

Off 2

12.7 Vol 206p 10783-10824

SAAKNOMMER: CC 452/55

DELMAS

1987-04-24

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. CRASHALSON

ADV. G. BIZOS

ADV. K. IIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

VOLUME 206

(Bladsye 10 783 - 10 824)

COURT RESUMES ON 24 APRIL 1987.GCINUMUZI PETRUS MALINDI, d.s.s (Through interpreter)

MR BIZOS : My Lord, before I examine the witness any further, I have two letters from Captain Hayes from the hospital section of the prison. I indicated that Mr Vilakazi, accused no. 10, would require to be absent on Tuesday. The letter says Monday. She says that arrangements have been made for him to go in on Monday. At the same time on Monday Captain Hayes requests with respect whether accused no. 8, Mr Nkocane, could go and see an ophthalmologist on Monday. (10)

COURT : Yes, permission is granted.

EXAMINATION BY MR BIZOS (continued) : Mr Malindi, you told us yesterday that you ceased being a member of COSAS and you were no longer its chairman and that your brother took over and was elected chairman? -- That is so.

For how long did your brother continue to be chairman of COSAS? -- Until the end of 1983.

Do you know who was elected chairman of COSAS in the Vaal after your brother? -- Yes, Alex Skosana.

Such little contact - such contact that you may have (20) had with COSAS whilst your brother was chairman of COSAS, did that continue when Mr Alex Skosana took over? -- No, it did not.

I now want to turn to what has been described as a feast or a celebration in Evaton. Although there are no allegations in the indictment or in the further particulars relating to you about this, were you in fact there? -- Yes, I was.

Please explain how you came to be there? -- That morning of the feast a person by the name of Cheaper Motubatsi telephoned me . In his phoning me, he was informing me (30)

that/...

that there was going to be a protest, a demonstration against the feast which was going to be held by the councillors where they were going to hold a feast for their success that they be elected in the council and also for the completion of 80 years in the existence of Evaton. He requested me to come and participate in this demonstration. I agreed to that.

Did you go to the stadium? -- Yes, I did arrive at the stadium.

What did you find there on your arrival? -- On arrival there I found that there was quite a few people displaying (10) placards at the stadium. I also arrived there simultaneously with other people. We also took some of the placards to display there.

Who had the placards before you took them up? -- These were in Esau's vehicle. I went in the company of Cheaper to go and take a placard.

Did you stand there holding up your placard? -- Yes, I did.

Were there any policemen around? -- Yes, there were.

Did you recognise any particular policeman there? -- (20) Yes, that is so.

Who? -- Captain Steyn, Warrant Officer Mchage and Sergeant Mhlati.

You say Captain Steyn, is that the Mr Steyn that gave evidence in this court? -- No.

What was the relationship between the police officers present and you placard holders? -- The relationship was good, because they even remarked saying they are satisfied about the manner in which we are protesting and we must not stand together, we must be apart. (30)

Were/...

Were you warned by any of the police officers there present that what you were doing was unlawful? -- No.

Were any people intimidated, that is threatened with - threatened in any way or prevented from attending the festival if they wanted to? -- No.

To turn to the question of the rent increase, when did you become aware that there was going to be a rent increase in the Vaal? -- The beginning of July 1984.

I want you to please have a look at EXHIBIT AAQ21. -- Yes, I see that. (10)

Did you see that newspaper report? -- Yes, I remember seeing this.

What effect did this article have on you when you read it? -- I felt bad about this report I read and secondly, this report confirmed our suspicions that the councillors did not have a good support financially as a result of which then they had to increase the rent in order to enable themselves to finance whatever is to be paid for in the township. It surprised me further because I remember the mayor making a statement at the inauguration of the council, that was in (20) January/February in which he said seeing that there is a new town council, they are therefore going to inherit all the work which is to be done in the townships, which work was done by the community councils prior to their existence. He then further said in his statement the question of increased rent will be considered in the first year of the budget by the town council. I was surprised by this statement because June 1984 was the end of the financial year of the community council because this was beginning in 1983 to 1984 June.

Did you yourself do anything about this? -- Yes, I did(30) something/...

something.

What did you do? -- What I did was that I had made it a point that I meet Edith in the train in which we travelled to Johannesburg, because she was employed in Johannesburg and I was also employed in Johannesburg and when I met her, I enquired from her after having put the report across to her if VCA was going to do anything pertaining to this report on which she said they are going to try and meet in order to discuss this.

Did you yourself take the matter any further? -- No. (10)

Were you in fact in any organisation during that period June/July? -- I was not a member of any organisation that existed.

I am sorry to go back to the festival of the councillors. When you attended that, did you attend it in your capacity as a representative of any organisation? -- No, I just went there as a resident and because of the fact that I did not see any justifiable reason for this celebration to be held.

To return to the question of the rental, do you know whether the VCA did anything about this question of the (20) proposed increase in the rental during July 1984? -- No.

Did you hear of any meetings held by councillors in the beginning of August 1984? -- No.

Did you go to any meeting on 5 August 1984 in Sharpeville? -- No.

Did you go to any meeting in Sharpeville on 12 or 19 August? -- No, I did not.

Did you know anything about the meeting of 19 August in Sharpeville? -- Yes, I saw it in the newspaper. It was a newspaper report in which it was said there is going to (30)

be/...

be a meeting held on the 19th.

Let us turn to 25 August 1984. Did you distribute any pamphlets for the meeting of 25 August 1984? -- No.

We know that 25 August was a Saturday. Do you recall what you did during the course of that morning? -- Yes, I do remember.

What did you do? -- In the morning of that day I went to Johannesburg to go and pay an account for goods which were purchased by me and the second reason why I went was because I was returning books to the library. (10)

What time did you come back to the Vaal? -- It was after 14h00.

I want you to please have a look at EXHIBIT AN15(iv). Do you see that pamphlet? -- Yes, I do.

That calls for a meeting for that afternoon of the 25th? -- Yes, that is so.

Did you go to this meeting? -- Yes, I did.

Can you recall what time it was when you arrived at the meeting approximately? -- It was after 15h00.

Will you please tell us what you found there on your (20) arrival? How many people more or less were there at this meeting? -- On arrival there people present were about seven to eight hundred.

The meeting had been advertised for 13h00? -- Yes.

Who was speaking when you arrived there? -- I remember that an elderly man was busy addressing the meeting at the time of my arrival.

And what was he saying? -- He was in his address talking about the question of the increased rentals. In fact, he was talking against that, saying this rental which is being (30)

increased/...

increased is going to be a heavy burden to the people, especially the pensioners and the disabled people. He even said that even to those that are still strong enough to work earning a living through work, this rent will still be a burden to them as well. That is as far as I can remember.

Can you recall whether any other speaker took the floor?

-- Yes, a Mrs Lethanda was next on the floor.

What did she speak about? -- She also spoke against the increase of rent in the Vaal Triangle and further said that it was necessary for women to unite so that they be the (10) people who are going to be the first people to oppose the question of increased rent. She further said there was a women's organisation in the Vaal which was formed and therefore she was inviting the other women to join to this organisation in order to be able to fight against the increased rents. That is as far as I remember.

Did you yourself speak at this meeting? -- No.

Who was presiding at the meeting at the time you arrived there and at the time that the elderly gentleman and Mrs Lethanda spoke? -- I saw a gentleman who was chairing the (20) meeting who was a stranger to me, but while being at this meeting I came to know him as Mr Moloanthoa.

When Mrs Lethanda finished her speech, did the chairman, Mr Moloanthoa, continue to chair the meeting? -- No, Esau Raditsela took over and conducted the meeting.

Had he, Esau Raditsela, been on the platform whilst Mr Moloanthoa was chairing the meeting? -- No, he was just at the front seats of the audience, that is the seats facing the chair person.

When Mr Raditsela took over, did he ask you to do (30)

anything/...

anything? -- Yes, that is so.

What did he ask you to do? -- He asked me to come and sit at the table and take notes.

Did you do that? -- Yes, I did.

