

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

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SAANOMMER: CC 452/85

PRETORIA

1987-09-02

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

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

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VOLUME 276

(Bladsye 15 025 - 15 056)

COURT RESUMES AT 14h00 ON 2 SEPTEMBER 1987.

THOMAS MADIKWE MANTHATA, still under oath

FURTHER EXAMINATION BY MR BIZOS : Mr Manthata, the new deal that was proposed in 1983, the referendum of Whites in November 1983, the elections of town councillors in December 1983 in Soweto, what was the attitude of the SCA to all that? -- The attitude of the SCA was that of despair, despondency with regard to the fact that the government has left out the Black people in its endeavour to bring about the changes and amounting to complete dissatisfaction and to complete (10) rejection of the whole deal. People felt that the new deal was a way of presenting apartheid in its stuck terms and in a manner that it did not give hope of it ever going to be changed and the fact that the Black community, that is the Black community of the Africans, Coloureds and Indians, was now getting divided. This showed the Black masses the fact that at best the government can go to all lengths to isolate the Black people to make them disowned, disinherited in their land of birth and as a result people felt that these are some of the, these are issues that people have (20) to campaign against to register their dissatisfaction and to show that if apartheid and/or the efforts to change it, are just going to be in the direction of retrenching, of restrengthening it, to making it the more tough, more especially for the Black people, there was nothing that the Black people could ever have anything to do with it and more so that they saw the Black Local Authority to be tied up with all those new changes, namely that the Black people are being offered what according to the Whites, was seen as a development whilst with the Black people it was gross (30) retrogression/...

retrogression. So, in the light of that mood, people felt that these are some of the things that must be rejected and people must show their unity against the things which in turn will show their unity with regard to what they consider the best deal for this country, namely the removal of apartheid, which would mean the dawn of a better society for everybody in this country.

Did you yourself take a stand against the election of councillors at 1983? -- In Soweto, as I have said, they had already prepared themselves to reject the new law as early as 1982 had the election taken place. So, there was literally no change if not a stronger conviction that the Black Local Authority is not going to mean anything good for them. So, it was strongly felt that it must be rejected and it must be opposed and people must stay away from the poles.

ASSESSOR (MR KRUGEL) : I do not know whether you heard Mr Bizos's question right. As I have it, Mr Bizos wanted to know what your own stand was in relation to the matter?

-- My personal stand?

(20)

Yes, your personal stand? -- My personal stand was that those must be rejected.

MR BIZOS : Was that view shared by the SCA? -- It was shared by the SCA.

Did both the SCA and you personally campaign against participation in those elections at the end of 1983? -- We campaigned vigorously against the elections of 1983 under the Black Local Authorities Act.

You told us that it had already been resolved in November 1982 at your conference that you would not take part in

these/...

(30)

these elections and we know that that was before the formation of the UDF. Is what you did during 1983 to oppose those elections something that you did because of what the UDF told you to do or because of what you had decided in 1982? -- We did it because it is - the thing that we had decided to do in 1982, not because of the UDF.

You addressed a meeting at Sharpeville on 19 August 1984? -- That is so.

I would like you in your own words to please tell us how it came about right from the beginning that you were (10) asked to go to the Vaal or to Sharpeville? -- It was on a Monday or a Tuesday after 12 August, that Father Moselane came to Khotso House. I do not know whether he had come to the offices of the Anglican Church, but he ended up or he did contact me at the BPC offices and he told me about the rent increase that was due in the Vaal which had been announced and he told me of the concern of the elderly people who were getting food parcels from the church, that is from his parish and that these people were requesting that the food parcels they were receiving could be in- (20) creased now that there is talk of the rent being increased in the Vaal, because they felt that the little that they get from their pensions could not pay the required increase. So, these people were deeply concerned, scared and even fearful of what would happen to them in the event of their failure to pay the rent, now that it is being increased. He said he is unable to offer any kind of solution and he wanted to find out whether there was anything that could be done. I said I am not quite certain either, but the best he could do would be to contact the Black Sash or any (30)

other/...

other legal office, to find out whether legally there is anything that could be done and that the Black Sash has been of much help to us at the Soweto Civic Association level in terms of what the Community Councils are expected to do before they can announce - before they can expect the people to pay the increase and then he asked me whether I could be available to talk to his meetings and I was not quite clear what he meant by that, but judging from the fact of his concern, I could on my own feel perhaps that what would be important would be to try to give these people hope (10) to make the people understand that such problems would be there, all what they have to do is to keep talk about them and perhaps with a view of soliciting assistance from whatever quarters.

Were you asked outright by Father Moselane to attend a particular meeting? -- Yes, he asked me outrightly that I should please come and address their meeting on the 19th, that is the coming Sunday.

In any particular capacity, representing anybody? -- Not in any specific capacity, representing - in terms of (20) representing any organisation, but he was mindful of the fact that I was a field worker of the SACC and that I was a member of the Soweto Civic Association. I do not know whether he could have had that in mind, but he never stated that.

You agreed to go on the 19th? -- I agreed to be with them on the 19th.

