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SAAKNOMMER: CC 482/85

DELMAS

1986-03-10

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST E

ASSESSORE: MNR. W.F. KRUGEL

PROF. W.A. JOUBERT

NAMENS DIE STAAT:

ADV. P.B. JACOB

ADV. P. FICK

ADV. W. HANEKOM

43

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

COURT RESUMES ON 10 MARCH 1986.

MR TIP: My Lord the position this morning is that two further documents have been submitted to Mr Fick for the State for the State's consideration. Again with a view to eliminating any minor differences before the documents are handed in to Court. We have reached the state also in relation to the further matters that documentation and office bearers of the various organisations, where it is necessary for Mr Fick and I really to spend quite a lot of time together. I have discussed it with him and he is the process of converging our times. It (10) is going to take, I imagine, a fair amount of both our times together but in the course of that we will nevertheless submit admissions as

COURT: Now when will you start sitting together and not getting up until it is finished?

MR TIP: My Lord that might be difficult because of our respective responsibilities in court, but Mr Fick is waiting outside the door for me at present and I am going to join him immediately after this report to Your Lordship, for as long as we can. (20)

COURT: Yes, as far as I am concerned it is quite important to the case itself that we get clarity as to what is agreed upon and what not so that we can cut out a lot of evidence which might eventually turn out to be unnecessary. Also in these witnesses which are being led.

MR TIP: As Your Lordship pleases. That is our respectful intention as well, to eliminate what can be eliminated.

COURT: Very well, will you give me a progress report tomorrow morning again. Thank you.

LUMA MAHLATSI: d.s.s. (Through Interpreter) (30)

FURTHER CROSS-EXAMINATION BY MR BIZOS: Reverend Mahlatsi you
in/.....

in your evidence spoke of two house meetings? -- That is so.

Now as these meetings took place a long time ago do you remember whether perhaps there were more meetings and that you had fused, that you had fused what in fact happened into two meetings although there were more? -- That is so.

Put! / Because I am going to put to you that there were in fact four meetings. Will you accept that? House meetings. -- I remember only the meetings I made mention of in court. The others I cannot remember.

Yes. Because I am going to put to you that there was (10) a meeting on 14 August, a meeting on 16 August, a meeting on 21 August and a meeting on 23 August 1984, house meetings. -- I remember the two meetings, that is for a meeting which was held on the 16th and on the 24th.

Yes. Well anyway you have already told us that it is possible that you have fused four meetings into one and you cannot really remember the precise dates.

COURT: Is it put that he was present at all those meetings?

MR BIZOS: He was present at all four My Lord.

COURT: Yes. -- In view of the fact that it is being put (20) that I was there too in those meetings maybe if the defence could just give me a light as to what was discussed in the other meetings I may remember.

MR BIZOS: Yes well what I am going to put to you is that actually the matters which you have given evidence about and some of the additional things that I am going to put to you and some of the things that the accused dispute all happened during four meetings and not only at two meetings. But we will come, I do not think it really matters very much at which meeting what was said. But that is for the sake of (30) clarity that there were four meetings at which you were present.

-- Well/....

-- Well that is the way you put it to me.

Well what do you say about it? -- The way you are putting it to me I do not agree with you because I cannot remember the other meetings. If I remembered anything about those meetings I would have mentioned that.

Yes, very well. Let us deal with the first meeting at which you were. Could you please tell us how many, if any, of the persons present were members of the VCA as far as you are concerned? -- With reference to the first meeting is that what you want to know? (10)

Yes. -- A person I knew there, the first person in that meeting was Mr Vilakazi.

That is accused no. 10? -- Yes.

Now the question was how many of the persons at the first meeting had you known as members of the VCA? -- I knew only Vilakazi because he is the person who invited us to attend this meeting.

Right. But now would it be correct that you did not come there alone but that you came with approximately five of your neighbours? -- That is true. (20)

And the other people present there were they people of the neighbourhood? -- That is so.

Yes. So it would be quite wrong then to describe this house meeting as a VCA meeting because really accused no. 10 admits taking the initiative, Mr Vilakazi admits taking the initiative in order to call the neighbours together on this issue of rent. -- That is so.

Yes and this was

COURT: Are agreeing with the second part or the first part, or with both? The first part is it is not a VCA meeting, (30) the second part is no. 10 called the neighbours together on the/.....

the rent issue. -- In my answer to this question what I am explaining on that is that it was my first time to come to know about VCA and it was explained to me or to us by Vilakazi that this was a meeting and he invited us to a meeting.

MR BIZOS: Yes, you were not a member of the VCA and your neighbours were not members of the VCA because you were chosen? -- That is so.

And you do not know whether the other neighbours that had been invited by Mr Vilakazi, accused no. 10, or any other neighbour had invited any other neighbour were members of VCA? (10)
-- I did not know about them as well except that I knew about Vilakazi.

Yes. And would it be correct to say that this was an informal meeting, you did not have to stand up and speak, you did not always speak through the Chairman, it was an informal house meeting? -- On that I will say the Chairman was Mr Vilakazi and in that case then if a person wanted to say something you were to get permission from him.

But would you agree that it was an informal meeting? -- Yes I agree with that. (20)

Yes. Now in your evidence-in-chief you referred to an unknown man. Is it because you had forgotten the name? Was this Mr Kobe Chibase.

COURT: Corbet, C-o-r-b-e-t?

MR BIZOS: I have it as K-o-b-e, the first name, and then C-h-i-b-a-s-e. Is he the person that you referred to as the unknown man? -- I know Chibase.

Does he live in the same area as you? -- That is so.

COURT: So this was not the unknown man? -- No this was not.

MR BIZOS: Was it Mr Kobe Chibase that related the experience (30) of the councillors meeting at the school? -- No to be honest

I cannot remember whether he is the person who made mention of that talk.

I see. But you would not be able to deny that it was Mr Kobe Chibase? -- I will not deny that because he was also present.

put. | Right. Do you recall whether Mr Esau Raditsela and Miss Edith Lethlake and Mr Matlole, accused no. 17, made a brief appearance at the first meeting? -- I do not quite remember whether they did show up for a short while.

COURT: Is that put?

(10)

MR BIZOS: It is put, yes. And their concern was that the Zone 7 people had difficulties in finding a venue for a meeting. My Lord the, it was a strange figure on my instructions, it could be either a seven with a cross or a, a continental seven or a three.

COURT: Yes, so what you are putting is their concern was Zone 3 people had difficulty

MR BIZOS: Had trouble in finding a venue. -- Yes I am aware of that, it was mentioned, I heard of it. All I cannot remember is whether it was uttered by Raditsela or Mr Vilakazi. (20)

Yes. Do you recall

COURT: Mr Vilakazi is accused no. 10?

MR BIZOS: 10 yes. Do you recall whether at this first meeting there was any talk of a meeting being held in order to formalise the situation into an area committee or not? -- No I cannot remember that.

Do you recall whether accused no. 10, Mr Vilakazi, was deputed to look into that and to find a venue for a residents meeting, or call it a mass meeting if you like? -- Yes I do remember that being mentioned that someone will have to try (30) and find a venue for a meeting, although I cannot remember and say/.....

say with certainty whether that was Mr Vilakazi or someone else. But that talk was mentioned.

Yes. Do you recall that once it was agreed in principle to hold a residents meeting that it was suggested that Lord McCamel should be asked to preside over the residents meeting? -- That I do remember because it was mentioned in Zone 7.

Yes. And ...

COURT: It was mentioned in? -- In Zone 7.

MR BIZOS: To preside at the meeting? -- What I mean is at a meeting which was held in Zone 7 it was said that he was (10) going to chair the meeting, that is the meeting which will be held on the 26th.

Yes. And was there talk about Zone 3 also wanting a mass meeting? -- Yes we wanted to hold a meeting in Zone 3 but because of the lack of a venue we then agreed that we are all going to hold one meeting, that is Zone 3 and 7, at Small Farms.

Yes and that you would ask the Zone 7 people to share their venue with you? -- That is so.

Yes. Do you recall that one of the persons there pre- (20) sent, unfortunately I only have his first name, Lukas? -- No I cannot remember him.

Yes, well perhaps if I tell you what he offered to do you might remember him. You remember him saying that he was either, that he either himself was a printer or he was working at a printer's shop? -- No I cannot recall that.

You cannot recall. And that he offered to print some pamphlets advertising the proposed meeting? -- To be honest I cannot remember. All I remember was that Esau Raditsela is the person who offered that he will be the person who will (30) have to do with the printing of the pamphlets.

But/..... /

But you cannot deny that Lukas made this offer? -- I cannot deny that because he is the person who knows about that.

And in fact because of the uncertainty of the meeting he said that he would leave the venue blank and then the people would fill it in before the pamphlet was distributed. -- No I cannot quite remember.

And you cannot deny it? -- I cannot deny it because it comes from the defence.

No the mere fact that it comes from the defence does not mean that you have got to admit it or deny it. I am sure (10) that His Lordship wants to hear from you what your recollection is and if you cannot remember you cannot remember.

Similarly His Lordship will no doubt permit me to tell you that you do not have to say anything because it comes from the State.

COURT: Well we can take it one step further. Counsel for the defence does not necessarily believe everything he puts to you. What he puts to you he has heard from somebody else and that somebody else may not necessarily be correct.

MR BIZOS: As Your Lordship pleases. Now I want to deal (20) very briefly with what Mr Vilakazi, accused no. 10, said as to the purpose of the meeting. You recall that he said that since another rent increment had been announced various people came to his house to ask for his advice. Do you recall that? -- That talk I do not know about.

Do you not remember it? -- No I do not recall that.

Well did not accused no. 1 explain why he had called, I beg your pardon accused no. 10, Mr Vilakazi, explain why the meeting had been called together? -- He did give a reason as to why he called that meeting. The reason was, according (30) to him, the increased rent was going to be discussed there

and/.....

and he did not say that people were coming to him in connection with that for some advice.

Well let me try the next bit. Do you recall him saying that it would be, in his opinion, better if an area committee was formed, elected by the people so that they could deal with their problems? -- That I remember. In fact we had already taken a decision about that. It was going to be held, that is the election, at Small Farms on the 26th.

I am still at the first meeting. Is that where you say you took the decision? -- No it is not in that meeting. (10)

Well which meeting do you say it was? -- It was a meeting which was held in Zone 7.

Not at no. 10's house? -- No.

Well I am going to put to you that you are confused as to what happened at what meeting. -- In other words do you mean that I have confused things?

Yes you have confused what was said where. And you have already admitted this earlier this morning. -- Oh I will agree with that then because I was relating about what had happened as far as I can remember happened. (20)

Do you recall that at the first meeting it was anticipated that the residents meeting would be held on the 19th of August 1984? -- No I cannot remember that.

Do you recall whether anyone was specifically deputed to find a venue for a residents meeting on the 19th? -- Yes that I recall.

Yes. Do you recall whether there was any report back shortly after the first meeting, at the second meeting, that it was not possible to find a suitable venue for a residents meeting to be held on the 19th? -- That was not reported (30) back at a meeting. I got that from Mr Vilakazi where he was telling/.....

telling me that a venue could not be found.

Do you recall that there was a second meeting at which there was a report of what had happened on the matters that had to be done and decided on at the first meeting? -- No I cannot recall.

Do you recall that there was a second meeting on 16 August 1984? -- I believe from what you are putting to me that the meeting referred to is the one I have made mention about that I attended on the 16th.

The meeting that you attended was Strike Vilakazi there? (10) Strike Vilakazi, not accused no. 10? -- No I do not know that person.

Yes. Strike Vilakazi My Lord is Maxala Simon Vilakazi who is accused no. 18.