When you went there - perhaps I should ask you this. Do you know why you might have been chosen by Mr Raditsela to take the notes? -- No, I do not know the reason.

Did you know whether or not you were a good note taker? -- I took it for granted that he chose me because I was in the action committee and with the action committee I used (10) to assist in taking notes. Again, most of the people who were there at this meeting were elderly people and in most cases you will find that the elderly people are illiterate.

What did Mr Raditsela do as soon as he started presiding over this meeting? -- When he took over, he asked the people, that is the audience, to return the papers on which people have written their proposals to the chair person. He then opened discussions about the taking of resolutions.

What resolutions were taken at this meeting? -- That the increased R5,90 should not be paid and that the council-(20) lars were asked to resign. The third one was that the Monday of the 3rd nobody will be going to work, it is a stay-away, it is a call for a stay-away, in order to hold prote<sup>st</sup> rallies in the townships. Those are the resolutions.

Was there any talk of a march at this meeting? -- No, there was no talk.

Did you write these resolutions down? -- Yes, I did.

Was there any discussion at the time that each one of these resolutions was proposed? -- Yes, there were discussions.

What discussion was there? -- A discussion I remember (30)

clearly/...



clearly is the one which had to do with the stay-away. While we were discussing that, Oupa Mariletsi got up and said that he is in agreement with the stay-away on 3 September and further said that he does not fear that, because there is nothing illegal about calling for a stay-away and the protest rallies. He further made mention that we will have to think serious about this that certain people who are rendering important services must not be compelled to partake in this stay-away. He made an example for instance about the people employed at the hospital. Then the discussion went on (10) about the essential services and other people also made mention of others.

Other people that were considered to be rendering essential services? -- Yes, that is so.

You say that these people must not be compelled to stay away. Was there any suggestion that others should be compelled? -- No, what I am saying is that, people who had to do with essential services were exempted. Therefore the call for the stay-away must not be extended to them.

Were there any other resolutions taken besides the (20) ones that you have told us about? -- No, except that we discussed the rent which we could afford. Somebody said well, we better now make a suggestion of the rents which we can afford. Therefore, that was discussed, but no resolution was taken on that.

Was there a resolution relating to the boycotting of the councillors' businesses or their taxi's? -- No.

Was there any resolution calling on any other zones or any other people to adopt similar resolutions as those adopted at that meeting? -- No.

(30)

Was/...

Was there any discussion as to what - any hope or any expectation as to what other areas might or might not do? -- No, there was not.

You wrote down the resolutions? -- Yes, the three that I have just mentioned.

And what did you do with them after you wrote them down? -- I returned that document to Esau.

Were the resolutions approved by the meeting as a whole? -- Yes, they were.

Let us turn to 26 August. How many meetings did you (10) attend on that day? -- Two.

One in the morning and one in the afternoon? -- That is correct.

Could you please tell us how you came to attend the morning meeting? -- The night of 25 August Esau informed me about that meeting by phone. He further told me that Mr Mokoena requested that he, Esau, send a youth person to their meeting as speaker.

COURT : Is that accused no. 6? -- Yes.

MR BIZOS : Yes? -- I agreed that I will go to that meeting. (20)

What sort of meeting was it going to be? Did Mr Raditsela tell you? -- Yes, he told me. He was the Evaton Ratepayers Association meeting.

You told us that you were born in Evaton. Did you retain an interest in Evaton? -- Yes, that is so.

Had you ever spoken on an Evaton Ratepayers Association platform before? -- Yes, that is so.

You told us yesterday that you had hoped to form an Evaton Youth Organisation. Had that organisation been formed by 25 August when Mr Raditsela phoned you to speak? -- No. (30)

Had/...

Had you gone there as a representative of an organisation or in some other capacity? -- No, I went there in my personal capacity as a person.

Did you prepare a speech? -- Yes, that is so.

Was there any - what was the thrust of your speech? -- According to my prepared speech, I was going to talk mostly with reference to the youth and secondly I was going to base my speech to the struggle of the people of Evaton.

Although you yourself or your immediate family were not property owners in Evaton, you told us that your maternal (10) great aunt had property there? -- Yes, that is so.

What is the portion of Evaton that her property is situated in known as? -- Easternville.

COURT : Is that just an eastern part of Evaton? -- Yes, it is lying more to the east of Evaton.

MR BIZOS : What did you hope to gain by agreeing to go and make a speech at this meeting? -- I was aiming at addressing this meeting and my address was going to be basically on the youth and therefore in so doing, I was hoping to achieve the formation of the youth organisation after having spoken, (20) because I was going to go on with that. Again I wanted to express the solidarity with the people of Evaton because there was a possibility of their losing their places as a result of the re-planning scheme.

Did you go to the morning meeting? -- Yes, that is so.

We already know that it was a comparatively small meeting, there was about hundred people present? -- Yes, that is so.

Were there any young people at this meeting? -- There were only grown-up people there. (30)

Who/...

Who was the first speaker? -- On arrival there, the speaker was Mr Mokoena, accused no. 6.

What did he say? -- He was addressing the people explaining to them about the re-planning as to how it was going to be done according to the Development Board, referring to a document which was written Master Plan on the outside page of it.

Did he call for any violence to be used against any councillors or anyone else? -- No, that is not so.

Do you recall who the next speaker was? -- Yes, a Mr (10) Kubega.

Can you recall what he said? -- Yes, I can recall some of what he said.

What is the portion that you remember? -- What he said was, since the year 1978 when these people got involved in the council, they were requested to stop serving in this council and they did not agree to do that and further said because they, that is him, Kubega, and the other property owners, have control over their properties, they must not allow either the police or the employees of the Board to come into their (20) premises. He further said that should it happen that the Board police come there to raid on their stands, they must report to the stand owner first and say what they want on the stand. He further said because of the fact that now they were disappointed by these men in the community council, that is the manner in which he is going to work now. That is as far as I can remember.

Did Mrs Mokoena come there to the meeting? -- Yes, that is so.

Did she speak?

(30)

COURT/...

COURT : That is now Mrs Rina Mokoena? -- Yes. Yes, she did speak.

MR BIZOS : Do you recall what she said? -- Yes, I do.

What did she say? -- Her address was as if she was preaching because her speech was referring to the Bible Jeremiah, the Lamentations. She further elaborated saying life was much better in Evaton before they were forced and moved by force to the township of the Sebokeng Board and further said people living in Sebokeng are having a burden of the rent, they cannot cope with the rent to be paid. She (10) further said that she is in support of the Evaton people in their struggle in order that they do not lose their ownership of their stands. She further made mention of the fact that she was a member of the women's organisation, namely VOW. She also requested the women in the Evaton Ratepayers Association to join this women organisation and added that the major problem which they are facing in Sebokeng is the increment of rent. On that she further said life was going to be more difficult because of the increase which is coming of R5,90. That is what I remember so far. (20)

Did she speak about any violence against a councillor or any property or anything else? -- Not at all.

Who was the next speaker? -- I spoke after her.

What language did you speak in? -- In English.

Was your speech translated by anyone? -- Yes, Mr Mokoena, accused no. 6, interpreted my speech.

Into what? -- Into Sotho.

You told us that part of your prepared speech was directed to the youth. Did you deliver that part of your speech? -- No, I did not speak about that. I left it out. (30)

Is/...

Is that because there were no young people there? --  
Yes, that is so.

What did you speak about? -- I spoke about the struggle of the Evaton people so that they retain their right of freehold. I made mention of the fact that people in Evaton tried in many ways to retain their right. They have even been to court and this was unsuccessful. I even cited this example saying when the community councillors were being introduced Evaton people were against that to the extent that they even went to court to oppose that. They succeeded in court (10) but later the office of the State President made a proclamation which forced the introduction of the councillors. I also said that since the introduction of the community councillors the Evaton people are faced with the re-planning, which is but a decent way of making them, the stand owners, lose their properties.