Could you please tell us how you went to Sharpeville? Did you go there alone? -- I did not go there alone. I was in the company of my two cousins, Seabe Manthata and Kora (30)

Manthata/...

Manthata.

COURT : Are these males or females? -- These are males.
They are my cousins.

MR BIZOS : Were they members of any organisation or was there any particular reason why they accompanied you? -- They did not belong to any organisation and they accompanied me I would rather say purely as a cousin or as a brother.

COURT : They went for the fun? -- They went for the fun, because they did not even get into the church hall.

MR BIZOS : You went to Sharpeville? -- We went to Sharpeville. We found the service still on and as I knew the rectory, we drove to the rectory all along and parked in the yard and waited in the car until we saw the people coming out of the church and we went and knocked and we got into the sitting-room and we sat there. Father Moselane entered with some people who went into the office and whilst in the sitting-room, there came a lady and a gentleman who introduced themselves as Peter Hlubi and Nozipo Myeza. Later arrived Oupa Hlomoka, that is accused no. 2, who introduced himself and then later came Lazarus More, the (20) erstwhile accused no. 4 and he too introduced himself. Later ... (Mr Bizos intervenes)

Before we go any further, did you know Miss Nozipo Myeza before this time? -- I did not know her before this time.

And did you know Mr Peter Hlubi before this day? -- It was the first time I met Mr Peter Hlubi on that day.

COURT : And accused no. 2? -- I did not know no. 2 either.

MR BIZOS : He introduced himself? -- He introduced himself. The same applies to no. 4. (30)

It/...

It is alleged in the indictment that you went to attend this meeting and addressed it in furtherance of a conspiracy amongst the ANC, the SACP, the UDF, ACAPE, in order to ferment revolution and in order to make the country ungovernable and in order to incite riots. What do you say about all that? -- I reject that allegation. There is no substance of truth in it. I never had in my mind all those organisations. In fact, it came as a shock when one read the indictment.

Whilst you were waiting in the sitting-room of Father Moselane, accused no. 3, did you discuss what you were going to say with any of the other persons there present? -- No.

Did Father Moselane join you? -- Father Moselane joined us after a time.

When he came, did you have any discussion with him as to what you were going to say? -- No, we never discussed what I was going to say.

Did you leave Father Moselane's home? -- Then we left Father Moselane's home. As we went out of the gate, we saw two cars moving from the direction of the church going to (20) pass the gate that faces south moving up. Nozipo remarked "They are here already" and it became clear with the response of accused no. 2 that these were the police and of course, when I too looked at the cars, I could see that they resembled the police cars, but I did not take that as the main sign, but when accused no. 2 said something to the effect that they had come to record the meeting, I had to respond "Well, that should be expected." So, we marched along to the church. There were already people around the church who could have been in the region of five, six, (30)

seven hundred already and Father Moselane opened the church door and people went in. We too went in with them and we started to take seats in the church.

In relation to these remarks about the police being there, did you have any idea as to why the police might have been there in the sort of vehicles that you saw them in? -- Yes, I had an idea that they had come to take record of the proceedings of the meeting.

Why did you think that?-- Well, this is the general practice of the police and I had no reason to think of any (10) other reason for their presence.

You had already been charged and acquitted, you told us, as a result of addressing a meeting at what Mr Mohage gave evidence?-- That is correct.

COURT : Not at the meeting, at the case.

MR BIZOS : Sorry, did I say at the meeting? You were charged by the Court in relation to what you said at the meeting? -- Correct.

You told us that Mr Mohage was the only witness in your case? -- It is so. (20)

Did you know at the time whether Mr Mohage was living in the Vaal Triangle or not? -- That is by 19 August 1984 I knew, because he had said that he was a security police in Vereeniging staying in Sebokeng. That is during our trial.

COURT : When was the trial? -- The trial was in 1981.

I do not remember the month.

MR BIZOS : I have the late Mr Wentzel's brief in the matter. It was March 1981. So, you knew that Mr Mohage was there? Was living there? -- I knew that Mr Mohage was living in (30)

the/...

the Vaal complex.

You went into the church. What part of the church did you go to? -- We went to the front part of the church almost towards the altar or towards the sanctuary on an elevated section of the church.

You recall that two witnesses gave evidence in relation to what they allege you said at this meeting and what they allege happened at this meeting, namely sersant Koaho and IC.9. Among other things that they said is that you, accused no. 1, accused no. 3 and the erstwhile accused (10) no. 4 walked into the church together and the moment you walked in the crowd stood up and saluted with Amandla at a stage when the church was packed full. What do you say to that evidence? -- It is a lie. We entered together with the people. There could not have had a time when the audience could have taken seat already to a point where they could have been in a position to stand up to shout the way it was said or the way it is said.

Did anyone shout Amandla or words of the same meaning on your entry? -- No, none shouted those words on our entry. (20)

Were there any preparations being made to hold the meeting whilst you were coming in? -- There were no preparations on when we came in. There was nobody in the church when Reverend Moselane unlocked the church doors.

Did accused no. 4 come into the church with you? -- Accused no. 4 went back at some stage, I do not remember when, but he did not walk into the church together with us. He came in later.