COURT: No. 18.

MR BIZOS: Accused no. 18 My Lord. Do you recall whether ...

COURT: Could no. 18 stand up please. Do you recall him being there? -- No I do not know him.

MR BIZOS: Do you recall whether Dorcas Raditsela was at the second meeting? (20)

COURT: Now could we just get clarity Mr Bizos. He is talking about the meeting on the 16th which was the first meeting and you are calling it the second meeting. Now would you ask him about the 16th or about his second meeting because his second meeting is now going to be the 24th.

MR BIZOS: I see. Well in view of the dispute I will try my best ...

COURT: Is it really very important this, because I was wondering if there is not going to be anything that arises from it whether you cannot skip it. (30)

MR BIZOS: Well My Lord I would be quite happy to do that but

I do not want to be, I do not want any of the accused to be cross-examined at length. These matters are alleged in the indictment in a narrative form and I do not want a situation, I agree fully with Your Lordship but I do not want a situation to arise that an accused goes into the witness box, as in this particular case, where in the indictment it is alleged that Strike Vilakazi was present and he says that he was not. So I am concerned that we should not, but I will try and cut it short.

COURT: Yes, now you were last at Dorcas and (10)

MR BIZOS: Do you recall whether Dorcas

COURT: Well are you going to put it at his second meeting or at your second meeting?

MR BIZOS: Do you recall Dorcas being there together with, perhaps, together with Mr Strike Vilakazi, accused no. 18, at any meeting? I think that that may get us somewhere. --
-- No I cannot recall that one.

Yes. Alright. Do you recall whether at any meeting Mr Kobe Chibase suggested that a tent should be pitched at his house for the residents meeting to take place? -- Yes that (20)
one I do remember. That was because of the lack of the venue.

COURT: Do you remember Mr Kobe Chibase saying that? -- Yes
I do.

MR BIZOS: And do you recall that you yourself were concerned with this question of venue because you suggested that the South African Theological College of Independent Churches should be used as a venue? -- Yes I did say that. After this report that there was a lack of venue and this man suggested putting up a tent. Then I suggested to go and try those people there. (30)

Yes. And do you recall that at this, that at a meeting
it/.....

it was decided that there was no point trying to print pamphlets if there was no certainty about the venue? -- I cannot recall that.

Yes. Can you recall that at a meeting a sort of ad hoc committee was set up consisting of Mr Vilakazi, accused no. 10, Mr Naphtali Nkopane.

COURT: Is that no. 8?

MR BIZOS: Accused no. 8, Mr Ernest Olifant and you yourself, in order to try and get some finality in relation to a venue?
-- No that I cannot remember. (10)

Well, but can you deny it? -- I cannot deny it because we were involved in the process of finding a venue.

Do you recall that there was a meeting on 21 August?

-- Yes I do.

Do you recall that it was at this meeting that Esau Raditsela and Edith Lethlake and Dorcas came and said that Zone 7 area committee had agreed to share the venue with you?
-- I do remember that. All I can say was in addition they were not only three people who came there. They were four in number including Mr Matlole. (20)

COURT: Is that no. 17?

MR BIZOS: That would be, that is no. 17's name. I am going to put to you that Mr Matlole came, did not come to this meeting as stated by you but he was only at the first house meeting. What do you say to that? -- I do not agree with that. What I recall is that accused no 17 was present at the second meeting in the company of Esau Raditsela, Dorcas and Edith.

Well I have already put to you that accused no. 17 is going to say that he was at the first meeting but not at the subsequent meeting. Do you recall whether Mr Strike Vilakazi, (30) that is accused no. 18, was at the meeting at which it was

said/.....

PUT!

said that a venue had been found? -- That I heard from Esau on the 21st in that meeting where he said we are going to combine for a venue on the 26th.

COURT: Now listen, you must listen to the questions carefully. I do not want a mix up. Will no. 18 please stand up. Was this man present at a meeting where it was said that a venue had now been found? -- No I do not agree with that that he was present.

MR BIZOS: On this occasion it is put My Lord, that he was there. -- Well I do not agree because I am seeing him for (10) the first time here in court.

Alright. Well how many people were there at the meeting at which you say that the venue had been found, how many people were there? -- Is it expected of me to mention the names of the people who were there or shall I just give a number?

COURT: At the moment you are asked a number. -- I estimate the number to be between fourteen, fifteen and seventeen.

MR BIZOS: Now I want to deal very briefly with the suggestion of yours that the person who suggested a petition, that is to be handed to the councillors, was an informer. The (20) name My Lord is Chika Jacob Seleballo. C-h-i-k-a Jacob Seleballo.

COURT: Seleballo?

MR BIZOS: S-e-l-e-b-a-l-l-o. Now I am going to put it directly to you and not in great detail and let us see whether we can speed it up. You yourself may have thought this person an informer but I am going to put to you that you did not mention this to the people there present? What do you say to that? -- In my evidence I did not say that I said or had a thought that this person was an informer. I said this was a dis- (30) cussion or a talk which came from all of us, namely Vilakazi,

Nkopane and including myself.

PATI
Because I am going to put to you that you, I am sorry, that the following persons were appointed to do a petition, Mr Jacob Hlanyane, that is accused no. 15, Mrs Olifant, Mr Strike Vilakazi, that is accused no. 18, and as he had suggested Mr Jacob Seleballo himself. Do you agree with that? -- If that was decided upon that these people were even elected to have to do with the petition that must have been done in my absence because what I know what happened in my presence was that this person came with this idea and some form was (10) produced and we had to sign the form, leaving our signatures as signatories to that petition.

Now what then happened was that for some reason this Seleballo gentleman produced a blank piece of paper and asked people to sign it. -- That is true, that, there was no writing on this piece of paper.

Yes. Do you not recall that accused no. 8 then intervened, will you just stand up please Mr Nkopane, you recall that he intervened and said what is the good of putting signatures to a blank piece of paper? -- That I quite remember, it is exactly (20) as a result of that that the talk about this man being an informer started.

In his presence? -- In whose presence?

The person who was supposed to be an informer? -- No he had left.

PATI
Well I am going to put to you that you are confused about that as well. What do you say about that? -- I am trying to make this clear to the Court, that is why I take the trouble of explaining it in this fashion.

PATI
Yes. I am going to put to you that this committee did (30) not turn out to be a very hard working one.

COURT: /.....

COURT: Pardon?

MR BIZOS: This committee to draw the petition did not turn out to be ...

COURT: Well he has denied that there was a committee.

MR BIZOS: I will put it, I am going to put to you that nothing was done in relation to this petition by anybody that was supposed to draw it up? -- The truth as far as I am concerned is we did sign on that paper though I am not in a position to tell the Court as to what happened to the paper, whether it was taken away by that man or whether it was held by Nkopane (10) or whether it was left with Vilakazi. That I cannot explain:

Well at what stage do you say accused no. 8 intervened? When one or two people had signed or when the whole lot had signed? -- That was before anybody signed. The person who in fact gave us the right to sign it was Mr Vilakazi.

At this meeting at which the venue was found do you, was reported to have been found, do you recall whether Edith Lethlake spoke? At the meeting where it was reported that a venue had been found? -- Yes I do remember that she spoke.

Yes. Do you recall what she said? -- Yes what she said (20) was she is requesting us that on the 26th when attending this meeting we must bring our wives along because that day a womens committee will have to be elected.

Did she mention Vaal, the Vaal Organisation of Women?
-- Yes that is the one.

Do you recall whether there was any talk about pamphlets at the meeting where it was said that a venue was found? -- Yes I do remember.

Yes, what was said about pamphlets? -- What was said pertaining to pamphlets was that these pamphlets are going to (30) be used as notices to people to notify them about a meeting which/.....

which was to be held at Small Farms on the 26th.

Do you recall whether Lukas said anything about pamphlets?

-- No I cannot quite remember that.

Do you recall that there was a meeting at accused no. 10's, Mr Vilakazi's, house on 23 August? -- I do remember that.

Do you recall that there was a report as to whether any excuse was given as to why the petition had not been drafted?

-- No I cannot recall that being put in that meeting. What I remember is that the petition had been processed.

By that do you mean that a number of people had signed (10) it when you first saw the first blank piece of paper? -- Yes, that is the piece of paper I am referring to on which peoples names were signed.

Do you recall whether there was any talk as to who was to chair the meeting of the 26th? -- If I could just get clarity here are you talking about a meeting which was held on the 21st or the 24th where this question was raised?

Well let me try and make this clear. At the last house meeting before the meeting of the 26th? -- Yes I remember that issue. (20)

Yes. And what was the decision? -- The decision was that Lord McCamel is the person who will chair the meeting of the 26th.

Just for the sake of clarity I am talking about the meeting of the 23rd which was the last meeting before the meeting of the 26th.

ASSESSOR (PROF. JOUBERT): Did counsel not put it before that the last meeting was on the 24th?

MR BIZOS: May I just check my notes because there may be a confusion. (30)

COURT: And according to this witness the last meeting was the

21st.

MR BIZOS: No My Lord, I put 23rd originally. My note in both respects is the 23rd. The witness said that it was the 24th.

I think the confusion arises because the witness has only spoken of two meetings and he has put it at the 21st. This is why I am trying to get on by avoiding a date and calling it the last meeting before the mass meeting.

MR JACOBS: Edele ek mag sê eintlik het die getuie oor drie vergaderings getuienis gegee, die een van die 16de, een van die 21ste en die een wat hy die datum die 24ste gee. So (10) dit is nie net twee nie dit is drie wat hy oor gegee het.

MR BIZOS: My Lord we will come to the 24th. We do not call it a house meeting but anyway let us. I am talking about the last house meeting that you attended before the mass meeting of the 26th. Was there talk about the chairmanship? -- That one I do remember. It was decided on Lord McCamel and this meeting was held in Zone 7.

Was it the last house meeting that you attended? -- That is correct, the last meeting in preparation for the meeting to be held on the 26th. (20)

Was not the meeting of the 24th a different meeting, a joint meeting, not a Zone 3 meeting? -- It was a joint meeting of Zone 3 and 7 held in Zone 7.

Right. Before that joint meeting was there a Zone 3 meeting at which the chairmanship was discussed? -- The chairman for the 26th you are talking about?

Yes. -- No that one I do not know.

Very well. Let us now deal with the meeting of the 24th, that is the joint meeting. You agree that there was such a meeting? -- That is the meeting, a joint meeting between (30) Zone 3 and 7 which was held in Zone 7, that I agree with.

Do/....

Do you agree that you accompanied Mr Vilakazi, accused no. 10 to this joint meeting? -- That is true.

Do you recall whether it had been suggested at any previous zone meeting or Zone 3 meeting that accused no. 10 should preside at the meeting of the 26th? -- I remember that being mentioned in that meeting but people did not agree there as a result of which then it was postponed to Zone 7 where a decision will be taken.

Right. Now in relation to the chairmanship do you recall whether there was any talk that although you would very (10) much have liked Lord McCamel to preside over the meeting that he may not be available to preside over the meeting?

COURT: That he would not be or might not be?

MR BIZOS: Might not be. -- I remember that being mentioned but the decision later was that he will have to be checked from his residence in order to be notified about this meeting and he is the person who will chair this meeting.

Right. Do you recall that because of the uncertainty that a decision was taken firstly that the chairman should not be either from Zone 3 or from Zone 7 but an independent person (20) of each one of these zones as it was going to be two zones meeting together? -- No that I cannot recall.

Are you able to deny it? -- I can deny that because I did not hear that.