Just to get clarity on this, what did you mean by decent? -- What I meant is, it was a way which was being used which was not supposed to have been used to take possession of the properties. That is in a crook way. (20)

Sweetening the medicine, so to speak, as a re-planning scheme? -- Yes, because it was said that the community council is representing the community of Evaton whereas they were just doing the direct opposite in assisting the authorities in taking the rights of the people on properties. I then further said because of the fact that Evaton councillors were forced on the people and they did not want to resign, I therefore support Mr Kubega on what he said in suggestion, that they must not co-operate with the town council.

Did you believe what you said to be true? -- Yes, (30)  
that/...

that is so.

Did you make this speech in furtherance of any conspiracy to overthrow the State or to cause riots or a violent revolution? -- No, I said this because I was convinced that the authorities are doing this deliberately and there is such that is taking place in Evaton.

You told us that you had written your speech out. What happened to it? -- I later gave it to one Ernest Nkabinde who was reporting for the Rand Daily Mail at that time.

Was he at the meeting? -- Yes, he was. (10)

Was he the only newspaper man there? -- During that meeting in the morning I remember that he was there. He is the only one I remember.

Did you make any mention at the morning meeting of the resolutions that had been taken at the meeting on the afternoon of the 25th? -- No, I did not.

At the morning meeting, do you recall whether during the course of the meeting Mr Sam Matlole, accused no. 17, Mr Esau Raditsela and/or Miss Edith Lethlake were present or not? -- The three of them arrived just at the end of the (20) meeting.

Did anyone of them say anything? -- Yes.

Who said what? -- I remember Esau and accused no. 17 speaking with reference to the campaign of the million signature.

What did they say about that? -- I cannot remember pertinently exactly what each one of them said, but what I can say is, the gist of their address to the meeting was that they were bringing the message home to the people there that the million signature campaign is important, because those who (30) signed/...

signed it, expressing their dissatisfaction about the apartheid system in South Africa. That is how I summarised it.

Do you recall what Mr Matlole, accused no. 17, said? -- He also spoke about the million signature campaign. I cannot recall him saying any other thing else.

Do you recall whether accused no. 17 spoke about violence against the councillors? -- No, he did not say anything about something like that.

Who presided at this morning meeting? -- Mr Mokoena, accused no. 6. (10)

Do you recall whether he said anything after Mr Raditsela and Mr Matlole had spoken? -- Yes, I remember him making an announcement at this meeting that he was hurrying to get somewhere because somebody in his family is dead and therefore he must go and make preparations. He further said that after a national anthem is sung, he will leave immediately. He wished the people in the meeting all of the best.

Did you hear any private or semi-private conversation between Mr Raditsela and Mr Mokoena, accused no. 6? -- I saw them talking to each other, but I could not hear what their (20) conversation was about.

Were you going to go to the afternoon meeting after this morning meeting? -- I had no intention of attending that meeting.

Did anything happen to change your mind? -- Yes, that is so.

What happened? -- After the morning meeting I was approached by Edith, saying to me Cheaper sent a message at the last minute to say that he, Cheaper, would not be able to come and speak at that meeting and then asked me if I (30) would/...



would mind being placed on the list of the speakers at their meeting. I agreed to that that I was prepared to go and speak. She then went to Esau, they had a talk between themselves which I could not hear and I noticed that something was being written on a piece of paper, which I inferred that my name was being put on the list of speakers.

At what time was this more or less? -- It was after the meeting in the morning before 13h00.

Which Cheaper was Miss Lethlake referring to? -- Cheaper Motubatsi. (10)

Had you anything to eat that day? -- No.

Did you do anything about that? -- Yes. I approached a friend of mine outside there, namely Jabulani and I mentioned to him that I would like to have something to eat at the shop as a result of which then he invited me to his home where he said he was going to prepare a meal for me.

Did you know at what time the afternoon meeting was to start? -- I am not quite certain, but there was quite some time after the first meeting.

Did you go off to have lunch with Jabulani? -- Yes, (20) that is so.

And did you come back to the afternoon meeting of the 26th? -- Yes, I did.

What was happening when you arrived at the afternoon meeting? -- The hall was full to capacity and the person busy addressing there was Rina Mokoena. I got into the hall and noticed that there was a space on the stage. I then proceeded to that space to take position there in order to listen to what was being said.

COURT : Do you mean a space standing room or sitting room?(30)

Sitting/...

-- Sitting room.

MR BIZOS : Did you hear at least a portion of Mrs Rina Mokoena's speech? -- Yes, that is so.

Did she call for the killing of councillors? -- No, she did not.

K643

Did any speaker call for the killing of councillors at this meeting after you got there? -- There was no such a talk at this meeting.

What did Mrs Rina Mokoena say in your presence? -- I remember her saying to the people present there, that as I (10) have already said that I have got a big family with eleven children, as I am talking to you here, I am in arrears with my rent and therefore if the rent is being increased by R5,90 it is quite apparent that I would not cope with the payment of the rent. She then in her address put a question to the audience "Now what do you suggest what I am I to do about that?" and then closed her address. By that I mean that was the end of her speech.

Had you prepared a speech for the afternoon meeting? -- No, not earlier, but whilst I was on the stage there, I (20) had dotted down a few points which points were going to be mentioned by me in my address.

When this rhetorical question was asked by Mrs Mokoena, did you decide to do anything about it in your speech? -- Yes, that is so.

What did you decide? -- I just told myself I do have an answer to this question in my address, because what I am going to do is, I will mention the resolution which was taken at the previous meeting, that is the previous day, in answer to this question, which resolution was that the (30) increased/...

increased money was not to be paid.

Were there any other speakers between you and Mrs Mokoena either from the platform or from the floor? -- Yes, quite a few people spoke.

Can you remember any of them? -- I remember a woman whom I came to know later as Mrs Oliphant. There were other speakers who were not known to me. One of the speakers who spoke there who was known to me was Mr Masenya, the person who gave evidence here.

What happened with Mr Masenya? -- He uttered a few sentences and then he was stopped. (10)

By whom and why? -- By Miss Maria Dhlamini. She said she was stopping him because he is talking about councillors, yet he, Masenya, was participating in the elections of November 1983 where the councillors were elected and further said that she would like to make it clear that let Masenya not be allowed to speak at this meeting, until he declares his stand as to whether he is still in agreement with the councillors or not.

How did the audience react to this challenge by Mr Dhlamini? -- Some agreed with Miss Dhlamini, some did not. (20)

And was perfect order retained at the meeting? -- Yes, after Bavumile, accused no. 10, and the chair person brought the order back in the meeting, it was normal.

In one portion of his evidence Mr Masenya said that he was threatened with death. Is that true or not? -- I do not agree with that portion of his evidence. No such was said at this meeting.

At one other portion of his evidence he says that as a result of what happened at this stage, he went out of the meeting. Is that correct? (30)

ASSESSOR (MR KRUGEL) : My recollection of what he said about that is not what is now put to the witness.

MR BIZOS : I may have mistaken that.

ASSESSOR (MR KRUGEL) : He said he was afraid and he sat down. He waited for a long time and then he slipped out. That is my recollection.

MR BIZOS : Thank you, I think I may have mistaken that. Let me just rephrase the question, please. Did he speak again? That is really the point that I want to make. -- Yes, towards the end of the meeting he did. (10)

Did anyone else speak before you did that you can recall? You mentioned Mrs Oliphant, you mentioned Mr Masenya? -- Except those whose names I do not know, nobody else spoke.

So, you say there were some but you do not know their names? -- Yes, that is so.

Do you remember Mrs Matsaneng speaking or is that one of the names that you do not know? -- I came to know her as Mrs Matsaneng at that meeting, but I cannot say whether she spoke before me or after my speech.

Whenever she might have spoken, do you recall her (20) speaking about the 1976 riots in Soweto? -- She never spoke about that and while I was there nobody ever spoke about that.

What did Mrs Oliphant and Mrs Matsaneng in fact speak about? -- Do you mean I must now summarise them together or one at a time?