Did accused no. 2 come up to the stage with you? -- No, accused no. 2 did not come up to the stage with us. (30)

Were/...

Were there people other than yourself and accused no. 3 and other people Myeza and Hlubi on what was described as a stage or the elevated area in front of the altar? -- Yes, there were other people who sat in front in the area where I sat.

How many more or less? -- In the region of forty, fifty.

Before the meeting started, did anyone pass a note to anybody? -- I do not remember seeing someone passing a note onto someone else. (10)

Did you see a note or did you hear of any note? -- I remember a note given to me by Reverend Moselane.

What did this note have to say? -- The note was informing me of the presence of one certain Koaho and that he was a member of the security police.

Was that a matter of surprise to you? -- It was no surprise to me.

The various meetings that you had addresses in the past, did you yourself recognise any security policemen at the meetings or did you have reason to believe whether or not (20) there were any security policemen present? -- The first of our meetings at SCA level were public meetings and anybody would attend and the presence of the security police was always a matter of fact, much as one may not have been in a position to know who was the security police and who not, but we knew that they would be present in our meetings.

What do you say to the evidence of the two witnesses that we have referred to to the effect that there was a banner behind the platform with the words "Away with councillors. No more rent hikes." -- That is a lie. There was not such (30)

a/...

a banner.

Was there a banner of any sort? -- There was a banner hung onto the pulpit which read "Asinamali" in Zulu and "Ha rena tjelete".

Where was this banner? -- This banner was hung more towards to, what I would say at our back towards the altar on the pulpit or near the pulpit, not exactly.

So, either near or on the pulpit? -- Either near or on the pulpit.

You saw the film of the meeting of 26 August ... (Court(10) intervenes)

COURT : Which one?

MR BIZOS : The one taken by Mr Kevin Harris. I have been trying to find out the exhibit number.

COURT : It is EXHIBIT 40.

MR BIZOS : You saw EXHIBIT 40 shown in court? -- Yes.

You saw a banner there exhibited on the video? -- I saw the banner in the video.

How does the banner that you saw on the 19th compare with the banner shown on EXHIBIT 40? -- That banner is (20) similar to the one in the exhibit.

How did this meeting begin?

COURT : Which one?

MR BIZOS : I am sorry, the meeting of the 19th? -- The meeting of the 19th began with Reverend Moselane asking the people to sing a hymn and they sang "Re ya ho boka Morena." Thereafter Reverend Moselane opened with a prayer and he read from the Bible and gave a brief sermon which was to be said, that is according to my interpretation, that people will encounter difficulties and in the face of such difficulties(30)

people/...

people must have faith in God and they must be able to present themselves to God. Then thereafter the person who was in the chair, that is Peter Hlubi, read the resolutions of the previous meeting, that is the meeting of 12 August, which were that the people should not be by the increased rent and that the councillors should resign. Then Mr Hlubi tried to introduce me as the speaker of the day. He could only say that Thomas Manthata from Soweto and it was at this time that Father Moselane came in and introduced me as a member of the Soweto Civic Association, a member of the (10) Soweto Committee of Ten and a field worker of the South African Council of Churches. He said something to the effect that I am an active churchgoer, a person who is linked with the church at personal level, that is one who attends church quite often. It was after that that I stood up to address the meeting.

Just before we go on to what you said, what do you say that accused no. 3 said that there would be a number of speakers? -- No. 3 never said that.

Do you recall whether accused no. 3 related an anecdote(20) about an old woman that approached him? -- I cannot remember that. I seem to say he did not relate an anecdote at this meeting.

But you do not recall? -- But I do not recall.

When Mr Hlubi read the resolutions that had been passed on the 12th, did he just read them out or did he ask for any response from the audience? -- He did wait for the response from the audience.

Was there any response? -- There was no response. There was general acceptance of those resolutions as the correct(30) resolutions/...

resolutions passed the previous day.

COURT : If there was no response, how was the general acceptance determined? -- Well, there were words to the effect that these are the resolutions "Ke tsona, ke tsona".

MR BIZOS : Would that be "That is it, that is it"? -- "That is it, that is it."

Before I ask you what you said, I want to read to you what the indictment says about you. "That accused Thomas Madikwe Manthata next delivered a strongly worded address in which he rejected councillors and presented them as (10) part of the oppressors. Councillors had to resign and the residents should not pay the increased rent and that the evidence given by Sergeant Koaho and IC.9 was to the effect that you said that councillors be made to resign, that you had a piece of paper which you tore up and you went on to say that councillors must be killed, stoned and set alight." What do you say to those allegations? -- I deny all those allegations. They are just a fabrication. I never advocated the killing of anybody or the destruction of anybody's property. I did not tear the said paper, nor did I say (20) that the councillors were oppressors. Even - I could have said that the councillors should resign. This came up later during my speech as I had already taken it from the people's previous resolution, but otherwise, all what is being said here is absolute lies.

For how long did you speak? -- Roughly 45 minutes, thereabout.

In what language did you speak? -- I was speaking in Tswana or in Sotho, to put it properly.