Do you recall there being any discussion or any decision arrived at that a respected person by both zones, and the community as a whole, Mr Petrus Mokoena who is here as accused no. 6, should preside over the meeting as he had no connection with either 3 or 7? -- No I cannot recall that.

Are you able to deny that that happened? -- Yes I can (30) deny that.

Well/.....

Well I am going to put to you that it actually happened and that you do not remember it. Now do you recall whether at this joint meeting the Ratepayers Association agreed to make its loudspeaker available to you? -- Yes that is true, that was mentioned.

And on, were you the person who was to take the initiative in relation to the use of the speaker? -- It was not mentioned in this committee that I am the person who will have to transport or have the speaker transported.

Well I am going to put to you that it was and that you (10) volunteered to take an active part in this. -- No I do not agree with that.

Now do you know whether the VCA had a uniform at all or whether the Vaal Organisation of Women had a uniform? -- I will say I know yes because that was in fact discussed as to how the women should be clad in coming there.

Yes. Was that by Edith Lethlake? -- No not from Edith Lethlake. All she did is that she requested us to bring our wives along. This talk about a uniform was mentioned in that meeting although I cannot remember by whom. (20)

Well I am going to put to you that the VCA did not have a uniform, the Womens Organisation had a uniform and it was mentioned that they should come along in their uniform. -- My evidence is it was said that women must have uniforms on. If that is what is being put to me that Vaal had a uniform I agree with that.

Yes. Do you recall whether a list of speakers was decided on? -- No I cannot remember any decision which was taken as to who were going to be the speakers.

But you see I am going to put to you that it was in (30) fact decided. -- What I can say is Mr Raditsela, Esau, produced

a/.....

a document there on which there was some writing. Now whether that document contained the names of the speakers which was being formally produced there as a decision having been taken on them or not that I cannot tell.

You see I am going to put to you that that is quite incorrect but that a decision was taken that the following persons would speak. -- You mean as speakers in that meeting?

Yes. - That is the meeting of the 26th?

Yes. -- No I do not know of any thing, I do not know anything about that decision, except that I know of a document which was produced by Esau. (10)

Well let us just listen to it, did you know that Mrs Olifant was going to speak? -- No I did not know that.

That Mr Sam Matlole was to speak, that is accused no. 17? -- I did not know.

That you yourself were going to speak? -- That I did not know.

Did you yourself speak on the 26th? -- I did not speak at all except that I was asked to make a short prayer.

Yes, was that not agreed on? -- I was just requested (20) there to make a short prayer as a minister.

COURT: Where were you requested to do that? At the meeting of the 26th or were you requested at this meeting on the 24th to do that? -- At the meeting on the 26th, that is where I was requested.

MR BIZOS: Mrs Rina Mokoena?

COURT: Yes what are you putting about Mrs Rina Mokoena?

MR BIZOS: That it was agreed that she would speak.

COURT: That on the 24th it was agreed she would speak on the 26th. -- No that I cannot quite remember. (30)

MR BIZOS: You cannot quite remember. And that accused no.

7 and 8, Mr Mputhi and Mr Nkopane, would speak?

COURT: Will you just get up please. Thank you.

MR BIZOS: Do you recall that? -- No that I cannot remember either.

Do you not recall whether there was any discussion that there should be a fair representation of zones at the meeting, as far as speakers went? -- That what you are putting to is what you allege was said in the meeting of the 24th?

Yes. -- I will not have any knowledge of that because I left this meeting before everything was settled and I was (10) not there during a certain portion of the meeting.

Yes, that is correct because I have a note from the accused that has just come to me that you did leave a little early. But do you not recall that that was the spirit of the meeting, even if you were absent for a decision, that there should be equal representation of the zones and that the speakers should be agreed upon? -- I quite agree that that was the spirit of the meeting because the purpose of our having gone there was to go and arrange such things.

And as far as the Saturday is concerned, when you went (20) around advertising the meeting, accused no. 10, Mr Vilakazi, does agree that he gave you R10 because when you turned up you said that your tank was empty and that you had no money to put petrol in. -- That is true.

Were pamphlets put out on the Saturday or had they been distributed before the Saturday? -- What I know about pamphlets is that we, namely myself, Vilakazi, Nkopane and Olifant, distributed pamphlets on a Sunday morning.

Not on a Saturday? -- Not on a Saturday.

Had pamphlets been distributed earlier by children, (30) advertising your meeting of the 26th? -- I will agree with that because/.....

because we met children as well who were busy distributing pamphlets.

Now

COURT: That is on the Saturday or on the Sunday? -- It was on a Saturday when children were distributing pamphlets.

MR BIZOS: Now would you agree that you took turns in making the announcements on the loudspeaker system? -- I will not agree because I was the driver.

Could you not drive and hold the microphone at the same time? -- No I could not because I know what are the rules (10) of the road.

Well I am going to put to you that you too participated in this for what it is worth, but what is more important I am going to put to you what was being said either by you or by the others that were announcing. That a meeting was going to take place, you agree with that? -- Yes that is so.

And an area committee would be elected? -- Area committee for which zone now, 3 or 7?

Well the one that you were concerned with. -- The announcement there was that people should go to a meeting at Small (20) Farms, to the main committee.

To the main committee? -- What I mean is that the announcement was about people having to attend or being notified about a mass meeting which was going to be held at Small Farms from the people of Zone 3 and Zone 7.

Yes. And did you appeal to the people to come and participate in the election of their own representatives? -- Yes that is true.

And that it was important that the representatives that were elected should have the support of the people? -- That (30) is true.

And/....

And that in view of the problem that had arisen of the proposed increase in rental it was very important that a strong committee representative of the people should be elected? -- Now there I want some clarity. Are you saying that was said during the announcement of the meeting over the loudspeaker or are you saying this was said in a meeting?

No I am saying that this was said, what I am now dealing with only what was announced to the people. -- No that was not said.

Now was it also important to keep the people from Zone (10) 7 and Zone 3 separate at the meeting as it was going to be a joint meeting so that the one would not vote for representatives of the other? -- That is true.

Did it become clear that neither Lord McCamel nor accused no. 6, Mr Mokoena, would be available to chair the meeting of the 26th?

COURT: When did it become clear?

MR BIZOS: On the Saturday My Lord.

COURT: On the Saturday it became clear.

MR BIZOS: Clear that it will not, that neither of them (20) would be able to make it.

COURT: That is one the day before the meeting it became clear that they would not be able to attend?

MR BIZOS: They would not be able to attend. -- No that was mentioned at this meeting on Sunday.

I have been corrected My Lord and I am sorry, it was on the Sunday on an instruction from accused no. 10. It became apparent on the Sunday that neither of them would be available and was it decided that accused no. 8 would then take over the chair? -- No nothing was said about Mokoena because (30) the Sunday when we arrived at this venue he was one of the people/.....

people, in other words by so saying I mean he was a speaker in a meeting which was held earlier, the Ratepayers Association meeting. That is Evaton Ratepayers Association.

Would it be correct for anyone to say that it was prescribed to the speakers what they should speak about at the meeting? -- No that I do not know about.

As far as you were concerned were speakers free to express their views on the various subjects? -- Yes as far as I am concerned any speaker could have voiced his or her feelings about the increase of rentals in this meeting. (10)

And although you were going to offer a prayer or make a speech no one suggested to you what you should say or what you should really try and get the people to do?

COURT: Well he did not say that he was going to make a speech. He was going to offer a prayer.

MR BIZOS: Yes, as Your Lordship pleases. Did anyone suggest to you what the form of your prayer should be or what it should try and get the people to do? -- I did not hear any talk about the manner in which a prayer was to be conducted there, there was no such. (20)

COURT: Did you know before you were called upon at the meeting that you were going to hold a prayer? -- No I did not know about that.

MR BIZOS: Did you not offer yourself as a speaker? -- No I did not.

There is just one aspect, you are not completely illiterate are you Reverend Mahlatsi? -- I am illiterate. I will tell you all I can do is to write my name and I have a witness to bear me out on that, that is a person staying with me, my wife. C126

Yes. Do you not read portions of the Bible by some recognition process? -- No, in church I have general secretaries (30)

who/.....

who read the Bible for me.

You have been to a theological college I understand? --
No I have not been there.

Have you not had any training at all as a priest? -- No
I have not.

Are you the head of your church? -- That is true.

Are you its only priest? -- No I am in fact a Bishop of
the church, therefore I have priests and presidents, as a
Bishop.

COURT: I am sorry, now I do not understand this. Is the (10)
witness a Bishop or is he a president. -- I am a Bishop.

Bishop, yes? -- I have priests and presidents.

And presidents under you? -- Yes.

MR BIZOS: How many priests do you have under you? We just
want to get some idea of your church. -- If my memory serves
me well I have about seven to eight priests. I am now not
talking about the people who in the process would decide to
give up the whole thing and stay away.

Have you any church building anywhere? -- No I do not have
a church building. (20)

Anywhere? -- Anywhere.

In relation to the events of the 26th can you please tell
us how long this meeting lasted, more or less? -- Between four
and five hours.

As long as that? -- That is my estimation of time because
when we left there it was quite late, it was after 17h00.

Was it dark already or before dark? -- It was before
sunset.

And what was the last song sung at this meeting? --
Because of the number of songs which were sung there, which (30)
was quite a good number, I cannot remember which one was sung

at/.....

at the last. Secondly I cannot, or I do not know these songs so well to identify them.

Was not the last song Nkosi Sikelele e Africa? -- It was sung but I am not in a position to tell the Court whether it was sung during the meeting or it was the last song at the end of the meeting.

And at the end of this meeting did people go away peacefully to their homes?-- That is true.

And would you agree that there were approximately a thousand people there? -- My estimation I would say it was (10) between five hundred and six hundred people there.

Now, and would you, I do not want to traverse the ground again as to what people may or may not have said but would you agree that the overall purpose of the meeting was what should be done to avoid paying the increased rental? -- Are you saying that was what was discussed in this meeting on the 26th?

Yes the main purpose of the meeting. -- Yes that I know.

Did you arrive at this meeting at approximately 14h00 in the afternoon together with Mr Vilakazi, accused no. 10? -- I cannot remember as to what time it was. We did arrive at (20) this meeting, that is myself, him and Nkopane.

COURT: No. 8? -- Yes.

MR BIZOS: Yes. And do you agree that Mr Nkopane, accused no. 8, really did not make an independent speech of his own but merely presided and emphasised the main points made by the other speakers? -- In other words do I understand you to be saying he was not a speaker at all?

No in the ordinary sense of the word, you know he did not have an independent speech himself, that he ...

COURT: Are you putting that he was chairman and that at the (30) end of each speech he summarised the main points?

MR BIZOS:/....

MR BIZOS: The main points of each speaker. -- No.

Do you say that he made an independent speech of his own?

-- Yes he had an independent speech of his own.

Well did he speak at the beginning, the middle or the end? -- Immediately after I opened the meeting with the prayer he was the speaker, and that is after it was introduced that he was going to chair the meeting then he made a speech.

Yes, an introductory speech? -- That is true.

Yes. And opening remarks of a chairman so to speak?

-- That is true.

(10)

COURT ADJOURNS FOR TEA. COURT RESUMES.

LUMA MAHLATSI: d.s.s. (Through Interpreter)

FURTHER CROSS-EXAMINATION BY MR BIZOS: We were dealing with the meeting of the 26th. Are you sure that you gave the opening prayer or were you just squeezed in a little while later?

-- I am sure that I opened the meeting with a prayer.

Do you not recall whether accused no. 17, Mr Matlole, offered a prayer? -- No I do not recall that.