Well, insofar as they may have said different things, just give us very briefly what each one of them said? -- They both spoke broad about the women's organisation, namely VOW and the manner in which they work. I remember Mrs Matsaneng supporting that the councillors should resign and (30)

if/...

if they do not resign, she said, their businesses are to be boycotted. That is what I remember.

Do you recall anything in particular that Mrs Oliphant might have said? -- No, except that she explained about VOW and as to how they work.

We would not ask you for that detail. My Lord, in relation to what precisely Mr Masenya said, it is at page 601.

Did you speak yourself? -- That is so.

Can you recall what you said? -- Yes, that is so.

Please tell us? -- In my address I said in the many (10) years that has passed since the year 1977 when the community council system was introduced, the major complaint from the Vaal residents was about the rent which was high, which rent they did not afford to pay. I further said the town council system and the community council system would not satisfy the residents, because of their not having an adequate of financial support. I also made it clear in my speech that each and every year when the rent is increased, the residents are complaining about that. All the same, the councillors are not listening to the complaints. I therefore then said (20) that the only solution to this is that the community must unite. Why? Because once we are united, we are then going to speak in one voice and therefore we will be able to succeed. I also said I was very happy to notice that the residents of the Vaal have already started to unite. I then made an example with the meeting or about the meeting which I attended in the morning of the Evaton Ratepayers Association and also made mention of the meeting I attended the previous day on the 25th in Zone 13. I then made mention of this that at this meeting we will have to think and in the thinking we (30) will/...

will have to consider accepting all, adopting the resolutions of the meeting of the 25th and then said it is my proposal that we accept them, that is the resolutions as they are. That was my address.

Did you refer to the resolutions themselves? -- Yes, that is so.

Which resolutions did you mention? -- The first one was about the rent which was increased by R5,90, that this must not be paid and that we are to make a call for the resignation of the councillors and that there be a call made for (10) the stay-away for Monday 3 September, so that we could hold protest rallies.

Did you suggest a march on the 3rd in your speech? -- No, I did not.

Did you suggest that the businesses and taxi's of councillors should be boycotted in your speech? -- No, I did not.

Did you call the councillors sell-outs or puppets? -- Yes, I did.

Did you believe that to be true? -- Yes, that is so. (20)

Were you aware whether any councillors themselves had described themselves in a similar fashion?

COURT : Did you call them sell-outs or puppets or sell-outs and puppets? -- Both.

MR BIZOS : Did they, some of them describe themselves as that before this? -- Yes, I remember one of them who was resigning who said the community council was a puppet body.

You told us that you are a regular newspaper reader. Were these words used in newspaper articles about councillors? -- Yes, they were being used. (30)

Did/...

Did you consider that as unparliamentary language to you?  
-- No, I took it to be a daily language use.

Did you at any stage in your speech say that any person who paid the rent would land up in trouble and might be killed? Did you ever say that? -- No, I did not say that. I deny having made that kind of a speech.

Did you in your speech say that shops should be closed for 24 hours? -- No, I did not.

Or that school children would not go to school? -- No, I did not. (10)

Or that the buses would not run? -- No, I did not.

Did you say that factories would be informed by letter that there is going to be a stay-away? -- No, I did not.

Did you as part of your original speech say anything about ambulance or the transport of nurses? -- Not in my address  
COURT : What do you mean? You did say it later on but not during your speech? -- That is so.

MR BIZOS : Was that in answer to some of the discussions in question? -- Yes, that is so.

Do you recall whether you made any reference to any (20) promises that had been made by the councillors? -- Yes.

What did you say about that? -- What I said was the following, that the councillors during their campaign for the elections of November 1983 told the people that they were going to see to it that they keep the rent low.

And? -- I then said they have disappointed us because it is hardly a year that the community council has taken over, already there are notices that the rent is going to be increased. I further said that even the government made it worse by taking the bottle-stores which were subsidising (30)

the/...

the rent and sold them to private owners, as a result that there is no subsidy for rent.

By the end of August was it known what the fate of the bottle-stores in Lekoa was going to be? -- No, I personally did not know. All I can say was that this announcement I am referring to about privatising of the bottle-stores was made at the time of the introduction of the councillors.

Would that have been early in 1984 at least? -- Yes, that is so.

If it is suggested that you spoke at this meeting on (10) behalf of COSAS, what would you say to the suggestion? -- I will deny that because that is not true.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

GCINUMUZI PETRUS MALINDI, still under oath

EXAMINATION BY MR BIZOS (continued) : Were there questions immediately after you finished speaking or did anyone else speak immediately after you? -- There were two speakers after I had spoken.

Who were they? -- Mr Khabi and another person whose name (20) I do not know.

What did Mr Khabi say? -- He in his address spoke broadly about the struggle in Evaton, in which struggle they are fighting for the retaining of the property rights. He further said that they are in support of the VCA because of its uniting the people in the area of Sebokeng.

Anything else that you can recall? -- No.

Is Mr Khabi a young man? -- No, he is quite an elderly man.

Did he refer to the shop of Dutch Liphoko at all? -- (30)

No/...



No, he did not.

Did he refer to Mr Liphoko at all? -- No, he did not say anything about or with reference to Mr Liphoko.

Did he say anything about any other councillor from Evaton? -- He was accusing the Evaton council and Mr Rabotape that they are backing the re-planning which re-planning is taking over the stands.

Where there questions asked? -- Yes.

COURT : Of Mr Khabi?

MR BIZOS : No, I am sorry. (10)

COURT : Because we have one more person inbetween.

MR BIZOS : I am sorry. Do you recall who the other speaker was? -- No, I cannot recall who the other speaker was. All I can say is that I know this person to be coming from Zone 3.

What did the Zone 3 person say? -- He said he understands this suggestion of the stay-away on 3 September and further said according to him he cannot see how the message can be carried over by just taking part in the stay-away and hold rallies. This person said that he is suggesting that instead of staying at home, we better go to the offices of the (20) Board where we will submit the complaints from the people.

Did he suggest how you should go to the Board? -- Yes, he suggested a demonstration march.

Previous speakers identified this person by the name of Maruping. Do you know this man? -- I hear that name being used, but I do not associate it with that person because I have no reason to do that.

You did not know Mr Maruping before the meeting nor did you have any dealings with him afterwards? -- Yes, that is so.

After these two speakers spoke after you had spoken, (30)

were/...

were there any speakers? -- Yes, that is so.

Are you able to give the questions in the order in which they came or not? -- I remember the two first questions.

What were they? -- This person said "Mr Malindi, you are talking about the stay-away to be held on the 3rd. What do you say about our taxi's which can be attacked with stones? In reply to that I said to him "No, Mr Maseko you seem not to have understood what I was saying." The position is that I am proposing that that be accepted as a resolution which was taken at a previous meeting, not that I am saying that we are to hold a stay-away on that day.

COURT : Just a moment. You said to him "You have not understood what I was saying. I propose ..." what? -- I propose that there be a resolution for a stay-away on the 3rd, that being one of the resolutions which were taken at a previous meeting and therefore I am putting this to this meeting to be considered by the meeting at the time of taking resolutions of this meeting. I went on to say I do not believe that this can happen, meaning that the stoning of the taxi's can take place. I then further said the call for the stay-away is being extended to the taxi owners and drivers, because they form part of the community. Therefore, if this proposal being accepted by them, that means that the taxi's would be operating that day. He then thanked me for the clarification and took a seat.

MR BIZOS : Did you mention any percentages in your answer? -- Yes, in answer to the next question.

What was the next question? -- The next question was seeing that we agree on the stay-away here at this meeting, what about the people who will use private roads or will leave/...

leave secretly for work, what is to happen to them? In reply to that I said we believe that the stay-away would be a success because the question of rent affects the whole community of the Vaal Triangle and said say for instance the stay-away was above 70%, subbordering 90%, then that would mean is a voice loud enough to be heard by those who are supposed to take it to that. That was the end of my address.

COURT : Who asked the question? Do you know? -- I do not know that person's name.

