank you.

MR BIZOS: The road, the tarred road in front of the post office when you got there was that in any way obstructed, did it have any obstructions on it? -- No it was not obstructed.

As you looked at the march who was at the head of the march, what did you see? -- It was not one person, it was a number of people leading the march. (30)

And/....

And were they holding anything, these people that were leading the march? -- Yes they had with them written cardboard boxes.

COURT: Intact or portions of boxes? -- Some pieces which were torn from a cardboard box were they carrying.

MR BIZOS: And was there anything written on these pieces of cardboard box? -- Yes.

Can you recall what? -- Well even though this happened long ago but if I remember well it was written in three different ways. (10)

What ways was it written? -- I remember one which was written "Asinamale". The other one was written "Away with High Rents". The third one was "Councillors Must Resign".

Did you read on any of these placards any call for violence against councillors? -- No if I had seen something like that I would not have joined the march.

Did you see any placard saying "Kill Mahlatsi and His Brothers"? -- No. If I had seen it then definitely I would not have joined.

Do you recall whether any one of those placards said (20) "Away with Councillors"? -- If I had seen something written in that fashion I would not have joined the march.

The marchers, were they marching quietly? -- No they were singing.

You say they were singing, what were they singing? --
Siyaya e Houtkop.

And this march how big was it when you saw it approaching the post office? -- It was a long march.

And the width, how wide was it? -- This covered the tarred area of the street, the tarred surface. (30)

COURT:/.....

COURT: Looking down towards the march was the marching coming uphill or going downhill? -- I estimate it to be a downhill there.

So the march, you were looking uphill towards the march? -- I would say it is not necessarily an uphill but it is a sort of, the water would flow in my direction if water was to be there.

Thank you.

MR BIZOS: Do we understand you correctly that it is not a sharp incline or decline, it is .. -- Yes. (10)

Yes. Well did you join this march? -- Yes I did join the march.

Were you still with your friends? Mr Mokati and Mr Ncube? -- Not at the same spot when we joined the march, no at different points.

Oh did they also join the march but at different points? -- Yes.

Along the length of this march can you give His Lordship some idea how far back or how much towards the front did you join the march? -- I was in the middle. (20)

And when you joined the march did you start singing as well? -- Yes I also sung.

What were you singing? -- Siyaya e Houtkop.

Okay. As you were marching along did you have to go over obstructions like big rocks and stones and tyres and other debris or did you march comfortably on the tarred road? -- No.

Were there any obstructions on the road? -- No not at that time.

When you were in the vicinity of the post office did you see anyone either damaging or attempting to damage the post office?/.... (30)

office? -- No.

As you were proceeding along were there people joining the march? -- Yes there were.

Did you see anyone being forced to join the march? -- No nobody was forced to join the march.

Do you know Hunter's Garage? -- Yes I do know.

Yes. What happened when the march was at or near Hunter's Garage? -- What I noticed was the march took a slow pace. When it was about to come to a standstill at the portion where I was I then heard shots fired from guns, which made some noise. (10)

When you heard the guns were the people still singing? -- No it was quiet then.

And what happened as soon as you heard the noise from guns? -- The march dispersed.

What did you do? -- I had to run for my safety as well, to go and find a place to hide in order to be safe.

Where did you hide? -- I went into a certain house.

Did you see anybody there that you knew? -- No. I found a person lying there. This person was shot at the buttocks.

Did you stay in the house for long? -- It was not very (20) long. I cannot give an estimation because I did not have a wristwatch.

Could you see what was happening outside the house? -- Yes we looked through a window.

Who is "we"? -- Myself and George.

Who is George? -- Ncube.

COURT: That is the gentleman already mentioned? -- Yes that is the gentleman who was in my company earlier.

MR BIZOS: Did he also take shelter in the same house? -- Yes.

What was going on outside? -- The firearms which (30) were/....

were firing shots in the direction in which we ran which was the westerly direction.

Did things quieten down eventually? -- Yes.

What did you do? -- We then thought it wise to go back home.

Is that you and Mr George Ncube? -- Yes.

What route did you follow home? -- The same route that we followed in order to join the march is the route we followed on our way back.

On your way back did you see any ... (10)

COURT: Just a moment now. It would have been easier for you to just go through Zone 11 would it not? -- Yes that is quite so.