COURT : What did you speak? Tswana or Sotho? -- I spoke (30) Sotho/...

Sotho.

MR BIZOS : Was it translated? -- It was translated into Nguni.

Did you start off your speech as deposed to by these witnesses by shouting out "Amandla" before you started? -- I did not shout any slogan at the beginning of my speech.

Did you use a slogan at the end of your speech? -- Yes, at the end of my speech I shouted "Matla".

In your own words, could you please tell us what you remember you said? -- I remember saying to the people (10) that the rent increase is a problem that we are going to live with, is a problem experienced in quite a number of other townships, that the rent increase is bad. I said that the rent increase cannot be seen in isolation, that there are certain factors which are contributory to the rent increase. Primarily, the question of inadequate consultation, complete absence of democratic representation in government structures. I said that where the people have a vote, the people have the power, that the power of the people arises out of the power of the ballot-box. I said that - I showed an example of (20) how the power of voting can influence things, namely that where people speak and speak with the power that they have, certain things are changed and people derive benefit from their stand and their utterances. At this stage I referred to what happened in the elections of 1981 where Minister Lapa Munnik had spoken in a manner unfavourable to the old aged pensioners, that they could live at a certain amount, whether it was R20,00 or R30,00 a month and how, when the people started to talk about this, the powers that got influenced to raise the pensions of the Whites. I said where people (30) have/...

have the vote, they have the power, but that it does happen in our case that with the council system, that is not so, because the powers they are having, are no powers at all. That the powers they are wielding, are not the kind of powers that can effect any change in the welfare of the people. I referred in general terms that once the councillors go to the poles, that is as candidates, they make several promises. Here I had in mind the kind of promises that some of the people made as candidates in Soweto, where for example Mr E.T. Tshabalala would say to the people of Soweto that (10) he will reduce the rent to R5,00 a month, but this has never happened.

ASSESSOR (MR KRUGEL) : Was this a genuine example that you gave? -- This was a genuine example.

Did Mr Tshabalala say he would reduce the rent to R5,00? -- It has been widely publicised.

MR BIZOS : May be that is why he is no longer mayor.

COURT : Did you give this as an example to this meeting? -- I did not give this as an example. I had this in mind.

ASSESSOR (MR KRUGEL) : That is what I wanted to know. Did (20) you give this as a genuine example at the meeting? -- It is a genuine thing, but I did not say it.

You did not say this at the meeting? -- That is so. I told the people, I was suggesting to the people even at that time that it would be proper for them to meet with the councillors to enter new negotiations on this matter. I even mentioned hoping that it would be understood, what normally happens in the labour situation, where the trade unions meet with the management for negotiations on whatever point or friction that they are not clear on or a point (30)

that/...

that may be a point of friction between the two groups. The idea being to talk about the rent increase, to show the community councils the hardships this increase is likely to occasion them and where possible, to even discuss other means of raising funds, rather than depending on the rent. I said that it would be only when they cannot understand with the councillors or when the councillors should have rejected their plea that a call for the councillors to resign can be made. I said that where people are not satisfied with the councillors, they are at liberty to enact new (10) councillors, but, however, I made it clear that the councillors do not have adequate powers and that going to vote in the councillors, will not bring about any change. Their problems would remain as they are.

Whilst speaking about this, did you refer to the Black Local Authorities Act in any way? -- I then referred to the Black Local Authorities, that the Black Local Authorities Act has not given the councillors adequate powers either, that in any way there is the need to have local authority structures, because there are basic problems that affect (20) the people which need to be addressed to immediately, but the main problem with the Black Local Authorities, as I have said, does not give people the powers to solve the problems, that the Black Local Authority has been driven unfortunately as a substitute for the real meaningful powers that the people need in times like these and I made it clear that it is for that reason that I reject the Black Local Authorities Act. I talked about the need for the people to unite, that it is essential that people without a voting power, which is the only power that can bring about changes to present a (30) unanimous/...

unanimous voice all the time, which revert to their problems, that they must talk with one voice or in one voice. That it is only when they act like this, that the community and/or the people in authority can start to listen to them, can begin to seriously consider their pleas, their crimes. I showed for instance other places where people had stood united in expressing their concern and dissatisfaction about the rent increase, that because of that united stand, the authorities did take their grievance or complaint into consideration and the rent increase was suspended. Here I gave an example (10) of Mchlakeng and Ratanda.

Did you say anything about government spending? -- I referred to the question of government spending in the light of an unhappy community that is left destitute whilst a hefty budget is voted to the military department, that what is needed in a country is a community that is well fed, well dressed, well catered for. That this is the kind of a community that becomes a bulwark, that offers a strong defensive, a strong resistance to whatever threat the State can be faced with. (20)

Digressing for one moment, what sort of house were you living in in Soweto? A rented house or had you entered ...
(Court intervenes)

COURT : Well, could we not first finish the speech?

MR BIZOS : It may have - let us finish the speech first.