MR BIZOS : Were there any questions, not necessarily in (10) the order, but were there other questions that you recall? -- There were quite many questions. I remember taking part in answering a question pertaining to the arrest of the people. This question was asked by Mr Masenya, the witness who gave evidence in court. His question was what will be done in case of the arrest of the parents who were taking part in the march to Houtkop. The question being, what is going to happen to their children? Who is going to look after them? My contribution in answer to that question was there is nothing illegal which is being discussed in this meeting. I (20) further said there is nothing illegal in taking a march in order to express our dissatisfaction and therefore as far as I am concerned, the arrest of the people is not possible. I further said because of this being legal, even the newspaper reporters are going to report about this in the papers as to what was discussed and what the resolutions are, therefore it will be known to the community as a whole. Pertaining to the essential services I said well, we can go on and discuss that, it will be for the people at this meeting to define what they deem to be essential services. (30)

COURT/...

COURT : Was all this in answering his question? -- No, in answering to Masenya's question, the answer ended where I made mention of the media which was going to publish which was said. I then started a subject out of my own about the essential services without a question being asked. There was then an extended discussion about essential services, questions being put by others and also being answered by the others.

MR BIZOS : You told us what your contribution was in answer to Mr Masenya's question. Did anyone else try to give (10) an answer to Mr Masenya? -- Yes.

Who did that? -- The first person emerged from the audience and answered that question. In his answer to the question ... (Court intervenes)

COURT : Do you know the person's name? -- No. In his answer to the question he said we, the Black people, are having a common problem and our problem is the rent that we cannot afford to pay and further said if we allow the addition of the R5,90 on our rent, that means that we are going to see to the same problem in future and our children are going to (20) suffer even more. He then further said according to him as a result of that, his feeling was that let the parents come together and unite and taking part in this march because he cannot see a reason for the police to interfere with the march to the extent of arresting people. He further said even if that happens within our community, we are the kind of a community who knows how to assist one another. Therefore, the community is going to assist.

MR BIZOS : Did anyone else respond to Mr Masenya's question? -- Yes, Mr Matlole, accused no. 17. (30)

What/...

What did he say? -- In his reply he said, this is now the time when parents are to unite and whatever they have agreed upon on decisions, will be for them to see to the carrying out and the success of those decisions. He further said we are not supposed to be a community which hesitate, because in hesitating we would not be able to solve our problems. He then further referred to Gideon in the Bible and said Gideon was supposed to have carried out some duty and it was said that those who do not have the courage or are brave enough, must not take part in that. That is how much I remember (10) of what he said.

Did you know the erstwhile accused no. 4, Mr Mohapi Lazarus More, before 26 August 1984? -- No, I did not.

It goes without saying that you did not hear him speak on behalf of COSAS?

COURT : Unless he sat with his eyes closed.

MR BIZOS : Did anybody speak on behalf of COSAS at this meeting? -- From the time that I was present nobody spoke on behalf of COSAS.

During the course of the deliberations and the taking (20) of the resolutions, was Mr Raditsela and Miss Edith Lethlake at the afternoon meeting of the 26th? -- No, they were not there.

Did they come to the meeting? -- Yes, they did.

At what stage? -- I remember them arriving there at the end of taking the resolutions.

COURT : That is when some resolutions had been adopted and some not? -- It is after all the resolutions were adopted and at the time when the resolutions were read to the audience, then Esau and Edith arrived. (30)

MR BIZOS/...

MR BIZOS : Is that whilst the resolutions were being read as final resolutions? -- Yes, it was during the final reading of the resolutions to satisfy the audience that these are the resolutions that are noted as final resolutions for the audience to say whatever they want to say.

Do you know - you told us that you had seen them at the end of the morning meeting. Do you know where either Mr Esau Raditsela or Miss Edith Lethlake had gone to? -- Edith told me that she was invited at Boipatong and further said that she was going to be transported by Esau in a vehicle. (10)

Was there any talk at the meeting as to what was to happen if the councillors did not resign?-- Yes, there was a discussion around that and the decision at the end was, that if they do not resign, then their businesses are going to be boycotted.

Will you be able to give His Lordship the resolutions that were eventually passed at this meeting? -- Yes, that the R5,90 which is added on the rent must not be paid. The councillors must resign. If they do not resign their businesses are going to be boycotted and that on 3 September (2) there is going to be a march and going to Houtkop, which will be a stay-away.

Any other resolutions that you can remember? -- No.

Were there any specific resolutions taken in relation to the closing of businesses? -- It was discussed and there was a general agreement on that. It was not taken as a resolution.

Was there any formal resolution in relation to the running of taxi's? -- What I remember being said at this meeting is that the people in charge of this meeting which is the VCA(30)

will/...

will have to talk to the people who are in fact running these businesses and ask them that they must allow their employees to participate on the march. I cannot recall any resolution being taken on that.

Were there any resolutions taken in relation to the detail, as to whether there should be placards or precisely where the resolution was to start or any other details? Were resolutions taken in regard to that? -- No.

Did, after his arrival, Mr Raditsela take over the chairmanship of the meeting? -- Yes, that is so. (10)

For what purpose did he do that? -- Because they were going to hold elections for the Zone 3 committee.

Did Esau Raditsela make any reference to any meeting in Sharpeville? -- No, he did not.

Or any meeting at Bophelong? -- No, he did not.

Or at Boipatong? -- No, not at this meeting, he did not speak about that.

When he and Miss Lethlake arrived, did they have anything with them? -- Yes, a VCA banner, which had a UDF logo.

Did they have any placards with them or any slogans? (20)  
-- No.

Let us come to Sunday, 2 September 1984. Do you recall how you spent that Sunday morning? -- Yes, I do.

How? -- When I got up that morning I prepared myself going to church and left at about 10h00 going to church.

And did you come back from church? -- After church I went to Mphatlalatsane where they had a choral music competition.

COURT : Mphatlalatsane, is that a hall? -- Yes.

In what zone is it? -- Zone 14. (30)

MR BIZOS/...

MR BIZOS : You knew that there was going to be a stay-away and a march the next day? -- Yes, I knew that.

Were people moving about their business peacefully on the afternoon of Sunday the 2nd or was there tension in the air? -- No, the atmosphere was normal. Things were must normal there.

During the afternoon or early evening of the 2nd, did you hear anybody disturbing the calm atmosphere? -- I remember that while being at home, I heard an announcement which was being made over a loudhailer. This announcement was about (10) the following day, that there is going to be a stay-away and there is going to be a march to Houtkop.

Do you know who the persons were who moved around hailing people to stay-away and to take part in the march the next day? -- No, I could not see the occupants of this vehicle which was stationary at an intersection about 20 houses from my parents' home.

Do any policemen live near your home? -- Yes.

How many? -- I know of three.

In the immediate vicinity of your home? -- Yes, two (20) streets down from my home and two streets up from my home again. The third one who lives not very far from us. It is just some distance but not very far.

And if need be, you can give the names of at least two of them? -- Yes.

What do you say to the suggestion that this march was kept a secret from the police and the authorities? -- What I can say to that is from the 26th there was this talk all over. I was already used to hear that, so much that I did not even worry about people talking about it. The reason (30)

being/...



being that on my way to work I use a taxi and a train to and fro and this was being discussed. Even in the township it was just discussed openly by the community there without trying to make it a secret. Again the loudhailer I heard announcing the evening of the 2nd.

Was it only announcing the stay-away? -- No, what was said was that there was some dissatisfaction in the township about the rentals, as a result of which resolutions were taken. This resolution which was taken was that there is going to be a stay-away on the 3rd and on the same day there is going (10) to be a march to Houtkop. Therefore the statement about the meeting being secretive is really surprising me because I do not know where that originates from.

At the meeting of the 26th, do you recall whether there were any newspaper men or women present? -- They were present, because if you remember I said in my address that the reporters are present and this is going to be made known to the community through the media. At the time when I said that, I was pointing at the reports who were right in front of me.