Is it possible that that happened and that you have forgotten about it? -- Well it could have happened but I do not know that he ever prayed. (20)

Is it correct that you were there before the meeting started? -- That is so.

And you did not leave before the meeting ended? -- That is true.

Well do you now recall whether Mr Matlole, accused no. 17, and for the purposes of any misunderstanding I will ask him again to stand up please, now the person who has just stood up did he speak at this meeting or did he not speak at this meeting? Other than answering questions at the end did he speak or did he not speak? -- Yes I do remember that he did (30)

speak/.....

speak.

Right at the beginning? -- He spoke after the questioning by the three gentlemen from the audience questioning the person who had mentioned the stay away.

No I am not talking about that stage, I am talking about right at the beginning. -- No he did not speak.

Well I am going to put to you that he was the first speaker, he explained what the VCA was and what it hoped to achieve, he emphasised the importance of unity of the people and enumerated some of the achievements of the VCA in relation to settling disputes with the educational authorities. (10)
-- No that I did not hear.

You did not hear. Are you in a position to deny it? -- Yes I am denying it.

You deny it. -- There is no such.

Alright. Now let us see whether you remember what happened at the meeting. I have only got the paragraph number and not the page number, that is why it is difficult to find the paragraph My Lord. Do you recall who, according to you, the first speaker was? -- Yes I do. (20)

Who do you say it was? -- Mrs Mokoena.

Yes, I am not going to go through again what she said and did not say because you have given us two versions in some material respects and I will leave it at that. Who do you say the next speaker was? -- If I still remember well after her it can be Mr Matlole.

COURT: That is no. 17?

MR BIZOS: No. 17. But I thought you told us that he only spoke after questions were asked? -- That is why I say if I still remember well, it could be him who took the floor as a speaker after her. (30)

Alright./....

Alright, are you now saying that you do not remember whether he spoke or not? -- He did speak.

Other than to answer questions? -- He was a speaker after the questions were answered which questions were put by those people.

Well are you very confused as you are giving evidence there Reverend Mahlatsi? Are you really confused, are you thinking properly, are you remembering properly, have you got any difficulty in understanding any of my questions? -- I am trying to remember. (10)

Do you recall whether Mr Malindi, accused no. 5, spoke at that meeting? -- Yes I do.

Yes? Do you recall whether he spoke and what he said? -- Yes I do.

What do you say he said? -- What he said in his speech he was explaining about the stay away and about the rent and that the buses will not be operating.

Yes. -- And that the shops will be closed for twenty-four hours, and again about the taxis which will not be operating on the roads. The only vehicles which will be operating on (20) the roads will be the ambulances which will be conveying the nurses to their duties.

Yes. -- And he further said what he is saying there is something which is going to have reported in newspapers and people must not be frightened or get scared that they may be arrested.

Do you recall whether he mentioned that he had been to another meeting? -- Yes I know about that, there was such a talk.

Did he mention that he had been to the meeting the (30) previous day in Zone 13? -- That is true.

And/.....

And did he report what the resolutions had been at that meeting? -- Yes he did report about what was happening there in a meeting and though he did not elaborate as to what is it exactly that he is reporting about.

Well did he not say that these resolutions were taken at this meeting and "I am putting them forward at this meeting for the meeting's consideration"? -- Do you mean what he explained in that meeting?

Yes that he said "I have been to this meeting and these were the resolutions that were taken and this is what I (10) suggest we should consider to adopt at this meeting"? -- That is true.

Do you see Mr More, accused no. 4, here before the Court? -- I see him but I did not see him at this meeting on the 26th.

Yes. And if anyone were to suggest that Mr More was present at this meeting and that he spoke would you say that is quite wrong? -- Yes I will say so because I did not see him.

Yes. May I make it clear My Lord that it is not put that he was there or that he spoke but the question arises out (20) of sub-paragraph 7 of the indictment on page 349. Now do you recall whether Mr Vilakazi, accused no. 10, spoke? -- Yes I do remember he was a speaker.

Do you recall that you told us that there was a whisper between no. 8 and no. 10, do you recall that? -- Yes they whispered there.

Do you know whether it was anything else other than the one to draw the other's attention to the fact that someone wanted to take the floor? -- I only inferred because o my knowledge that Nkopane was the chairman that it is possible (30) that somebody wants to take the floor as a speaker, that is

why/.....

why they whisper.

Yes. Do you recall what accused no. 10 said at the meeting? -- Do you mean after the whispering between Mr. Vilakazi and ..

No, when he no. 10 spoke? -- If I still remember well what he said in his address that I can explain.

Yes? What do you recall he said? -- What I remember in his speech was that he was explaining to the audience about the meeting which was convened there with a view of fighting the increased rent and further saying these people must not (10) be frightened perhaps about that we may be arrested, because what can happen is while we are doing this thing of ours in a proper way, which is a nice thing to do, the police can arrive there and spread teargas which will result in people jumping out of the windows and leaving this meeting. And he further explained that the money which the councillors are using for themselves is our money which comes from our pockets. Well the possibility of my having forgotten about what he said further more than what I have already mentioned but this is what I still remember. (20)

Do you recall him saying anything about trade unions?
-- That he said at his house not in this meeting on the 26th.

Had he mentioned anything about trade unions at this meeting would you have heard it? -- Yes I would have heard him.

And are you telling his Lordship that he definitely did not say anything about Trade Unions? -- That is so.

Do you recall whether he mentioned anything about Heidelberg? -- Although I cannot remember exactly whether he is the person who made mention of Heidelberg but somebody did make mention of that in this sense that Heidelberg is a small (30) place and there are the people there fought to an extent that

they/.....

they succeeded. Councillors had to resign.

And that they had in fact resigned? -- Yes they had resigned.

As a result of the meetings and the pressure that the residents had asserted on them? -- That is true.

And that, was that given as an example of what the unity of the people could achieve in that councillors who made or gave effect to decisions to increase rentals can be called upon to resign? -- That is true.

Yes. Now do you remember any woman, either called (10) Machaneng, M-a-c-h-a-n-e-n-g, or Matshanang, M-a-t-s-h-a-n-a-n-g speaking? -- Even though I cannot remember the name of a person but what I can remember is that there is a woman who addressed the meeting there.

Yes. Now was that the first woman to speak after Mrs Mokoena? -- If I still remember it can be that she is the one.

Is that ... -- Because the only woman I remember pertinently is the one who said after the meeting the women will have to remain in order to have their names written in joining the organisation. (20)

Did any woman call for the destruction of the councillor's properties or that they should be killed?

COURT: Any woman?

MR BIZOS: Any woman.

COURT: Whether mentioned already or not?

MR BIZOS: Whether mentioned already or not. -- That kind of a talk came from a woman who was in the audience at the time when a man took the floor to address the meeting and which man was alleged to be a councillor.

Right, could we leave the alleged councillor incident (30) out for a moment. Other than that incident no other woman called/.....

called for such violent action against the councillors? --
No I do not quite remember that.

Do you not remember a woman speaker calling for the
boycott of the councillors' businesses? -- That one I cannot
quite remember.

Yes. Now you have told us what happened in this incident
and I do not want to repeat it all over again, of the alleged
councillor. -- Yes.

If anyone were to suggest that this alleged councillor
actually sat down and waited in the meeting for some time (10)
after he was prevented from speaking or shouted down what would
you say to that evidence? -- I can agree with that because I
did not see what had happened to this man, where he disappeared
in because the last I saw of him is when he got off from the
platform or the stage. I did not pay any particular attention
on him or have my mind focussed on him to see whether he was
taking a seat or walking out of the meeting.

After he came off the platform did the meeting go on to
the next speaker or to the next bit of business? -- That is
true. (20)

Do you recall as soon as he went off the platform who the
next speaker was? -- As far as I can remember after accused
no. 5 explained about the stay way and the questioning on him
then Matlole took the floor.

There was no decision of any kind made by the meeting as
soon as the alleged councillor was shouted down? -- No there
was no decision taken.

Yes. And nor did the mood of the meeting change, it
continued in its ordinary fashion? -- That is correct.

Yes. Now I am going to put to you that the person, (30)
the alleged councillor, was in fact interrupted by a woman
because/.....

because she said that she recognised him as a candidate at the previous election and that that she said that he would have to renounce the council system before he would be allowed to speak. -- That I did not hear being said by this woman except that what I heard from her was that this is not a councillors meeting, he is not supposed to address this meeting, he must get off from the stage.

Is that all you heard her saying? -- Yes that is all I heard this woman saying. Immediately after she uttered those words then there was shouting from the audience. Some were (10) swearing at this person, some even said that "Let this person be killed".

Well could you, you could not I suppose identify any one of the persons that said, that swore or said "Let him be killed"? -- No I did not follow up that to see in order to identify them.

Or whether there were one or two irresponsible people somewhere at the meeting or whether this was a general feeling? -- I will say this was a general feeling of the audience which was seated at the back in the meeting and not the people (20) in the front.

Yes. What sort of people were sitting at the back of the meeting? -- Well I will say they are the people who were seated right at the back there.

Young or old? -- Mixed, young and old.

Yes, you see because I am going to suggest to you that Mr Masenya himself, if my memory serves me correctly, did not mention that he actually heard words

COURT: He does not know that it is Mr Masenya.

MR BIZOS: Oh alright, I am sorry I did not realise. The (30) alleged councillor, I am going to put to you that the alleged councillor/.....

councillor himself gave evidence here and although he said to His Lordship that he felt threatened as a result of the interruption by this woman he did not say to His Lordship that he heard words such as that he should be killed.

COURT: Oh no, he told the Cour that the woman had said "Let him be killed" and not the back of the hall. That is the difference.

MR BIZOS: Oh I am sorry, I am indebted to Your Lordship, I had a different recollection but I had not checked it. Well you have heard His Lordship. That the woman herself said (10) "Let him be killed" and not the people at the back of the hall. -- I can explain it as follows that for him to have said that this woman said he must be killed it is because of his having known the woman, that is why he says that woman said he must be killed.

Yes but there is a difference between you saying the back of the hall and although you did not know the woman's name this must have been a very dramatic matter? -- My evidence is after this woman had said this person is a councillor then those words came from the audience in the hall. (20)

Well I am going to put to you that His Lordship is, with respect, correct that on page 601 it was the woman who is supposed to have said that. Can you explain that? -- I did not hear this woman only herself saying that he should be killed. I heard the audience who was taken up saying that.

Now do you, you must have been very near the alleged councillor. You have already told us that he came up to the platform? -- That is true.

And where was this woman that you say told him to sit down? -- She was in the audience. (30)

Where in the audience? -- Further in the audience.

Where/.....

Where more or less in the hall? -- From where I was in the hall I would say she was seated on the first row or second.

Right in front of you, and very near you? -- Yes in front of us.

Just almost face to face? -- Yes.

Alright. Now do you recall whether Esau Raditsela was at the meeting at the beginning?

COURT: Are you disputing that this woman said this or that the audience said it?

MR BIZOS: No it is disputed My Lord, I am sorry I should (10) put it specifically, that the audience did not, neither the audience nor this woman said that he must be killed but that he should renounce the council system before he would be allowed to speak. -- No unless maybe that was said after he was shouted down and the shout that he be killed.

Do you recall whether Mr Raditsela was at the meeting in the beginning? -- He was at the meeting because he is the person who requested me to pray.

And was he there right from the beginning? -- No not right through the meeting. (20)

Did he leave? -- Yes he left but prior to his leaving this meeting he explained that he was getting to Sharpeville, Bophelong and Sirela where he is going to hold some meetings. And he further said "Because I see here the person who was supposed to be chairing this meeting I see that he is not here".

Did he come back, Mr Raditsela? -- Yes he did.