Did you mention anything about leasehold? -- Yes, it was at that time that I referred to the leasehold and the need for the government to consider paying the rental for the people. I referred to leasehold in the light of the confusion that would arise in the minds of the people, that they are (30)
supposed/...

supposed to buy houses and 99 years leasehold, whilst at the same time the rent is being increased and that this is going to breed confusion in the minds of the people and then I referred to what was commonly talked about more especially in Soweto that the townships are built long ago and are built in the fashion, in the apartheid fashion, namely that they are of a specific structure for the African people as compared to the structure that is given to the Whites, Coloureds and the other sections and that at the time when these townships were built, the cost of building was too (10) low and that right through the years that people have been paying the rental, they have paid almost the cost of those houses. This was to be seen in the light of the fact that the Administration Board or even those who went before them were no longer doing repairs of the houses, were no longer doing repairs of the roads. We had the sewerage pipes all over, water flowing, stinking water all over, fences broken down, toilets no longer functioning and that if people have to pay the high rentals and at the same time have to do renovations to their houses, it becomes - and yet these (20) houses do not belong to them, it becomes quite a confusing thing and economically the State seems to be bound to change its attitude.

Do you recall whether you said anything about children?
-- I referred to the holy parenthood, that is the holy office of parenthood of the elderly people, that ... (Court intervenes)

COURT : Why only of elderly people? -- Of the parents.

Never mind. You probably referred to elderly people.
-- Of the parents. That they have a duty to their children, (30)
namely/...

namely to influence the morals of their children, to give children better ethics, but when the parents find themselves or are left in a position where they are no longer in a position to feed their children, to clothe their children, to heal their children, to educate their children, this kind of situation, this kind of poverty, will diminish the respect and the lives of their children and in the end the parents would not be able to exercise full authority over their children. I gave an ideal position or role of the parents of being in a position or being obliged to check and monitor(10) the schoolwork of their children in a conducive situation, to have their children to do their homeworks in a healthy and normal family community and that once they are in a state of poverty, which cannot enable them to play this role, the children will invariably go out of their homes and find strange influences in the street and some of them, because of the family poverty, may find themselves forced to fend for themselves and/or for the family if it needs be if they think so, at a very early age and this amounts to complete breakdown of the family union. (20)

Did you refer to the employers of the workmen being called upon to pay the rent for their workers? -- Yes. I referred to the likelihood of the council perhaps having to request their employers to pay the rental of their employees through stop order system. That if this does happen, without the knowledge and co-operation of the said employee, it would be a sad thing, because it is morally indefensible and most important that it is illegal.

Where had you got the legal position from? -- This was the problem that we were faced with as far back as 1980 (30)

when/...

when people had decided, that is in Soweto ... (Court intervenes)

COURT : Did you tell this to the people? -- No, this part I did not tell the people.

Let us stick to the first speech.

MR BIZOS : I am sorry. Did you give any advice to the people? Did you what is going to happen? -- Yes. Which I considered the most important aspect of my being there was namely to give the people the moral strength that when faced with such difficulties, doing nothing with these (10) difficulties, is not going to help anybody. That it is when people are faced with such problems, that people must be seen to do something and it is only when they are engaged in the efforts to better their lot, that the organisations that might be away from the scene, may understand what their plight is and then they can run to their aid. I thrust the point that in a situation of this nature, people have to adopt very positive attitudes to their situation, adopt positive plans to meet such problems, with the hope of going to have positive solutions. I said that it is (20) a point of this nature, that people just resign themselves to their lot and not do anything whatsoever, that they are going to show their lack of faith in themselves, in mankind and even lose their faith in God. I then showed them or expressed the concern of the SACC about the rate of unemployment and the people who are almost unemployable. When people are seen to be doing something and they can out of the input they have shown, can then appeal to other organisations, it would be fairly easy for such organisations to know what role to play in a situation similar to theirs. (30)

I even cited cases of some charitable organisations, that is World Vision, Operation Hunger and the South African Red Cross. I said that these may not be the only organisations to consider, but organisations are there nationally and internationally and I think I had already mentioned this, that there was the need for them to be organised so that once they are organised, it would be easy for them to channel their request to such organisations.

ASSESSOR (MR KRUGEL) : How long did you speak on that day?

-- As I have said it was about forty to forty-five minutes. (10)

COURT : I thought you said two hours and forty to forty-five minutes.

MR BIZOS : I make it about thirty-five to forty minutes that he has been in the witness-box on this.

COURT : Well, do not interrupt the witness. He is still going strong.

MR BIZOS : Is this a speech which you made for the first time or this a theme of a speech ... (Court intervenes)

COURT : Would you not ask him whether this was the end of the speech? (20)

MR BIZOS : Can you recall anything else that you said? -- I think is is about all I can remember.

The themes in the speech, are these themes that you had spoken on for the first time or had you spoken on these themes before? -- These I would call general themes when faced with a situation of people that you are not quite familiar with, but they say they are in a particular beset with a particular problem.

You told us that you said "Matla" at the end of your speech? -- Yes, at the end of my speech I said "Matla (30)

Re/...

Ke jwa rona" and they responded "Bokamoso ke jwa rona."

I think we have got this on record, but just give us the translation? What does this mean? -- The future is ours.

Does this slogan and response as far as you are concerned belong to any particular organisation? -- It belongs to no particular organisation.