Were they in a position to hear the resolution that (20) there should be a march on the 3rd? -- Quite well, yes.

By the 2nd or indeed the 3rd of September 1984, had an organisation, that is said to have been known as the Vaal Youth Congress, been formed? -- No, it was not formed.

COURT : Has it ever been formed? -- Not as far as I am concerned.

MR BIZOS : You were arrested in September 1984. Was it formed before your arrest? -- No.

Did you go to the march yourself? -- Yes, I did.

When did you start off from your home towards the (30)

Roman Catholic Church? -- Going to the Roman Catholic Church Small Farms I was leaving from Zone 3, not from home.

COURT : Why? -- I the previous evening became aware that I will have to go and sleep at a place near the point where this march is going to start as a result of which then I decided to go and spend the night at my aunt's place in Zone 3.

MR BIZOS : What time did you set off from Zone 3? -- At about 08h00.

How did you get to the Catholic Church Small Farms? -- I went through Evaton which is on the side of Zone 3 towards (10) the "spruit" which serves as a boundary for Evaton and Evaton Small Farms. I went up the road which passes Zone 7 stadium. I joined the march at the bus terminus in Zone 7.

COURT : Do we know where that is?

MR BIZOS : Has it got any other name, the bus terminus in zone 7? -- Yes, it is known as Masenkeng.

On what street is that? What is the name of the street? -- In Vilakazi Street.

On your way there, did you see any obstructions on the road? -- No, I did not. (20)

Did you see any property being damaged or having been damaged or burning? -- No, that is not so.

Did you join the march as a marcher or did you take any part in the control of it? -- I joined it as one of the people in the march, no control whatsoever.

COURT : Is Masenkeng where the commissioner's office is? -- Yes, that is so.

Is it to the south or to the north of the commissioner's office? -- The vicinity there is known as Masenkeng because this name in fact was given to the commissioner's offices (30)

and/...

and therefore the bus stop which I am talking about which is known as Masenkeng bus stop is on the western side of the commissioner's building. I will rather say Vilakazi Street is on the western side of Masenkeng, which is the commissioner's office and this bus stop is more to the north of Vilakazi Street - of Masenkeng which is the commissioner's office.

We have made mark here, the mark does not seem to be entirely clear. Vilakazi Street we know. The commissioner's office is to the west of Vilakazi Street and so is the bus stop, the bus terminus. Is that correct? -- I am not (10) quite certain. Unless I am given a map, then I will be able to look at it.

Vilakazi Street runs from south to north roughly speaking? -- Yes, that is so.

It is either on the eastern side or the western side of Vilakazi Street that the complex is? -- It is on the eastern side of Vilakazi Street.

Is the bus stop to the east or to the west of the commissioner's office? -- You go in the direction of south to be at the bus stop. (20)

So, the commissioner's office is to the north of the bus stop? -- Yes, that is so.

On the official index the number is 61 and it is written "Commissioner's office" and behind that in brackets I will write Masenkeng.

MR BIZOS : My Lord, our instructions are that everything around there is referred to as Masenkeng.

COURT : The whole, let us say block is called Masenkeng?

MR BIZOS : Is called Masenkeng.

COURT : That is how I understood the witness to say. (30)

Originally/...

Originally it was the commissioner's office.

MR BIZOS : That is so. It is a geographical area which is referred to as Masenkeng which includes the commissioner's office.

COURT : Yes, thank you.

MR BIZOS : I have a note that one of the witnesses referred to a stadium there, as the Masenkeng stadium.

COURT : The stadium is referred to differently. It is numbered no. 4. That is near what we have now determined to be Masenkeng. (10)

MR BIZOS : It is in the vicinity of Masenkeng. Did you recognise anybody on the march? -- At the point where I joined the march I was in the company of Themba Mazibuko, David Radebe, Siphon Radebe. Those are the people with whom I joined the march. The first person I saw when joining the march was Tsietsi Nkatsanyane, Edith Lethlake. Those are the people I met there in whose company I was on this march.

Were there any obstructions on Vilakazi Street as the march was proceeding along? (20)

COURT : Where did you join the march? In the middle or in the front or at the back? -- When I joined the march it was at the back, but I moved forward, up to a point where I would say I was about 50 to 60 metres from the front of the march along Vilakazi Street.

MR BIZOS : Did you go anywhere near the quadrangle of the Roman Catholic Church? -- No, I was not there that day.

K644

I am not sure whether you gave an answer to my previous question as to whether there were any obstructions along Vilakazi Street? (30)

COURT/...

COURT : It has not been answered yet. -- No, there was none.

Did you join as a marcher or as a marshall? -- I joined the march as one of the people who were marching, although when I arrived there I was enthusiastic to assist as a marshall.

You were enthusiastic, but did you do anything about it? -- I ended up being a marshall.

MR BIZOS : As you were marching along 50 or 60 metres from the front, did you ever get an opportunity to see the placards that were being held in front of the march? -- Yes, I did see some of them. (10)

What did they say? -- Some were reading "Away with high rent." Some reading "Councillors must resign." Those are the ones I remember.

How did you come to see them? -- How I happened to see that was when the march was taking a turn. For instance if the march stopped to re-arrange it. Now the people up front would look back talking to others there, holding their placards in my direction, then I would see them. Some were marching with the placard facing back and not to where we were going to.

What do you say to the allegation that you were one of (20) the leaders of the march? -- No, there is no truth in that.

Or that you marshalled people into the group in readiness for the march in the quadrangle at the Roman Catholic Church? -- There is no truth in that talk, because I was not even at the Roman Catholic Church premises.

What do you say that the offices of the Vaal Transport Co-operation were destroyed by the marchers before you - at any stage? -- I do not agree with that, because the route we were following, is very far from the offices of the Vaal Transport Co-operation. (30)

What/...

What do you say to the evidence that kiosks belonging to the Vaal Transport Co-operation along the route of the march were destroyed? -- Nothing of that nature happened where I was moving. I did not see that taking place.

I was a little diffident before I found reference as to when it is alleged that the Vaal Transport Co-operation property was supposed to have been destroyed. Do you know the intersection where there is veering to the right of the road towards Houtkop? -- Yes, I do know that place.

COURT : Is it intended to say that the road to Houtkop (10) veers to the right or that the road veers to the right in the direction of Houtkop?

MR BIZOS : You heard the evidence here as to where Mr Motjeane's home is? -- Yes, I heard that evidence.

You know it veering to the right there? Does the road veer to the right there? -- Yes.

Between the Catholic Small Farms and that veering to the right, are there any offices of the Vaal Transport Co-operation? -- No, there are no offices there.

The allegation is made in paragraph 77.10, My Lord. (20)

COURT : Of the indictment.

MR BIZOS : Of the indictment. Were there any people compelled to join the march? -- No, I did not see that happening.

Were the marchers disorderly in any way? -- No, it never happened. In fact I was so impressed about the manner of behaviour of this march.

Were the people absolutely quiet? -- No, there was some singing.

What was being sung? -- This song Siyaya e Houtkop was sung.

(30)

I asked you earlier whether you heard the evidence as to where the late Caesar Motjeane's house was. On that day, did you know where Mr Caesar Motjeane lived? -- No, I did not know.

Were people joining the march as you were marching on? -- Yes, quite many.

Individually or in groups? -- Individually and in groups.

Were you marching on a tarred road? -- Yes, that is so.

COURT : Do you remember the time you joined the march? --

Yes, I do. (10)

What was the time? -- I remember one of us checking on a wrist watch just when we were about to pass the stadium, then it was 09h05.

MR BIZOS : And would you have joined the march within minutes of that? -- Yes.

Who was leading the march? -- According to my observation in Vilakazi Street, I saw Modise Mthombeni right up front and Reverend Mahlatsi, the witness, was one of them.

Did you see anyone else? -- From those who were carrying placards I remember two who were known to me. Keiso is (20) one of them, and I remember seeing Joseph Sithole as well. Those are the people I remember who were right at the front.

Is that the Joseph Sithole that passed away? -- Yes, that is so.