Now why did you not go through Zone 11? -- We were walking along the inside street which is running parallel with the tarred road in the direction of the post office which street is in fact in Zone 11.

Yes but why did you not go through north-east through Zone 11? -- It is because we thought well we can go through Zone 11 but at the end of Zone 11 there is an open veld (20) and in that open veld we can easily be cornered and therefore felt to go through the houses.

But it was quite a roundabout way? -- Not much.

Yes, thank you.

MR BIZOS: Who did you feel you would be cornered by? -- The people who caused us to disperse with guns are the people we thought may corner us again.

When you were watching from the house in which you had taken refuge did the people who had dispersed you choose the people they tried to disperse or did they try to disperse (30) everybody/....

everybody in front of them? -- They were dispersing whatever is a person there at random.

On the route that you took on the way back did you see any obstructions on the road? -- Yes.

What sort of obstructions were there in the road after the dispersal of the march? -- Stones were on the road.

Did you see any damage ...

COURT: Just a minute. Where did you see the stones? -- On our way back along the inside street of Zone 11 which is running parallel with the Hunter's Garage tarred road at some (10) crossing streets, which is streets crossing this very street and the Hunter's garage road, at those intersections we could see that there were road obstructions there.

MR BIZOS: Were they already there or did you see anybody putting them up? -- On our way back the stones were already there. I did not see the stones being put there.

On your way back did you see any property that had been damaged or being damaged or on fire? -- I noticed some smoke in the western direction.

COURT: In what zone? -- It looked as if this was in Zone 13. (20)

MR BIZOS: What sort of smoke did you see? -- I only noticed that there was a big smoke there.

As you were going along ...

COURT: Just a moment. Do you know where the administration offices of Zone 13 are? -- Yes I do know where the offices were.

Now in relation to those offices where did you see the smoke? -- When I saw this smoke while we were walking away in a western direction I thought perhaps this was at the shopping centre.

(30)

Just/...

Just a moment Mr Bizos, let me just orientate myself. How far is the shopping centre from the administration offices, the administration board offices? -- If I were to estimate the distance from what point, being where myself?

Being at the administration offices looking towards the shopping centre? -- I am not quite certain but I estimate it to be 25 to 30 metres.

So it is very near? -- Yes.

Yes, thank you.

MR BIZOS: Could you give His Lordship some idea of the (10) time when you saw this happening after the march had been dispersed? -- If I was to estimate time I would say it was about quarter past or half past eleven.

On your ...

COURT: You did not have any watch? -- No.

MR BIZOS: On your further way home did you see any other property being damaged or having been damaged, any smoke columns? -- Yes I saw them.

Where did you see others, as you were going along? -- That which I can say I saw clearly was in Zone 12. (20)

What did you see in Zone 12? -- The shops and the bottle-store were on fire.

Yes, did you see ...

COURT: Are the shops and the bottlestore near the administration board's offices? -- Yes, oh yes they are just quite near there at that same area.

Near Jackpot Fish and Chips? -- I do not know the names of the cafes in that area of Zone 12.

I thought I had struck the jackpot but I did not. Yes, thank you. (30)

MR BIZOS:/....

MR BIZOS: Anything else that you say that you can remember and that you ... -- I think the last I saw which was on fire was the Indian centre in Small Farms in the vicinity of Zone 7 and Zone 8.

Yes. When you say the Indian centre ...

COURT: It is virtually on the border between Small Farms and Zone 8? -- Yes.

Just to the south of the Roman Catholic Church? -- Yes.

Yes, thank you.

MR BIZOS: Is that a collection of shops owned by indians? (10)

-- Yes.

COURT: What was the question?

MR BIZOS: It is a collection of shops owned by indians? Now before the dispersal of this march and before you saw this smoke all over the place did you expect any trouble to break out on the ...

COURT: May I just ask a question now before we get to this aspect. After the march was dispersed and you had emerged from your place of hiding did you go home as soon as possible and as fast as possible or did you waiver along the way? (20)
-- I was hurrying home although I was not running, but I was in a hurry to reach home.

Now how long do you think did you hide? -- I can estimate that to have been about fifteen or twenty minutes that I was hiding.

How long would it take you to reach your home by this route? -- About forty to fifty minutes is my estimation of time.