What sort of house were you yourself living in in Soweto? A hired house? -- At this time I was living in a self-built house. (10)

When you said it is unlawful to deduct from people's wages ... (Court intervenes)

COURT : If it is a self-built house, on what basis do you pay rents? -- With a self-built house one pays site rent.

They have got a site licence? -- That is what it is.

And do you pay the ordinary service charges? -- Then I pay electricity and water. I am presented with a bill.

MR BIZOS : For what term was your site? Was it at the will of the council or was it in terms of any new scheme? -- It was in terms of the 99 years leasehold. (20)

Did you have to pay a site fee even though you had paid the 99 years leasehold? -- Well, if the site rent is called a fee, I do not know.

You had to pay a site rent on a 99 year basis? -- No, no, no.

What did you have to pay? -- I have to pay monthly site rents.

For how long? -- It is not stipulated. I pay the bond, that is why I have not been to purchase all in cash.

That is for the building? -- For the building and (30)

the/...

the plot itself.

But for how long do you have to pay for the ground? --
This is not said.

COURT : Take it the other way round. Has the ground a fixed value? -- That I do not know and I was never told about that.

MR BIZOS : Did you raise your fist when you did this? --
Yes, I raised my fist.

Is the raising of the fist associated with any particular organisation? -- No, it is not associated with any particular organisation. (10)

Did you say anything about it not making sense for Black people to oppress other people? -- I did not say that.

Did you urge the resignation of councillors? -- I did mention the resignation of the councillors. I said as a precondition after people shall have attempted to meet the Community Councils.

COURT : You raised it as a what? -- Only if people have failed to meet the Community Councils due to the intransigency of the Community Councils.

MR BIZOS : Did you have a piece of paper in your hand? -- (20)
Yes, I had a piece of paper in my hand.

What was it?-- This was a notice for the rent increase in the Vaal by the Lekoa Town Council, but I never tore it.

Who gave you this piece of paper? -- Father Moselane gave me this paper at the rectory. It was some time before we left for the church.

Did you yourself propose a boycott of the businesses of the councillors? -- I did not. This was proposed by Oupa Hlomoka, accused no. 2.

Without giving us undue detail, merely the source (30)

of/...

of information, from whom did you get the information that it was unlawful to deduct wages for rent? -- We got this from the Legal Resources Centre in 1980 when some firms wanted to deduct the rental of some of our Soweto people who were refusing to pay the increase, but we were going on paying the normal rent.

Was there litigation pending at the time? -- There was litigation pending at the time and the people won the case.

Did you know whether or not there were newspaper reporters present at the meeting at which you made the (10) speech? -- Yes, I knew of the presence of the newspaper reporters. I saw them in front. A person like Joshua Raboroka I had known some time back.

Can you recall how many newspaper people were there? -- I remember the two. That is Joshua Raboroka, he was from the Sowetan and the late Mr Nkabindi for the Daily Mail. If there were others I was never introduced to them.

The late Mr Nkabinde, did he pass away during the course of this case? -- I learnt so.

Can accused no. 9 be excused for a brief period, My(20) Lord?

COURT : Yes, certainly.

MR BIZOS : At the time that you were making the speech in front of between eight hundred and fifteen hundred people, in front of two newspaper men and it is alleged by the State that you incited people to murder, in view of that, I want to ask you about your public image and how wellknown you were in the community at that time. You told us that you were vice-president of SASO?-- Yes.

COURT : At the time? -- That was in 1974.

(30)

MR BIZOS/...

MR BIZOS : SASO was banned in 1977? -- 1977.

You were a member of BPC? -- I was a member of BPC.
I was in the national executive of the BPC.

COURT : You were that when you had the speech or before?
-- That was before. BPC was banned in 1977 too.

I thought you told me that SASO was banned in 1968?
Was it founded in 1968? -- Yes, it was founded in 1968.

MR BIZOS : The funeral of the late Mr Steve Biko, was that
an event which attracted national and international attention?
-- That is quite true. I was the MC at that funeral. (10)

The Master of Ceremonies? -- The Master of Ceremonies.

We know that you were a founding member of the Committee
of Ten and thereafter in the executive of the Soweto Civic A
Association? -- Correct.

Were you wellknown to the media people? -- I would find
it a difficult problem - a difficult answer to give personally.

Well, had they seen you, the newspaper people? The
newspaper men and women, had they seen you at various
meetings? -- I should think so, because besides at various
meetings when I was the - when I was in the executive (20)
committee of the BPC I was the publicity secretary and
convening press conference was the order of the day.

Were you before this meeting closely associated with
Bishop Tutu? -- Yes, I was close associated with Bishop Tutu
when he became the general secretary of the South African
Council of Churches around 1978.

From 1978 to 1984? -- It is so.

Did you perform any tasks on behalf of Bishop Tutu? --
Yes.