Did he come back alone? -- When he came in he was accompanied by Edith.

Anyone else? -- Though I am not in a position to tell the court whether they were arriving with him at the time when they (30) came in or they were arriving at their own but following him into/....

into the hall.

Yes. Just before I carry on let us just have it, I am sorry that I left this detail out. On Friday His Lordship asked you what the audience did after this woman said that he should not speak and you told His Lordship that they raised their fists and they said "Amandla"? -- When I said that I was talking about Mrs Mokoena, that after she had addressed that is what was done.

Well I am going to tell you that that is not so, although you may have said that about Mr Mokoena but I want to draw (10) your attention, if you can explain it, in your evidence-in-chief you said something else which His Lordship described, for the purposes of the record, a motion of throwing a stone. -- Throwing a stone where?

COURT: You know, what I did is you described to the Court what had happened, that the people put up their hands and moved them forward like this. -- That they did in respect of this councillor who was being chased away. Like when a person would make a sign as demonstrated again by the witness, indicating to someone to go. (20)

MR BIZOS: Yes, as an act of dismissal.

COURT: This time the hand is held downwards so that the, not the bottom part of the hand but the top part of the hand is to the front.

MR BIZOS: Yes and it is really as you described it for yourself, it was an act of dismissal, go away? -- That is so.

Yes. And was it in that sort of way that some swear word may have been used or not a very polite expression to get out? -- That is true.

Yes. Yes I am sorry that I had to go back to that (30) but let us come back to Mr Raditsela's return to the meeting.

Did/.....

Did Mr Raditsela make a speech when he came there, when he came back there? -- Yes he did say something.

Yes, could you please tell us what he said? -- As a person who had come to Sharpeville, Bophelong and Sirela he said the resolution which was taken was that on the 3rd nobody is going to work and there will not be any buses operating in the streets and that the councillors are supposed to resign and that the rent must be reduced or it must not be paid and the shops are going to close for a period of twenty-four hours and the taxis are not going to operate and then he further (10) said there is going to be a march from here with placards. We are going to meet people from Sirela at the cross. The meeting of the people from Sirela will only happen after we had been to the houses of the councillors to indicate to them that they should resign.

Now you are sure that Mr Raditsela said at the meeting of the 26th that there would, you would first have to go to the houses of the councillors in order to get them to resign? -- That is true.

And are you saying that he, Mr Raditsela said at the (20) meeting of the 26th that the march must pass by the houses of the councillors and invite them to join in order to go to Houtkop? -- That is true.

And you are as sure of that as everything else that you told His Lordship? -- Yes I am sure about that.

And did he say also at the meeting of the 26th that if they do not follow you then you would have to use violence against their property and their person? -- No that is not what he said on the 26th. He said that on the 3rd after repeating what he had said on the 26th and then he said this. (30)

Now if His Lordship was informed, up to now, that there was/.....

was no mention by Mr Raditsela of going to the councillors houses what would you say to that information placed before the Court, that it was incorrect? -- What I will say is what I heard is what I have just mentioned.

And that the information that there was no mention of going to the councillors houses would be incorrect?

MR JACOBS: Edele die vraag, met alle respek, kan verwarrend wees dat daar nou besef word dat ander mense dit genoem het dat daar sal nie geloop word nie. Dit is nie, dit is net dat daar was geswyg oor hierdie hele ding, daar is nooit (10) iets gesê nie, oor die mense op die 26de gesê word dat ons gaan loop na die huise van die raadslede.

COURT: What counsel should put to you is that nothing was said previously about his aspect of going to the houses of the councillors. But I must inform you that you are not the first person in this court who informs me of that fact. Yes?

MR BIZOS: My Lord I was actually referring to the indictment itself.

COURT: Yes, well he does not understand that.

MR BIZOS: That is so, as Your Lordship pleases. Well have (20) you any comment to make about it because I am going to put to you that there was nothing about going to councillors homes? -- I say there was such a talk.

That the marchers would go to the councillors houses before going to Houtkop? -- That is correct, before we get to Houtkop.

And that was part of the resolution passed on the 26th? -- That is so.

Did Raditsela report that a similar resolution had been passed at Boiphatong, Bophelong and Sharpeville?

COURT: Similar, that means then that they would first go (30) to the councillors houses and then to Houtkop? -- That is so.

MR BIZOS:/.....

MR BIZOS: You see I am going to put to you that even the State, that alleges that what resolutions were passed at Sharpeville, makes no such mention. In relation to going to councillors houses.

COURT: But is that not argument Mr Bizos?

MR BIZOS: As Your Lordship pleases.

COURT: It may well be that Mr Raditsela misled this meeting, I do not know.

MR BIZOS: As Your Lordship pleases. Yes, well except that the pleading of this meeting also does not contain that. (10) But we will leave it at that. Now can you please tell us whose idea was it or whose proposal was it that a Zone 3 committee should be formed? -- That idea came with Esau Raditsela and Edith. At the time Vilakazi was the only person who was serving in the committee of the Vaal Civic Association. This was with the view that he must also get some assistance from people in Zone 3.

Generally I am going to put to you that this was a meeting at which there was sharp criticism of the rent increase. -- Well that is what I also say, there was no reason which (20) in fact justified the increase on the rent.

There was sharp criticism of the councillors because they were not looking after the interests of the people that they were supposed to be representing? But there was no incitement from anybody to commit any act of violence against them or any property? -- On the 3rd it was said by Raditsela that if they do not join us to Houtkop.

Yes, we are still on the 26th. Do you agree that

COURT. And he is still dealing with Esau Raditsela.

MR BIZOS: No but he said Esau Raditsela on the 3rd. (30)

COURT: Yes that is right but he is still, you put your question

very/.....

very wide and he is dealing with Esau Raditsela. You put your question there was no incitement of violence against the councillors or property by anybody. And he comes back to Esau Raditsela and he puts it on the 3rd.

MR BIZOS: Yes.

COURT: So you are both at cross purposes.

MR BIZOS: As Your Lordship pleases. This is why I wanted to interrupt him not to give us the whole speech of the 3rd. I am talking about the meeting of the 26th.

COURT: Yes look here witness when counsel puts something to (10) you that has already been dealt with you can just tell him you stand by your evidence. You need not repeat all your evidence all over again. -- Why I do this it is because he does not explain in putting a question to me with reference to which meeting is he talking and therefore I find it necessary to go into details in answering the question. Now I understand that we are talking about the meeting of the 26th.

MR BIZOS: Could I then put the question in relation to the meeting of the 26th, there was no incitement to violence against the councillors or their property at the meeting (20) of the 26th by anyone? -- That was mentioned by Mr Khabi.

I am going to put to you that Mr Khabi did not call for this. -- I say he did.

Do you recall that during the incident with the alleged councillor was interrupted that accused no. 10, Mr Vilakazi, intervened to assist the chairman? -- No I cannot remember him intervening in the sense of assisting the chairman. All I remember was that accused no. 5 is the person who intervened in assistance to the chairman.

Was the first time that you heard about the stay away (30) at the meeting of the 26th? -- I will say so, yes.

You/....

You had heard nothing about it on the 25th?

COURT: On the twenty?

MR BIZOS: Fifth.

COURT: Fifth, the Saturday before the meeting?

MR BIZOS: Before the meeting. -- On the Saturday it was only the loudspeaker which was being used to explain to the people to go there on the Sunday the 26th.

Therefore there was, but there was no suggestion in your mind of any stay away on the 3rd on that Saturday when you were announcing? -- On Saturday no mention was made of the (10) stay away.

Now did you say that accused no. 17 called the councillors uncomplimentary names? -- That is true.

Now what names do you say that he called them? -- That they are dogs, they have built shops for themselves using our money.

This word "dog" is this something which is used as a disparaging word for people that you do not like or people who commit acts that you do not like? -- It is being used in most cases when you do not like that particular person, then (20) you use the word.

Yes, and it is not confined to councillors? -- That is true, I will agree with that that it is not a word confined to councillors.

COURT: Would one use it when one has a slight dislike of a person or does one use it only when you have a very very strong dislike for a person? -- I will use that word when there is a strong dislike of a person.

And does it then connote that something has to be done about it or is it merely an expression of scorn? -- It in (30) fact explains what one can do or must do or has to do about

that/.....

that particular person because of your disliking him.

What? -- For instance the councillors who are not like in the townships and therefore this word is being used to refer to them as dogs.

MR BIZOS: For how long had they been referred to as dogs?

-- It is quite long because this rent was being increased almost each and every year.

So they had been called dogs for many years? -- That is so.

Without anything having happened to them? -- That is (10) true.

And also if you go into a shop and a shopkeeper cheats you by a couple of cents do you not become angry and call him a dog? -- Yes I will call him a dog because he has now taken my money unlawfully.

Yes and insofar as you might have told His Lordship that you must do something about it the not doing something about it, having called him a dog is not to give him your support any more, not to go and buy at his shop? -- What I can do if I do not have the feeling that I should kill him I will rather (20) stop going to buy from that person's shop.

But I do not understand why you introduce this word "kill". Would you kill somebody because he overcharged you a couple of cents? -- Even for one cent, yes.

You would kill him? -- Yes.

Well I am surprised that you have not got into a lot of trouble. You see I am going to suggest to you that after this period of detention anything that is said about councillors immediately puts on a red light that they must be killed? -- You mean during my detention? (30)

Let us just try and get some sense into this evidence of

yours/.....

yours in relation to dogs. Is it not really a term of abuse?
-- That term is used for instance if a person can do something to me which I do not approve of, or I do not appreciate or a person using what is mine for his own good, for his own benefit, then I use the word.

COURT: Tell me, in every language there are stronger and weaker words of disapproval. When the word "dog" is used relating to a person in your language where does it rate on the scale of scorn, if one may call it that? Are there many words stronger than that or are there, is it one of the (10) weaker words? -- This has a very strong meaning if a person has caused something to you.

MR BIZOS: Do you not refer to your political opponents, I am sorry. -- Especially in the sense that when a person has done something which you do not approve of or caused you something which makes you feel unhappy about.

Do you not call your political opponents dogs? -- Do you mean people who were opposing me?

Your political, or do people generally call their political opponents dogs? (20)

COURT: When they are not councillors.

MR BIZOS: Even if they are not councillors, yes even if they are not councillors.

COURT: So what counsel is putting to you is if in the ordinary elections for councillors one council aspirant or prospective councillor stands against another prospective councillors he would call the other councillor a dog?

MR BIZOS: No I was not putting it in that way My Lord.

COURT: No but we must get it away from this question of councillors viz a viz other people. (30)

MR BIZOS: No but then it may introduce other matters because there/....

there may be a unity of purpose among candidates for the council. At political meetings at which Black people attend and speak is the word "dog" not used for well known politicians in opposite camps?

COURT: Excluding the VCA meetings?

MR BIZOS: Excluding the VCA meetings, that it is a general term of abuse for political opponents. -- I will say that will depend on them why they call that person a dog. Secondly I am not well versed about politics.

Now you know because so much has been made of this (10) question of somebody being called a dog that I am going to give you a specific example which was widely publicised which clearly means that a person does not have to be killed. I am going to put to you that a well known Black politician was rushed at at the Biko funeral.

COURT: Was, sorry?

MR BIZOS: Was rushed at by somebody.

COURT: Rushed at?

MR BIZOS: Rushed at by somebody at the Biko funeral, and that the master of ceremonies at that funeral said for the many (20) thousands of people there present, openly, "We all know that this person is a dog but this does not mean that he has to be attacked or that he should be prevented from attending this funeral. Would that be a proper use of the word? -- To explain this word I will explain it as follows. While we were in the march this word came from the group of people who said these dogs, the councillors, are shooting. That is during the time of the march on the 3rd. That was evidence to me then that fighting has already started in Zone 11. That is where then I came to realise exactly that this word of calling a person (30) a dog is applicable when one wants to kill someone.