Yes, thank you.

MR BIZOS: Before the dispersal of the march and before (30)

you/....

you saw these places smoking did you at the time that you joined the march, up to the time that you joined the march, expect any trouble to break out on the morning of the 3rd? -- No I never thought of any trouble.

My Lord I want to confess to Your Lordship that I would have thought that by this stage we could at least have agreed to differ that there were legitimate grievances between the state and ourselves in the Vaal in 1984 but judging by the previous witness' cross-examination I am compelled to ask this witness a couple of questions in that regard. (10)

COURT: Yes certainly.

MR BIZOS: Did you vote at the 1983 elections? For the councillors? -- No I did not vote.

Well would you like to tell His Lordship why not, as briefly as you can? -- I do not know how to explain this really, why and how it happened that I did not take part in the votes. We came to know that there was going to be some elections to be held and therefore people are going to vote and our area, which is referred to by the witness as a block, which was being led by Mr Mohajane, did take part (20) in the votes. We did not come to know when it was. We only heard later that Mr Mohajane has been re-elected.

COURT: Just spell Mohajane?

MR BIZOS: I have it, M-o-h-j-a-n-e.

COURT: H-a-j-a-n-e?

MR BIZOS: H-a-j-a-n-e.

COURT: Yes. Now could I just get clarity. Mr Mohajane was he a candidate in the elections? -- Yes.

Did you vote for him? -- I would not vote for him.

Did you vote against him? -- No maybe those who (30)
voted/....

voted for him are those who were receiving blankets. You see because there are people who received some blankets in order to take part in the votes.

Yes but I am not asking you that. I am merely asking you whether you voted for him or against him. If you did not vote you just say I did not vote. -- In our block, that is the ward in which he was, the day when they were saying there were votes he called a meeting to his committees saying that he has been elected already.

Yes well were you on his committee? -- No I was not (10) on his committee, I was just living in the ward which he represented which is a Sotho area.

Now what did this have to do with you? -- No but we wanted to come and vote for somebody else to be elected there amongst them.

Well why did you not go? -- It is because on that day which we were supposed to vote this man was already elected.

Yes, thank you.

MR BIZOS: Was this the first time that he was elected councillor in your ward? -- I took part in 1977 when we elected (20) him and this was the second time that I was going to take part in the elections when he announced that he was already elected.

Well when you elected him in 1977 did he make any promises? -- Yes.

What were the promises that he made? -- He promised that he was going to have lights fitted there in that area and he promised that he was going to better the condition of the streets. He promised that he was going to have nice parks for our children as playgrounds. (30)

Any/....

Any other promises that you can remember? -- Well the other thing is that you see in 1983 when we went there to vote he had elected himself.

COURT: Was there another candidate in 1983? -- There was quite a number of them. I just cannot remember what their names are, who were standing as candidates.

No, no, in your ward, in your ward? -- Yes.

Yes thank you.

ASSESSOR (MR KRUGEL): Would you like to vote for any one of those other candidates? -- Yes. (10)

COURT: For which one? -- Their names were made known to us and because of the fact that this was some time ago I have just forgotten what their names were at the time.

ASSESSOR (MR KRUGEL): But why did you not vote? -- I think the court will understand what my point is. The day of the elections when we went there to vote this man informed us that he has been already elected.

COURT: But I thought you told us that he informed his committee that? -- Yes what happened is this, the day of the elections he made this known to his committee at the table there (20) that he has already been elected. As a result of which then we felt it was useless going on with the elections if this man says he is already elected. Therefore I did not take part in the votes.

ASSESSOR (MR KRUGEL): But it is not for him to say he is elected, it is for the residents to say who they elected. Not on the day of the election. -- Well that is what he said to us, the community in that ward.

And what did the other candidates say? -- Well they do not, they did not even ask a question as a result of that. (30)

In/....

In fact they decided not to take part in the elections anyway.

MR BIZOS: If I may say in square brackets My Lord that there were instances where the nominations were declared ...

COURT: Null and void.

MR BIZOS: Invalid for, because the reference book number of various individuals proposing them were not given and things like that. We have some instruction in regard to that. I do not know if it happened in this particular case. It may explain the ...

ASSESSOR (MR KRUGEL): So it would appear as if he was (10)
elected unopposed?