Public talks? -- I performed several public tasks on (30)
behalf/...

behalf of Bishop Tutu. At times I had to deputise the SACC on quite important issues like he would send me where there was nobody to appear on behalf of the South African Council of Churches to Namibia when they were launching the National Council of Churches there. I had to deputise him and in the early eighties when there were labour problems in Port Elizabeth, when he was unable to go to Port Elizabeth on request by the community of Port Elizabeth, he sent me once or twice and on occasions he would even be invited by the Ford Motor Company which at one stage had far more problems (10) than other companies that when a certain Mr Ferreira requested the presence of Bishop Tutu, Bishop Tutu had to send me there and I have done quite a number of services where he was unable to be present. Sometimes even when there were occasions where families that were in great need of his presence and assistance, he would send me there to do family visit, find out whatever problem, its magnitude and what kind of assistance the family wanted and then one would recommend on the basis of what one has seen. He would be able to consider and decide the line of action to take. (20)

The next two events took place shortly after this meeting. I want to ask you about them in order to show your public profile at the time. Did Bishop Tutu take anyone any person or assistant with him when the Nobel prize was awarded to him in Norway? -- Yes, I was taken by Bishop Tutu to Oslo with him and it was quite a problem because I had never had a travel document and one had a travel document valid for just a fortnight, just to attend that occasion with him.

You attended that ceremony? -- This was in 1984, (30)

December/...

December.

And when Senator Kennedy visited this country, was anyone responsible for his program? -- From the SC side I was the one who was responsible, that is myself and the administrator, that is the administrative officer Mr Dan Vaughn.

Leaving these two last happenings which took place after August 1984, August 1984, would you say that whether or not you had a public reputation in Johannesburg in the Witwatersrand in South Africa, as a personality of any (10) sort in our community? -- I guess I could have been.

Everything that you had been associated with up to then, up to August 1984, do you know whether you enjoyed a reputation or not in relation to the manner in which the South Africa's problems ought to be solved violently or otherwise? -- I think I could safely say I was, because besides that I had had a link with - that is a working link with men in the Johannesburg Chamber of Commerce and I think some time in January, unfortunately due to the nature of what I was doing, there was a meeting where I could have (20) even been in a position to meet with Mr Gerrit Viljoen, the Minister of - at that time he was in the Education Department. I am not quite certain.

COURT : January of what year? -- 1985.

MR BIZOS : Prior to August 1984, will you say whether or not you had a reputation as an exponent of violence or an exponent of non-violence in relation to South Africa's problems? -- I had a reputation as an exponent of non-violent.

The meeting that you addressed ... (Court intervenes) (30)

COURT/...

COURT : 19 August 1984?

MR BIZOS : 19 August 1984. Would you say that this was angry meeting? -- No, this was not an angry meeting. I would say it was a meeting of people who were deeply concerned, some of them even fearful, some of them just dissatisfied. There could have been one or two who were angry, but these people would not be said to have given the whole meeting an atmosphere of anger.

Would you say that the meeting was emotion charged? -- Far from it. I think to say it was emotion charged is (10) an over-statement. As I have said that most of the people who were the sort of elderly people that were otherwise scared or fearful of the implications of an increased rent and the lack of solution at that time and that some people were just dissatisfied with it, in that there is no way that one could have said it was emotion charged.

You have already told us that you saw the tape, EXHIBIT 40. His Lordship can assess for himself together with the Learned Assessor about the age group of the people there present, the majority of the people. Are you able to (20) make any comparison between the age group that you saw at the meeting of the 19th with the age group of the people attending the meeting of 26 August as it appeared on the tape, EXHIBIT 40? -- I would say it is similar to the meeting I addressed on the 19th.

What is a Black Power slogan? Do you know? -- I do not know a Black Power slogan.

Is it used by journalists or others from time to time? -- I would not even say from time to time. It is only when it is used that one wonders what it is. (30)

Do/...

Do you regard "Amandla" and "Matla" as Black Power slogans?

-- Not at all. They are not Black Power slogans.

What songs were sung at the meeting that you addressed?

-- At this meeting only two songs were sung. That is "Re ya ho boka Morena", at the beginning and the national anthem "Morena Boloka sechaba sa heso" at the end.

Was any person introduced as coming from the UDF? -- Not at this meeting, no. Nobody was ever introduced as the person from the UDF.

Or from trade unions? -- Nobody was ever introduced (10) as a person from the trade unions.

Did any people speak from the floor? -- Yes, some people spoke from the floor.

Do you know whether one or other of them belonged to any organisation and whether of any kind? -- The only person who was said to - or there were two people at that meeting who were introduced to me from organisations. It was accused no.1, who came from the floor and spoke from the platform. He was said to me a man from AZANYO and accused no. 2 who spoke from the floor and he was said to be a man(20) of AZAPO, but otherwise mostly all the people who spoke from the floor were never introduced.

What would you say if anyone described one of the happenings at the meeting as a scading attack on the councillors? -- I would say it is an exaggeration. I would find it very difficult to even understand how he comes at that, because despite the fact that people talked about their dissatisfaction with the rental, that is the increased rent, they talked about or they called for the resignation of the Community councils, but all these things did not even verge(30)

on/...

on attack on the persons of the Community Councils.