Oh/....

Oh is that the first time that you understood this word in this fashion? -- That is where I came to know about it for the first time yes.

We will come to the events of the 3rd Reverend Mahlatsi but let us deal with the ordinary use of the word. Do you not agree that people are referred to as dogs without having any intention of doing them any physical harm? -- I quite agree with that, that it can be used in that sense but depending now what are the feelings of the person who utters the word. Does that person have the intention or the thinking of killing (10) or not.

If anybody did use the word "dog" at the meeting of the 26th do you think that they used it in the sense of killing the councillors? -- I would not know because for the fact that I would not know what his feelings were at the time when he utters the word, then therefore I would not know what his feeling was about the councillors.

So you do not know if accused no. 17 used the word "dog" as a form of abuse or whether he intended any action to be taken against the councillors? -- If he had mentioned the (20) killing after having used the word "dog" I would be in a position to tell this Court whether his idea was that the people must be killed. But because he just used the word I am not in a position to say that because I do not know whether he was just mentioning the word because of his feelings at that time, that he was feeling bad, I do not know.

C127 Yes. Because you have given His Lordship an answer that it is very high up on the scale of abuse. But that is not quite right either is it? I am sorry, I am not going to give His Lordship the worse words but what is a child called (30) that is born immediately after a child that has been born

but/.....

but has passed away?

COURT: That is the next year? It is not part of a twin?

MR BIZOS: I am not absolutely certain, it is a note that I have. Just the next child.

COURT: Yes.

MR BIZOS: The next child? -- In Sotho that child is called Ncha(?) which is equivalent of dog. That explains that this person lost someone, that can be a boy or a girl, a child who came first before this one was born.

And it must obviously be used with some affection (10)
under certain circumstances?

COURT: Well some mothers call their children "my skapie".

MR BIZOS: Yes. Or "my lammetjie". Well do you agree with that, that some mothers call their children what you have said? -- Yes I will agree with that because that is our custom in Sotho.

COURT: Are you saying that accused no. 17 used the term in this sense?

MR BIZOS: No My Lord I am merely, accused no. 17 denies that he used the words but in any event what we say that it is (20)
the equivalent of some well known English words to denote disapproval.

COURT: Where on the scale in the English scale? High up?

MR BIZOS: No, I would say, the way I understand it that someone would say a bladdy bastard, or words to that effect. Now tell me this a woman holding the sharp edge of a knife said by a Sotho speaking woman to a Sotho speaking audience would not require any explanation whatsoever? -- It can need an explanation. For instance if they want to know what is she driving at, why does she use that word. (30)

COURT: But what do you understand in that term? -- I understand it/.....

it the following way and my explanation is a woman having a baby and there appear a lion which wanted to kill the baby and sort of eat the baby and then this woman would say "I rather die with my baby, in protecting the baby" or she will be brave enough to die first and then the baby, in order to save the baby maybe after she had died the baby might be saved.

Yes I do not think that we are dealing with the bravery of motherhood but does it not really mean, in the context in which it was used at the meeting, that it is the woman that has to provide the food, look after the children, clothe (10) them and see to it that the rent is paid?

COURT: Well to put it in short does it not mean that the woman bears the brunt of everything?

MR BIZOS: As Your Lordship pleases. -- It can be used in that context as well.

Yes. And that is what the speaker meant obviously, and did not have to explain it to a Sotho speaking audience? Is that not so? -- Is this what you mean was said by a woman in a meeting?

Well I thought that that was your evidence. -- Yes that (20) was my evidence.

And the only thing that I am putting to you is that it was not necessary for her to give any explanation?

MR JACOBS: Edele as ek reg onthou het die getuie nie gesê dat die vroue n verduideliking gegee. Ek het gevra wat is die verduideliking, wat is die betekenis van so iets. Dit is nie dat die een wat die vergadering gehou het of toegesprek het en die woorde gebruik het n verduideliking moes gegee het.

MR BIZOS: Well I do not think that is any real issue between us My Lord. Now at this meeting you told us that you do not (30) know the songs that were being sung? -- What I mean is I heard these/.....

these songs being sung. What the message is for me to explain to somebody else is what I meant I do not know.

Yes. Well siyaya you will have no difficulty about? -- Well in that I will say "We are going".

Yes. And can you remember any word or title of any other song that may be, may have been sung? -- "Singamasoja(?) a Mandela".

Now is that the one that you hummed the tune? -- That is so.

And did you consider yourself Mr Mandela's soldier? (10)
-- Do you mean me as a person?

Yes. -- Yes because we were all singing there and I wanted to identify myself with all the people who were singing.

Well there is a difference between merely wanting to keep other people company that are singing and calling oneself someone's soldier. -- Well unless you explain to me what the difference is.

By singing, or rather by keeping the tune or helping to keep the tune or the beat as His Lordship suggested you did not intend that you had joined any particular organisation?(20)
-- No I did not intend that.

And you did not think that you were making yourself a member of the African National Congress? -- No I never thought of that.

Or that you were entering a conspiracy to overthrow the State by violence? -- I was not at all because then I have never heard about that.

And I do not want to go through the questions all over again, did you know anything about the Communist Party? -- I did not know a thing about the Communist Party as an (30) organisation. The only organisation I was aware of was the

Vaal Civic Association.

Do you know anything about the UDF? -- I know nothing about the UDF except that on the 3rd I saw their placards and people who were clad in their T-shirts.

Is it the first time that you ever saw a placard or an emblem on any piece of paper or any document was on 3 September, not before?

COURT: Whose? UDF's?

MR BIZOS: UDF's. -- No I saw a person on the 26th who was clad in that and then again thereafter I saw it again on (10) the 3rd.

Did you see any banner or any placard on the 26th pertaining to the UDF? -- Yes I did see a banner.

Yes. Other than that you had no knowledge, you did not enter into any secret agreements with the UDF or do anything with them? -- No not at all.

And right up to the time that you arrived on the morning of the 3rd and before you heard Raditsela speak on the morning of the 3rd, before you heard Raditsela speak on the morning of the 3rd you were going to take part in a peaceful march? (20) In order to try and alleviate the grievances that you had in relation to rent? -- That is true. I took it to be an orderly march with no violence whatsoever. Even after Esau Raditsela had said that we are going to call at the councillors houses to ask them to join us I accepted it up to when he said if they join us then I was accepting it that we were going to go together to Houtkop. Then he put an alternative saying if they do not their houses or properties will have to be destroyed and they themselves will have to be killed.

We will come to that supposed speech on the morning of (30) the 3rd. Let us stay until what the feeling was before this speech/.....

speech that you say Raditsela made. -- Do you want my feelings about the march?

COURT: Well you have given them already. -- Yes.

MR BIZOS: Just listen to me. Before you arrived and heard Raditsela speak on the morning of the 3rd you, the members of your committee, everyone else involved felt that there was going to be a peaceful march in order to try and alleviate the grievances of the people?

COURT: He has answered that question as far as he himself is concerned. How can he speak for other people? (10)

MR BIZOS: Well My Lord he invited people there by loudspeaker, what did he say, what were the circumstances?

COURT: Well how can he tell me what they thought?

MR BIZOS: My Lord what the general feeling in relation, if the common purpose ...

COURT: Then you must first ask him Mr Bizos whether he knows the general feeling of all concerned or that portion to which you want to direct attention.

MR BIZOS: I will try and direct attention. You were in contact, you were one of the organisers of the people that (20) were going to take part in this march? -- That is so.

And you were in contact with your fellow residents in Zone 3 and other zones where you took part in the organisation? -- Yes I was having contact with different people in Zone 3 and Zone 7. Some of whom I did not even know.

Yes. But did you yourself in speaking about it in your community and asking people to come to this meeting feel, and did you get this feeling across to your neighbours and your friends and your fellow residents that this would be a peaceful march in order to address the grievances of the resi- (30) dents?

COURT: /.....

COURT: Well let us first get it step by step. The first time the march was discussed was on 26 August, is that correct?

-- That is so.

Did you discuss after 26 August and up to 3 September with anyone whether this march would be peaceful or not? -- No all I knew from the 26th was that on the 3rd there is going to be a march, that is where we are going to meet.

MR BIZOS: Did you try and get as many people as possible to join you on this march? -- No I did not try to find any people to be present at this march. The reason being that (10) I knew that they had been informed on pamphlets and the loud-speaker.

But did you not discuss it with your neighbours and friends? -- The only person with whom I discussed this when I left, that was Dibathe.

Was the march advertised by loudspeaker? -- No that is not what I am saying. What I am saying is the only time in which I was involved in inviting people to attend a meeting was when I was involved in the inviting of people with the loudspeaker to attend a meeting. On that day people were (20) invited with pamphlets as well, not that I personally orally had anything to do with a person whom I was supposed to be inviting to attend a meeting.

Well so did you as a member of the committee not take any steps whatsoever to try and get people to come to the march? -- No I did not, the reason being that I was looking forward to see what was being done by the people in this procedure, that is the people from the Vaal Civic Association who had some idea of what was going to happen and therefore I did not.

Let us come to the morning of the 3rd now. Would you (30) agree that you got there between 08h30 and 09h00? -- If my memory/.....

memory serves me well I will say so, yes.

With accused no. 8 and Mr Dibathe? -- That is so.

That was what was your evidence-in-chief but now let me put to you that you arrived at accused no. 8's house with Mr Olifant and Mr Marupeng. -- No I do not agree with that.

Well I am going to put to you that is what happened and you thereafter came into the company of Mr Hlanyane, accused no. 15?

COURT: Just a moment. Did he come with 15 or did accused no. 15 arrive later on? (10)

MR BIZOS: No My Lord, that he came with Olifant and Marupeng to no. 15.

COURT: Then they went to 15.

MR BIZOS: Now I just want to get, I have just had a new, a slight change to it. That you, Olifant and Marupeng were on your way to the meeting and you were joined on the way by accused no. 15. -- No I do not agree with that.

Do you agree that when you arrived there there was only a very small group of people there? -- That is so.

And that among the people there there was Esau Raditsela(20) and Mr Sam Matlole, accused no. 17? -- That is so.

Now they would put the time, accused no. 17 and the others that you arrived there with, that you arrived there at about 07h45 in the morning. What do you say about that? -- In view of my evidence that I said it was between 08h00 or after 08h00 that I arrived there I am not going to dispute what he alleges on this question of time.

Right. Now none of the accused have any recollection of Raditsela going away with children to fetch cardboard but they agree with you that cardboard was brought and makeshift (30) placards were made. -- I do not agree that Raditsela did not

go with the children. He did go with the schoolchildren. They brought some cardboard boxes and then the placards were there.

Yes, and that the placards were being made by various people, both adults and youths, in the courtyard there, the parking place? -- What I saw happening there was the youth was busy with the placards and the cardboard boxes were brought by the youth with Raditsela.

Yes, but do you agree that people started writing out placards? -- Yes I agree.

COURT ADJOURNS UNTIL 14h00.

(10)

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COURT RESUMES AT 14h00.

LUMA MAHLATSI: d.s.s. (Through Interpreter)

FURTHER CROSS-EXAMINATION BY MR BIZOS: Now tell me on the morning of the 3rd whilst you were outside the hall looking in did you see any other person whom you recognised on the elevated portion of the hall or the stage or the platform, did you see anybody there? -- No I did not see any other person because I was outside.