Was Esau Raditsela leading the march? -- No, I did not know about that. I did not see him.

Did you not see him leading the march or did you not see him at all? -- I did not see him leading the march.

Did you see him taking part in anything? -- Yes, I did. At a distance in the vicinity of the post office in Zone 12(30)

just/...

just after taking - that is at the T-junction of the post office, I saw him when we were turning into a different direction.

COURT : Where was he then? -- We had passed the post office. He was quite far from me up front about 30 to 40 metres away from me.

MR BIZOS : What was your distance from the front of the march at that stage? -- The groups that joined the march in the procession had pushed me more back in the sense that when they are joining the march, therefore my position (10) pushes back. I was about 150 to 200 metres from the head of the march.

You say that you were impressed by the orderly fashion of the march. Were there marshalls? -- Yes, there were.

What were they doing? -- They were walking on the sides of the march. Whenever people joined the march from the sides, then they would make it possible for those people to join the march and would supervise that the marchers must not walk on the shoulder of the road, but on the tarmac.

What would you say about the general composition of (20) the marchers in relation to age groups? -- It was mixed. There were young people and grown-up people in big numbers.

The word children may have different meanings, but could you please tell us, were there children in the sense of people under the age of 16 on the march at all? -- No, I did not observe people under that age on that march.

If you were to make an estimate, what was the age of the youngest group of people as a group that were there on the march? -- Between 19 and 20 years.

You were in 1984 in your early going for your middle (30)

twenties/...



twenties. Were you referred to as a child by the older members of the community? -- Not generally, but there were a few people who were referring to me as a child.

COURT : Your grandmother for example? -- Yes, my grandmother and my parents. As well as some neighbours in the vicinity where we live still call me a child.

MR BIZOS : As you were approaching the road veering to the right towards Houtkop in Vilakazi Street ... (Court intervenes)

COURT : We have called that place the intersection. I (10) think we can stick to that. Everybody knows what the intersection is. It is the intersection near the house of Caesar Motjeane.

MR BIZOS : As you were approaching this intersection near the house of Caesar Motjeane, were there any groups of people at that intersection? -- Yes, that is so.

Just one group or more than one group? -- More than one group.

Were they of the same size or was there any distinctive - anyone group which was distinguished from others? -- They (20) differed.

Was there a large group? -- Yes, there was a large group that I noticed in the immediate vicinity of that intersection.

When you saw that, were they moving or were they approaching the intersection? -- At the distance I was I only noticed a group of people right up front. If I remember well, it appeared as if these people were walking in our direction. It appeared to me that on realising that our march was coming in their direction, they then waited for a while. Again what I observed further was that the head (30)

of/...

of our march met with them which means they joined and the march proceeded.

COURT : They merged with the front part of the march? -- That is so.

MR BIZOS : During this merging process which they fitted into the already existing march, was the orderly progress of the march kept or not? -- The pace on which we were walking reduced, we in fact were about to stop when this march merged in the head of our march. Not long I realised that the pace is picking up. (10)

The people that merged into your march, did they carry anything? -- Yes, when I saw them for the first time merging, they were waving certain things which appeared to me to be placards.

When the pace of your march re-established itself, did it continue towards Houtkop? -- Yes, that is so.

Did the march leave the tarred road? -- No, it did not.

Did it take the turn to the right and proceed towards the post office and towards Houtkop? -- Yes, that is so.

What do you say to the allegation in the indictment(20) that this march was an unruly mob? -- That allegation is just the direct opposite of what was happening at this march at the time when I joined it until while I was still on the march itself.

What do you say that the march - to the allegation that the march left the tarred road, went up this untarred lane to the home of Mr Caesar Motjeane? -- I do not agree with that that that happened.

Did you yourself personally leave the tarred road at all? -- No, I was never out of the march. (30)

What/...

What do you say to the evidence given by one of the witnesses IC.8 that you were seen against the wall somewhere near the home of the late Caesar Motjeane? -- That allegation is not true. In fact my being associated with the death of Caesar does not please me at all.

Whilst we are about it, it is alleged in the indictment that you were actually at about this time somewhere in Evaton and that you were part of the mob that attacked Liphoko's house. What do you say to that allegation? -- That allegation is one of those which are false, which I am not going to (10) accept.

Just as a matter of interest, what is the distance between this intersection and Mr Liphoko's house more or less?

COURT : Does he know Mr Liphoko's house?

MR BIZOS : Do you know where Mr Liphoko's house and business was? -- Yes, I do.

What is the distance between the two? -- About 5 to 6 kilometres.

Unless one used a helicopter, would one be able to be at both places at approximately 10h00 in the morning? -- It (20) is impossible.

Did you hear anyone calling anyone a dog or any other derogatory names in the vicinity of that intersection? -- No, I did not hear that.

WITNESS STANDS DOWN.

COURT ADJOURNS TILL 27 APRIL 1987.

nie? -- Ons was deur die traangas uit die huis gedryf. Selfs die inwoners van die huis was deur die traangas uitgedryf.

Niemand het h deur toegemaak nie? -- Ek kan nie onthou of die deur toegemaak was nie.

HOF : Maar buite is die posisie tog erger as binne? -- Ons het gevind dat daar binne maak hierdie traangas asof ons "suffocate", met die gevolg dat ons in h toe plek in die huis in is.

MNR. JACOBS : Hierdie traanrook in hierdie huis, was julle uitsig weer belemmer? Het julle oë weer getraan? -- Ja, (10) dit het ons affekteer.

En toe jy nou uitgaan, toe was daar baie traangas buite-kant wat ook nog vir julle verder geaffekteer het? -- Dit was beter gewees daar buite.

Maar daar was traangas was julle ook geaffekteer het? -- Ja, daar was.

En hier was toe nou nie h kraan waar julle gewas het nie. Julle moes maar so hierdie traanrook verduur? -- Mense het heen en weer gehardloop na die kraan toe en weer terug-gekeer om skuiling te neem by die muur. (20)

Toe julle nou uitgaan, het julle agter die huis gebly? -- Na ons die huis verlaat het, het ons vir h rukkie op die werf van die huis vertoef.

Is dit nou by die agterkant van hierdie huis, agter die agtermuur? Het julle daar geskuil? -- Nee, ons het om die huis beweeg. Dit het afgehang van die polisie van watter kant af die polisie te voorskyn gekom het. Dan sou ons skuiling geneem het aan die ander kant van die muur en die helikopter ook.

Het die polisie julle uit die huis gehaal? -- Selfs (30) die/...

die helikopter, as hy daar van een kant af gekom het, het ons omgehardloop dat hulle ons nie kan sien aan die ander kant nie.

Het die polisie julle uit daardie huis gedryf? Fisies self, met die sambokke? -- Nee, hulle het nie by die huis ingegaan nie.

By die huis langs julle, het hulle daar ingegaan? -- Nee, hulle het nie.

En in die huis ander kant langs julle, het hulle daar ingegaan? -- Ek weet nie. (10)

En die huis reg agter julle, dit is nou aan die straat se kant, aan die hoofstraat se kant, het hulle daar ingegaan? -- Ek het hulle nie gesien daar ingaan nie.

Jy sien, dit is vir my baie eienaardig, jy het in jou getuienis hier vir die Hof vertel hoe dat die polisie mense in die huise geslaan het met sambokke en ek wil graag weet hoe het jy dit gesien? -- Ek het dit by ander plekke gesien plaasvind.

Ek praat nie nou van ander plekke nie. Ek vra vir jou hierdie dag daar by hierdie gebeure? -- My antwoord daarop (20) is by hierdie huis waar ek skuiling geneem het, het ek dit nie gesien plaasvind nie. Selfs by die huise wat u nou net genoem het in die nabyheid van hierdie huis het ek nie gesien dat dit plaasgevind het nie, maar wel gesien dat dit gebeur by ander huise.

Waar? -- By ander huise wat geleë is in hierdie straat wat parallel is met die teerpad. Dit het gebeur dat hulle die huise daar binnegegaan het en mense met die sambokke uitgejaag het.