Do you recall whether or not the erstwhile accused no. 4 took any part in the proceedings at the meeting of the 19th? -- The erstwhile accused no. 4 never took any part in the proceedings at the meeting of the 19th.

And what do you say to the evidence of Sergeant Koaho and IC.9 that he actually presided at the meeting? -- It is incorrect. They are incorrect.

Do you recall who spoke after you? -- Accused no. 1 spoke after me. (10)

As the evidence of accused no. 2 was dealt with first by the State witnesses, perhaps we better deal with accused no.2 first. -- Did I say accused no.2 spoke after me?

No, you said accused no. 1 spoke after you. -- Accused no. 1 spoke after me.

Let us deal with what accused no. 2 said. We will take the evidence in the order in which it was given by the State. Do you recall what accused no. 2, Oupa Hlomoka, said? -- Accused no. 2 just moved a motion suggesting that people should not support the businesses of the community - that (20) is of the councillors. This would show the seriousness of the people when they say that the councillors should resign and this withdrawal of support of the Community Council's businesses was conditional on their resignation from their offices, from their council positions.

Was accused no.2 introduced to the audience? -- No. 2 was introduced to the audience as a man from AZAPO.

By who? -- By Peter Hlubi who was in the chair.

How was the motion moved by accused no. 2 received? -- The chairman asked the house what does the house say about (30) the/...

the motion and the people responded "Rea dumela, rea dumela". That is "We accept the motion."

Did accused no. 2 speak only once or more than once at this meeting? -- He could have spoken more than once but not more than twice. I am not quite certain there.

Can you recall him saying anything besides moving the motion? -- I remember at one stage there was a question from the floor asking what should be done with those people who can go and pay the increased rent and I think he said something to the effect that it is possible that people can (10) go to pay the increased rent out of fear of eviction and he further said that it should be borne in mind that not everybody knows about this motion, referring to most of the people who did not attend the meeting and that it was the duty of those who were in this meeting to spread this motion outside, to let the people know of this motion outside.

Do you recall whether accused no. 2 referred to any portion of your speech? -- I do not remember that.

You have already told us that accused no. 1 spoke at this meeting. -- Yes, accused no. 1 spoke at this meeting. (20)

After you? -- After me.

Was he introduced by the erstwhile accused no. 4, Mr Lazarus More as deposed to by Sergeant Koaho and IC.9? -- Accused no. 1 was introduced by the chairman, Mr Peter Hlubi. Do you recall how it came about that accused no. 1 was introduced by Mr Hlubi? -- I do not know if it had anything to do with his introduction, but I remember that when I was speaking, accused no. 1 went to Mr Hlubi. I do not know whether he just requested to speak and whether in the course of the request he could have told Mr Hlubi how he should (30)

be/...

be introduced. I am not quite clear.

Do you recall what Mr Baleka, accused no. 1, said? --
I am sorry, was any organisation mentioned that he came
from? I think you have already given that.

COURT : AZANYO.

MR BIZOS : Please tell us what you remember of what he
said? -- Accused no. 1 spoke about the problems that the
rent increase is going to occasion the people in the light
of the increased cost of living and he talked about the
GST which would compound to the people's economy problems(11)
and then he spoke, if I remember well, about the unemployed,
that the unemployed seemed to be on the increase and that
the people are finding it very difficult to benefit from
the Unemployment Insurance Fund. He spoke about the increased
rent was going to make it difficult to the people in the
homelands inside the Transkei to send money to their homes
in the Bantustan, that is in the Transkei because of the
increased rent and that they will have nothing left over
to send to their families. He did talk about that even if
people were paying the increased rent, they are not likely(20)
to get the benefit of that increase, because it is not
certain whether the roads would be tarred as it has been
promised, or whether there would be electricity as promised.
I think this is what I can remember.

Do you recall whether he called the councillors any
names? -- Yes, I think he did talk of puppets, something
in that line.

Did he start off by reciting a poem? --No, he did not.

What sort of language did he speak in? -- He spoke in
Xhosa.

(31)

What/...

What sort of Xhosa? -- It was a deep Xhosa.

What is a deep Xhosa? -- In the sense that I could not catch a thing out of it sometimes. You do get one or two words if a person talks, what you might call the urban Xhosa or urban Sotho or so on.

Do you recall whether he said "We are ready to fight if they want us to fight"? -- No, this was not said by anybody.

ASSESSOR (MR KRUGEL) : Was this speech translated? -- Yes, there was an interpreter. (10)

Into what? -- Into Sotho.

Did he say "We must listen to the song and fight"? -- No, this never came up in that meeting.

Was the question of SRC's discussed at this meeting? -- No, it was never touched. It never came up.

Did accused no. 1 say anything about that? -- No, he never said anything about the SRC's.

Did he say that Mahlatsi increased the rent and therefore Mahlatsi must pay? -- No, he never said anything about Mahlatsi.

Did he say Mahlatsi would send his dogs to evict people?(20) -- No, he never said words to that effect.

Or did he say anything about the people getting the dogs? -- No.

WITNESS STANDS DOWN.

COURT ADJOURNS TILL 3 SEPTEMBER 1987.

DELMAS TREASON TRIAL 1985-1989

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