And the only person that you saw inside speaking or taking any position of authority was Raditsela himself? -- That is(20) so.

Alright, now listen to some of the things that I am going to say and tell us whether Mr Raditsela said them or not. Did he call for discipline? -- No I did not hear anything about discipline.

Did he say what the people should or should not do, people on the march should or should not do? If they were confronted by the police? -- No that I did not hear.

Did he say anything about not allowing themselves to be provoked by the police? -- No. (30)

Did he say that they should provide themselves with wet cloths/.....

cloths in case the police threw teargas and that this would be an aid? -- I noticed people wetting some cloths but that is before he had spoken.

Well do you say that he did not say this? -- No I did not hear that talk.

Did he emphasise the importance of the march reaching Houtkop? -- That is so.

Now you see these things that you say he did not say I am putting to you that that is what Mr Raditsela said and he did not say that you must go to the councillors houses to (10) ask them to resign, to ask them to accompany you and if they did not accompany you to attack them and their property.

MR JACOBS: Edele met respek, dat n mens net seker die rekord reg kry, die getuie het gesê hy het nie gehoor dat hy so sê nie. Hy het nie gesê, net nou dan word daar miskien weer iets gesê daarvan maar dit is sy woorde was, hy het nie gehoor nie.

MR BIZOS: I will cover that aspect as well My Lord. Were you paying particular attention to what Mr Raditsela was saying whilst he was speaking in the hall and you were at the door? (20) -- Yes though there was some noise by the people I was paying attention.

Yes and I think we have been through this before, you told us that you were paying particular attention and heard everything he said? Is that so? -- Well that is what you are putting to me but my evidence is that I heard him talking there though at some stages people were making noise.

Yes, but if he had, you were paying attention and if he had said any of the things that I suggested to you you would have heard them? -- I would have heard him yes. (30)

Yes. Your evidence is not that he may have said things which/...

which you did not hear? -- That is so.

Now you know accused no. 15 particularly well, that is Mr Hlanyane? Serame Jacob Hlanyane? -- Yes I do.

And if he was on the platform with Raditsela or next to Raditsela whilst Raditsela was making this speech could you have failed to notice him? -- I would have seen him, yes.

And you know accused no. 17, Mr Sam Matlole, particularly well, and if he was next to Raditsela whilst Raditsela was making this speech in the hall you would not have failed to notice him? -- I would have seen him, yes. (10)

And you have already told us that neither Raditsela nor anyone else spoke outside to the people that were going to take part on the march after the people came out of the hall? -- Yes that is so.

And you most certainly did not notice 15 and 17, whom you know well, speak to anybody outside the hall in the courtyard of the Roman Catholic Church complex?

COURT: Do you mean privately or addressing a gathering?

MR BIZOS: Addressing a gathering My Lord. -- No I did not.

And if I were to suggest to you that there were approxi-(20)
mately two hundred people in the hall what would you say, during the morning meeting when Mr Raditsela spoke to them? -- From my observation there the hall was full and people were also many outside the hall and then according to my judgment I would say approximately between five hundred and six hundred.

Well I am going to put to you that it is impossible to get, well let me put it another way, I do not want to enter into a new subject. I am going to put to you that on that particular morning there were only about two hundred people?(30)
-- Well that is how you put it but that is not how I know the whole/.....

whole thing.

But now if you heard Mr Raditsela say that there would be a call on the councillors to accompany you and if they did not accompany you you would attack their property and their person was not your understanding that the march was going to go to the first or nearest councillor's house in order to ask him to accompany? -- He did not make mention of that, that we are going to start from the very first or the nearest councillor house from there.

Well where did you think you were setting off, you (10) were towards the front of the march, were did you think you were setting off to, to Houtkop or to the nearest councillor or to a councillor's house? -- I had in mind that we were setting off for Houtkop but then again about councillors I thought well on our way we might go to the councillors houses because there is quite a number of them, some in Zone 12 and Zone 11.

And Zone 3 and Zone 7? -- Yes also in Zone 3 and 7 there are councillors.

Yes. Now did it occur to you but who is going to (20) decide what councillor's house we are going to go to in view of the amended instructions that you heard for the first time on the morning of the 3rd? -- No it did not occur in my mind.

Were you not in fact singing as the march was being formed, "Siyaya e Houtkop" ? -- No it was sung as "Siyaya e Pretoria".

And if His Lordship has had evidence from another witness that the, in the main the song that was sung was "Siyaya e Houtkop" was that evidence incorrect? It might help My Lord, it is on page 1032. (30)

COURT: That might have been to the middle of the march. This man/.....

man was leading.

MR BIZOS: Yes, well perhaps we had better cover that eventually. Was there common purpose in the march, were they singing the same song? -- Yes it was a common song being "Siyaya e Pretoria".

Nobody sang "Siyaya Houtkop"? -- Not that I heard.

Well did you intend marching to Pretoria, as that song goes? -- Well that is how the people who are well versed with that song know it, that it says "Siyaya e Pretoria", what that means. (10)

Yes. Just whilst I am on this I am going to put to you that that was the only song that the crowd taking part in the march sang, "Siyaya e Houtkop". -- No I do not agree with that, I did not hear anything said about Houtkop. If in case some people did sing it that way, "Siyaya e Houtkop" it may be that they sang it in that fashion because they knew that we were heading for Houtkop.

But that is what you thought also? -- Well I answered the question according to what you put to me because I did not hear this song about "Siyaya e Houtkop". (20)

Would it be correct to say that Modise Mthombeni, accused no. 9, that is Tebello Ephraim Ramagula, and you were put at the head of the march behind the young placard carriers? -- I was not put there. I took that position at my own and while being there I did not notice accused no. 9.

You see was it not sort of understood that there would have to be a Zone 3 and a Zone 7 person leading the march? -- I did not hear that being mentioned.

Was it just arbitrary that you were asked to be towards the front or to lead the march according to our version? (30)
-- I do not agree with that because I could not have been placed/.....

placed to be a leader of a march not knowing the procedure of the Civic Association.

Well you say that Raditsela was right in front of the march? -- Yes.

I am going to put to you that he was not in front but that he was the sort of marshall who remained behind to see to it that people got off in the correct way? -- What I know is that he was in charge to sort of form the march at the point from where we had to leave. Immediately everything was in order he then came to the front in the march, after having been (10) ready to go to Houtkop.

Do you agree that there were marshalls to keep people in order? -- I do not agree. Even if say they were there I did not see them.

Was there any mention made in any of the speeches that you heard, either at a meeting or more particularly on the morning of the 3rd, that one of the persons that the marchers wanted to speak to was Mr Ganz? -- No I do not know about that.

Did you not hear that from either Raditsela or anyone else? -- No I did not. (20)

Was there not a perception among the people as a whole that you heard at meetings that it was really the White officials that made the decisions, the real decisions? -- No I did not hear that.

Is it possible that it was said and you did not hear? -- Yes I agree with you.

Yes. And if a previous witness has told His Lordship that his understanding of your behaviour that morning was that you were first going to go to Mr Ganz and thereafter you would go to the councillors what do you say to that? (30)

-- No I did not hear that.

Would/....

Would you agree that individuals and small groups of people joined the march as you were going along? -- Yes that is true.

Yes. And if my memory serves me correctly you said that people were dragged onto this march? -- Yes I am talking about the people who were standing in the yards looking at this march.

Do you say that people were forced? -- I will say so yes because a person who is being dragged is a person who is being forced. (10)

I am going to put to you that although people on the march beckoned to other people who were watching to come that nobody was forced to come onto this march. What do you say to that? -- I do not agree with that, there were people who were joining the march at their own and there were those who were being dragged from the yards.

Where do you say accused no. 8 was whilst you were marching, if you know? -- Who is no. 8 again?

Mr Nkopane. Where was he? -- I did not see where he was because I was at the front. (20)

I am going to put to you that he, together with Esau Raditsela, was not in front.

COURT: Where were they?

MR BIZOS: Towards the back My Lord. -- I do not agree with that because if Nkopane, accused no. 8, was with Raditsela I would have seen him, the reason being that Raditsela was right in front and I saw him.

I am going to put to you that on the contrary accused no. 8, Nkopane, and Raditsela actually stayed towards the back in order to see to it that people did not lag behind. -- No(30) I do not agree with that.

And/....

And where do you say Mr Sam Matlole, accused no. 17, was whilst the march was proceeding? -- He was with Esau Raditsela in front.

I am going to put to you that accused no. 17 was in the middle and not in front. -- No I do not agree.

Do you agree that you, Modise Mthobeni and accused no. 9 had been told to take it at a slow pace? -- About that I will not know a thing but what I can mention is when people were moving fast Esau Raditsela was in position or was able to control the crowd not to be fast. (10)

I am going to put to you that that was a function that the three of you performed in front. I have already put to you that there were no stones on the road on this morning. -- There were stones which were being placed or pushed into the road.

At the time of the march or before the march? -- At the time of the march.

What was the purpose of that? -- Well in that way I understood this to mean that they are blocking the road.

Against who? -- Anyone who is owning a motor car or a (20) vehicle who wanted to pass there.

Let me see if I understand your evidence correctly. Do you say that as you were proceeding in front the stones were already there or were stones being put as you were marching along? -- There were no stones while the march was approaching. The stones were being put on the road while we were marching.

So the marchers did not have to climb over stones? -- There was, people were walking around the stones as we proceeded.

But was the front of the march, the front of the (30) march then did not have to climb over stones? -- Probably you/.....

you did not understand my evidence last time when I said while the march was proceeding people came out from the march and brought the stones into the road.

After the march had passed a particular spot, or the front of the march had passed a particular spot? -- That is so.

So if there was any impediment on anybody along the road it would have been those towards the back of the march? -- That is so.

There was no impediment at all to those marching in (10) front of the march? -- That is so.

Right. Then when you told His Lordship yesterday that you saw Mr Matlole climbing over boulders you were not entirely correct? -- My evidence was people came out from this very march, even those who were in the front, in the immediate front of the march, were going out of the march to collect stones and put them right in front of the march. That is before the front portion of the march passes the point where they had put the stones, therefore meaning that those at the front of the march also were obstructed by the stones (20) put by these people.

Yes you told us precisely the opposite a short while ago but we will not take up any more time on that. Would you agree that Zone 7 has the highest concentration of councillors, that is of all the councillors in the whole area Zone 7 has more councillors than any other area? -- I will not have an idea about that, the reason being that I do not know the houses of the councillors in Zone 7. I only know the houses of councillors in Zone 3.

Yes. Do you agree that there are a number of the (30) accused who are from Zone 7, who were on the march? -- Yes

I/.....

I do agree that they live in Zone 7.

Do you agree that Mr Esau Raditsela himself was from zone 7? -- Yes I agree.

Do you agree that there is close contact on many civic issues between Zone 7 and Zone 3? -- Do you mean close contact in what way, on foot or by making use of transport?

They are adjoining zones and they are not strangers to each other? They had mass meetings together, common grievances? -- Yes I agree with that.

Whilst you were marching some four to five kilometres (10) did it not occur to you that you were leaving the councillors of zone 3 and Zone 11 all alone? -- Zone 3 and Zone 11?

7, I beg your pardon. -- That did not occur to me because I was solely basing everything on the leader of the march, Raditsela.

Yes. No mind of your own in these matters? -- I beg your pardon?

You have no mind of your own in these matters? -- No.

Do you recall the, passing the Fowlers bus stop?

COURT: Do you know Fowlers bus stop? -- Fowlers, no what (20) I know is we went past a bus stop which is known as Masenkeng.