MR BIZOS: It may be, it would be consistent with what the witness is saying, with a number of these people having been, but I am not, I do not remember my instructions relating to this particular ... You told us you voted for him in 1977. Was there any problem with people who could or could not afford to pay their rent on time? -- Yes there were people who were experiencing that kind of problems.

And what would happen to their houses if they did not pay on time? -- Their houses were being locked. (20)

Did Mr Mohajane say anything about that during his election campaign in 1977? -- He said that he was going to assist the people whose houses were being closed, that is locked.

After his election did anything happen to your house?
-- Yes.

What? -- My house was locked.

And what happened to your family? -- They had no place at which they could spend the night which therefore meant that I must go and speak to Mr Mohajane. (30)

Did/....

Did you go to speak to him? -- Yes I went to his house.

Did you speak to him? -- Yes I spoke to him.

Did you get any assistance? -- No I did not get any assistance from him.

Did you know Mr Mohajane before he became a councillor?

-- Yes.

Did he hold any, before he became a councillor did he hold any position in the community? -- He was a member of a school committee known as Tlholo, which school is not far from me, that is from my house. (10)

COURT: Can you spell that? -- T-l-h-o-l-o.

Is that the name of the school? -- Yes, it is Tlholo Higher Primary.

MR BIZOS: In your opinion did he do good work and did you respect him for the community work that he did? -- Quite so, yes.

Was he approachable to people? -- Quite well, yes.

Did you notice any change when he became a councillor to his ...

COURT: When did he first become a councillor? -- In 1977. (20)

MR BIZOS: After his election did he remain the same, approachable and helpful person? -- No.

Was he a rich person before he became a councillor? -- No that I would not know exactly whether he was or not because I did not know what his financial background was.

And after he became a councillor? -- No I do not know what his property is nor do I know what his finance is and I do not have an idea of his riches.

I see. Did you know anything about the VCA? Or the Vaal Civic Association? -- All I knew about it is what I read (30)

from/....

from the newspapers.

Had you read anything about it before 3 September, the day of the march? -- No. During this period of the 3rd, round about there I did not read about it because perhaps that I did not have money to buy the newspaper in order to read about it.

Yes. Did you ever become a member or did you ever attend any of its meetings? -- No.

Thank you My Lord. My Lord whilst I am on my feet obviously My Learned Friend is not going to finish the cross-examination of this witness this afternoon. Could we have (10) an indication from Your Lordship how Your Lordship wants to deal with the question of bail?

COURT: Well whenever it suits you Mr Bizos. I would just not like to terminate or break the evidence of this witness in the middle. If possible we could first finish his cross-examination and then have the bail application. Are you going to take it yourself?

MR BIZOS: I will take the bail application but I have arranged for two of my colleagues, Mr Tip and Mr Marcus, to be here.

COURT: Well maybe you can ask Mr Jacobs how long he will (20) be with this witness and then you will have an indication of when we can start.

MR BIZOS: Well perhaps we should really plan for about 11h00, if Your Lordship wants to take the cross-examination.

COURT: Well I think we should dispose of this witness, it is fairer to him. The bail application may take some time.

FURTHER DISCUSSION ON BAIL APPLICATION.

COURT ADJOURNS UNTIL 25 NOVEMBER 1987.

C.1051

COURT RESUMES ON 25 NOVEMBER 1987.

MR JACOBS APPLIES TO HAND IN FURTHER STATEMENT BY

(30)

CAPTAIN/.....

CAPTAIN F.P.R. BOTHA.

MR BIZOS HAS NO OBJECTION TO THE HANDING IN OF THE STATEMENT.

MR BIZOS APPLIES FOR BAIL IN RESPECT OF ACCUSED NOS. 19,
20 AND 21.

C.1052 MR FICK OPPOSES APPLICATION FOR BAIL ON BEHALF OF THE STATE.

C.1053 MR BIZOS REPLIES TO STATE'S OPPOSITION.

COURT: I reserve my judgment on this bail application. We
can now continue with the cross-examination of the witness.

WITNESS NOT IMMEDIATELY AVAILABLE.

COURT ADJOURNS UNTIL 26 NOVEMBER 1987.

(10)

DELMAS TREASON TRIAL 1985-1989

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