There is a bus terminus indicated as no. 38 on EXHIBIT AAR(1), Fawla, F-a-w-l-a. Is that the one you are referring to?

MR BIZOS: I think it is the one My Lord, I have it as Fowlers.

COURT: Yes we have always had it so far as Fowlers.

MR BIZOS: Near the intersection My Lord, this is shown near the intersection. Yes anyway do you remember passing, I do not think Mr Orderly.... (30)

COURT: No, no do not mix up the witness now with the exhibit.

MR BIZOS: /..... /

MR BIZOS: You passed this bus stop. Did the march remain orderly past that bus stop? -- That is correct.

And no one destroyed it or damaged it in any way? -- Because of the fact that I was right in front of the march I did not look back to see as to whether anything was happening to it after I had gone past. That is why I say I did not see anything happening.

But there was no untoward shouting or screaming or ululating or anything like that, the march as far as you are concerned, continued in an orderly fashion past that as (10) far as you were concerned? -- With the singing of course.

With the singing, yes of course. Now you see accused no. 9, the gentleman there that was in front with you, will say that he lost you at about that spot. Did you by any chance change your position or fall back or go a little bit forward? -- I was not even aware of his presence near me since we had started from the starting point.

Well what is your answer? Did you change your position or move backwards or forwards near Fawla's bus stop? -- No I never changed my position. (20)

Yes. And this bus stop is just near the house where you heard the shooting coming from? -- The bus stop you were talking about was Fawla. The one I know is Fowler, that is the one in Zone 12 not in the immediate vicinity of Zone 11.

I see. Alright we will leave it there. Do you recall that at a bus stop a group of people joined the march? -- Is that before the place where I heard the firing of shots?

Yes. -- Yes I can agree to that because quite a few people emerged, as indicated by the witness from his left.

And they joined the march as you were going along? (30)
-- Yes they joined the march.

And/.....

And were this group in particular, was it coming from the opposite direction? -- The group I am talking about came from the direction of Fowler, that is the direction of Evaton. That is excluding the group which came from the direct opposite, that is in the vicinity of the area in which Caesar lives.

Yes, let us leave Caesar out of account for the moment. I am talking about a group near the bus stop that joined the march. You recall, that is the group we are talking about. -- Yes if those are the people referred to they came from the direction of Zone 12, not from the direction of Zone 11. (10)

Yes. -- Also not from the direct opposite direction as we were marching but from the side.

From the side.

COURT: The witness now indicates with his right hand which as he was walking would indicate Zone 12 and not Zone 11.

MR BIZOS: Now this group that came from the direction of Zone 12, did they in a sense take over the leadership of the march? -- No I do not agree with that. I would rather say the people who came from direct the opposite direction are the people who took over the march. (20)

No before we reach Caesar's place. The people coming from Zone 12, listen to the -- No they did not take over the march.

Did any of them have any placards? -- Yes they did, in fact some of them were clad in a black and white clothing.

Yes. And did not at least those that had placards and some of their friends or handlangers go to the other placard holders, the other leaders, and join them? -- I will not say that with certainty but what I can say is there was some confusion there now, there were no proper rows of the march. (30)
Some of them behind me also had some placards.

So/....

So would you say that this group that came from Zone 12 led to some confusion in relation to who was leading the march and that the group became a little bit more, well became disorganised, the march became disorganised towards the front? -- That is so.

COURT: Now does this then mean that some of these people came into the march in front of you and some of them came into the march behind you? -- Yes.

MR BIZOS: Yes. Then as you were approaching the lane if you had not heard any shots, if you had not heard any shots, (10) and you were still leading the march would you have turned right on the way to Houtkop?

COURT: Well a turn right is not entirely I think what you mean. A very slight turn to the right.

MR BIZOS: Veer, yes would you veer to the right? Or to make it even clearer would you have followed the tarred road to Houtkop? -- On that I depended on the person in front as to whether we were turning or veering towards Houtkop. It only was for him to decide.

Yes, because I am going to put to you that Raditsela (20) was not in front even at this stage. Now would you agree that when you saw these, this small group of I think you said fourteen or sixteen people near the lane could you describe whether they were a tight group together or whether they were loose or whether they were walking out of the lane or coming off the tarred road, could you describe what the position was? -- These people when they emerged they were running in a group which I, as I have already said, estimated to be between fourteen and fifteen people.

They were running? -- Yes they were running and I could (30) hear the firearms being used.

They/.....

They were running in your direction?-- Yes towards us.

Were they a disorganised group or did they appear to have a leader or were they just running away as a disorganised group from fright? -- I inferred that they were running as people who would run away from something because I heard the firing of shots from firearms.

Could you please tell us precisely where you were when you heard the first shot? Had you reached the spot on the tarred road veering to the right or not? Or were you still on the straight tarred road? (10)

COURT: Had you already reached the spot on the tarred road where the lane enters it?

MR BIZOS: Where the lane enters it yes. -- When we came to that point is when I heard the firing for the first time and these people said "The dogs - namely the councillors - are shooting".

These are the people who were running away? -- Yes the people who were on the run are the people who uttered those words. In fact it was quite apparent that there was already fighting which had started from that direction. (20)

So the people that really were running down the lane and said, I am sorry just repeat the words again, what do you say they said? -- They said "The dogs - namely councillors - are shooting from this side".

Are shooting. So, and this is what they said individually, there was no leader who was making an announcement on their behalf? -- There was no leader who announced that. In fact this talk came from all of them.

So they were really frightened young people who were explaining to those that would hear them the reason why (30) they were running away? -- Do you mean young people, sort of informing/....

informing us the reason why they were running away?

You saw a lot of people running, you saw the people running and they were giving a reason why they were running, they were running away from the dogs that were shooting? -- That is true.

Yes. Now there was not any single announcement made to the march as it was coming up to the intersection in which the lane is to do anything? -- No there was no such announcement.

There was no such announcement. But now without wishing any disrespect to any member of the police force are police-(10) men not also referred to as dogs by people in the townships, especially when they are shooting? -- They do call them dogs.

Yes. You did not know who was shooting? -- I only came to know because the talk was the councillors.

But who said that the councillors? -- This was said by the group which came running from the direction of the shots which were being fired.

I thought that you said the dogs? -- I said the person said, or the people said "The dogs, meaning namely the councillors, are shooting from this direction". (20)

No you gave it as a, you were asked who did they mean when they said dogs. You did not say that there was any talk that the councillors are shooting.

COURT: No, no, the evidence was "Hulle praat van die honde van raadslede is besig om te skiet hier".

MR BIZOS: No but My Lord was not the further question asked as to whether this was interpretation or not.

COURT: No.

MR BIZOS: Well I am sorry My Lord.

COURT: You can interpret that or translate that as "These(30) dogs, the councillors, are busy shooting".

MR BIZOS: /..... /

MR BIZOS: Yes I will leave that, I will cancel the question. Now did Raditsela say whatever he had to say loudly and clearly for everyone on the march to hear? -- Because of his having been in front of me I could hear what he was saying.

Well the question is what portion of the march would you say heard him? -- What portion?

Yes. -- I believe so maybe a quarter or the majority could hear:

The majority could hear, he said it loudly and clearly and at the time presumably when the singing had stopped? (10)
-- Yes that is true, when this group emerged.

So that if anyone who was near the front of the march did not hear it and told His Lordship so, or did not mention anything about it to His Lordship you would say that that would have been an exception? -- I agree so yes.

Yes, anyway would you agree with a statement that has been made to His Lordship that the march, the people on the march as a whole did not leave the march but individuals from the march as individuals left the march and went up the lane? Would you agree with that statement? -- I will (20)
agree because when that started happening I had run away already.

When the shots were fired? -- Yes.

When you first, did you run away when you heard the first shot? -- When I heard the sound of the shots being fired continuously I ran away.

Well that must have been before Mr Raditsela spoke? And before you heard the group of people talking referring to the dogs? -- After the report by these people was made and after I heard these shots being fired it is only then that Raditsela (30) said "Let us go". Immediately thereafter when he said that

I ran away.

Is that what Raditsela said, "Let us go"? -- Yes.

Well that is equivocal in your state of mind, that mean "Let us run away"? -- Well he was saying "Let us go". Now I had in mind that we were marching but I got the impression that he was saying let us go to the place where the fighting is on. That is why I decided to run away.

Oh so it is only an impression that you had but the only thing he said is "Let us go"? -- That is so.

Yes. Well the people that heard him must have seen (10) the people running away from the shooting? -- They are supposed to have seen that yes.

Yes. And you know I just want to put to you a simple proposition that if the people were running down the lane and they had reached the tarred road as a result of the shooting the shooting must have started and you must have heard it some time before? They reached the tarred road, do you understand why I say that? -- Yes I do.

But what do you say about that? -- What about if the shots started firing whilst we were immediately in that (20) vicinity from the lane from which these people came?

Yes. Well you would have heard the shots before the people managed to run all that distance. -- I would have heard that yes.

You, you turned on your heel and ran away and you did not see what effect Raditsela's "Let us go" had on the march? -- No I did not see anything happening.

You did not know what response there was to the call of "Let us go"? -- While being in the veld there I noticed that there was smoke and something was on fire (30)

COURT: No, no, that is not the answer. The question is at the/.....

the time when Esau said "Let us go" in which direction did the people run? Towards the house, that is up the lane, or away from the lane? -- They ran into the lane leading to the house, that is when I ran away.

MR BIZOS:. No but you know that is not what your answer was a moment ago. It is only now that His Lordship put the two alternatives that you chose the one. But there is the third one that you did not see and this is what you told us a moment ago. -- Like what?

I will not repeat the question, thank you. Now would (10) you agree that you only saw accused no. 15 near Hunter's Garage?

COURT: We have passed the point of no return?

MR JACOBS: Edele kan ek net iets vra? Ek is jammer. Hier is 'n paar getuies wat hier buitekant is wat mense wat bang is en wat ek graag wil hê die Hof moet waarsku vir morê maar hulle wil nie in die hof in kom so lank die mense hier is nie. Daar gaan 'n versoek wees blykbaar om hulle getuienis in camera te gee.

HOF: Nou waarvoor moet ek hulle waarsku? (20)

MR JACOBS: Edele ek sukkel om hulle hier te kry en hulle hier te hou en om hulle weer hier te kry. Ons sit met die probleem dat hulle wil nie kom nie. Ons het hulle gesubpoena maar die mense is net dood eenvoudig, ons het gevoel as die Hof hulle waarsku sal dit miskien meer gewig dra.

HOF: Moet ek hulle nou in camera waarsku?

MR JACOBS: Dit is die ongeluk Edele.

HOF: Wat doen u aan die hand?

MR JACOBS: Ek doen aan die hand dat ons

HOF: Moet ek die publiek die hof laat verlaat. (30)

MR JACOBS: Dat hulle, want dit is nie meer getuienis wat gelei/....

gelei word nie en dit sal hulle nie raak nie as die Hof die publiek vra om uit te gaan en dan hierdie getuies. dan net miskien kan waarsku.

HOF: Wel dan wil u hulle name op rekord hê? Dit is wat u nie wil hê nie.

MR JACOBS: Nee Edele ek wil nie.

HOF: Wel hoe kan ek iemand waarsku wie se naam ek nie op rekord sit nie.

MR JACOBS: Ek sal hulle in roep nadat die publiek uit is, sodat hulle net in die hof verskyn. (10)

HOF: Dan moet ek hulle name op rekord stel anders is daar niks in die waarskuwing.

MNR JACOBS: Ek sal maar weer probeer, ek sal maar kyk wat ek kan doen, ons los dit dan maar.

COURT ADJOURNS UNTIL 11 MARCH 1986.

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