Wanneer het jy dit gesien? -- Terwyl ons so skuiling (30)

geneem/...

geneem het deur om die huis te hardloop, het ek dit opgemerk. En tweedens, toe ek gaan bel het daar vir die ambulans, het ek gesukkel om terug te kom op die toneel waar die beseerde persoon was, want die polisie was besig om die mense te slaan.

So, jy kon deur die nure sien wat gebeur in hierdie huise? -- Nee, ek het nie deur die mure gesien nie, maar direk.

Hoe kan jy direk in die huis sien wat gebeur in 'n huis? -- Nee, maar as mense nou die huis verlaat en hulle word gejaag deur die polisie dit kan ek sien. Nou kom hulle (10) met die mense uit die huise uit.

So, jy het nog 'n fout gemaak toe jy vir die Hof gesê het die polisie het die mense binne-in die huise met sambokke geslaan. Jy kon dit nooit gesien het nie? -- My getuienis is dat mense uit die huise uitgedryf is met sambokke en na my mening toe dit gebeur het, beteken dit dat die mense binne-in die huise alreeds met sambokke geslaan was.

In jou smeerveldtog van die polisie kom jy en maak afleidings hier om te sê ... (Hof kom tussenbei)

HOF : Wag 'n bietjie, mnr. Jacobs. Bly nou maar net een-(20)voudig by die feite en u kan my later toespreek oor of daar 'n smeerveldtog is of nie, wanneer ek die getuie se getuienis behandel.

GETUIE STAAN AF.

HOF VERDAAG.

HOF HERVAT.

K649

GCINUMUZI PETRUS MALINDI, nog onder eed

MNR. JACOBS : U Edele, ek het verstaan mnr. Vilakazi is in die hospitaal opgeneem. Ek wil dit onder die Hof se aandag bring. Dit is beskuldigde nr. 10.

HOF : Hoe lank sal hy daar wees?

(30)

MNR. JACOBS/...

MNR. JACOBS : Ek kon nie uitvind nie. Hulle het net vir ons gesê hy is opgeneem. Ons sal miskien môre vir die Hof kan sê. Die polisiebeamptes wat hom weggevat het het terugekom en gesê hy is opgeneem.

KRUISONDERVRAGING DEUR MNR. JACOBS (vervolg) : Mnr. Malindi, jy het gepraat van 'n insident waar die polisie 'n klomp mense vasgekeer het en toe met die sambok geslaan het. Waar is hulle vasgekeer? -- Van die huis waar ek was "almost" oorkant die straat. Dit is die straat wat parallel is met die teerpad.

Is dit terwyl jy al in die huis was? -- Nee, ek was (10) al buite die huis gewees.

Is dit nadat jy in die huis was? -- Ja.

Laat ons net hoor, waar is hulle vasgekeer? -- Dit is oorkant die straat by 'n huis met 'n hoë omheiningdraad. Dit is mense wat in daardie erf ingehardloop het. Die polisie het hulle vasgekeer daar sodat hulle nie oor daardie omheiningdraad kon klim nie en die polisie het hulle toe met sambokke daar geslaan.

Waar is hierdie omheiningdraad? Is dit aan die voorkant of aan die agterkant van daardie huis? -- Rondom die (20) perseel.

Waar was die mense voorgekeer? Aan die voorkant of aan die agterkant? -- Aan die voorkant.

Hoe hoog is hierdie draad? -- (Getuie dui hoogte aan)

HOF : 2 Meter.

MNR. JACOBS : Wanneer het die mense daar ingehardloop? -- Ek het nie opgelet toe hulle daar ingehardloop het nie, maar ek het wel bewus geword van hulle daar op die stadium wat hulle aangeval was.

Hoeveel mense was dit? -- Dit was 'n klompie persone, (30)

tussen/...

tussen ses en sewe.

Was dit nie 'n groot klomp mense wat hulle vasgekeer het nie? -- Nee, dit was nie 'n groot klomp nie.

Terwyl jy in die huis was, het jy niks waargeneem wat buitekant aangaan nie, weens jou beperkte uitsig? -- Ek kon iets sien.

Wat het jy gesien daarvanaf? -- By ander plekke hardloop 'n persoon om die huis om by die agterkant te kom of by 'n ander gedeelte van die huis te kom en as hy net daar uitkom hardloop hy hom vas teen die polisieman wat 'n sambok het (10) en dan sal die polisieman die persoon met 'n sambok slaan.

By watter huis het dit gebeur, want die huise langs aan het mos jou uitsig belemmer? -- Ek het gesê dit was sigbaar gewees skuins regoor vanwaar ek was. 'n Mens kon sien.

Is dit net die een insident wat jy kon sien en wat jy waargeneem het? -- Nadat hy uit die huis gekom het, het ek gesien dat dit op verskillende kere gebeur het dat mense die polisie raakgehardloop het en dat die polisie hulle met sambokke slaan.

Ek praat terwyl jy in die huis was. Is dit net die een (20) insident wat jy waargeneem het? -- Behalwe dat ek miskien op 'n afstand gesien het dat mense hardloop en hulle word deur die polisie gejaag. Dit het ek gesien.

Jy sien, want hoekom ek jou vra, jy het vir die Hof gesê jy was nie lank in daardie huis nie. Is dit reg? -- Ja, dit is reg.

En jy het in jou getuienis-in-hoof vir die polisie vertel en ek gaan dit aan jou stel soos ek dit genotuleer het "I ran into the house and on the right-hand side I was in that house observing what was happening." Die indruk (30)

wat/...



wat ek gekry het van jou getuienis is dat jy jou waarnemings van wat jy vir die Hof vertel het van hoe die polisie die mense slaan het jy uit daardie huis uit gedoen? -- Van die voorvalle wat ek na verwys het ek gesien terwyl ek in daardie huis was. Party het ek gesien terwyl ek op die erf van die huis was.

Jy sal saamstem dit is 'n verkeerde indruk dat jy hier vir die Hof gesê het jy het jou observasie gedoen van wat gebeur het uit daardie huis uit. Jy het net een insident waargeneem wat jy vir die Hof van kan vertel. -- Ek praat (10) die waarheid want van die dinge wat ek van praat het ek opgelet terwyl ek binne-in die huis was.

Jy kon vir die Hof net een insident noem. Is dit reg? -- Ek het van twee voorvalle gepraat.

Een waar die mense by die ander perseel was en die ander waar die polisie net agter mense aanhardloop? -- Nee, daar is gevalle waar ek gesê het 'n mens kyk miskien en sien 'n ander een hardloop om die huis en vas teen die polisieman wat dan daardie persoon met 'n sambok slaan.

Hoe lank het jy in daardie huis gebly ongeveer? -- (20) Binne-in die huis?

Ja? -- Ek kan nie meer onthou nie.

Was dit vyf minute, tien minute, langer, korter? -- Ek glo nie dit kon langer as tien minute gewees het wat ek daar in daardie huis was nie.

Toe die mense begin weghardloop, het hulle alkante toe gehardloop, nie net na die een kant toe, die regterkant toe nie, maar ook na die linkerkant toe? -- Ja, dit is so.

Is dit reg dat daar maar seker taamlik min mense in die persele ingehardloop het? Party het skoon weggehardloop?

(30)

Die/...

-- Die mense het almal die hoofpad verlaat in die klein paadjies in die omgewing.

En baie het verder weggehardloop, nie in persele in en in huise in nie? -- Ja, die meerderheid het met die pad weggehardloop.

Jy sien, dit is vir my baie eienaardig dat die polisie nou so lank sal draai net op die een punt waar jy min of meer is? -- Wat is die vraag nou?

Ek sê dink jy nie dit is 'n baie eienaardige situasie dat die polisie net so draai op daardie een punt waar jy (19) omtrent gaan skuil het nie? -- Ek het nie gesê dat hulle net daar rondbeweeg het waar ek skuiling gesoek het nie. Daar was baie van die polisiebeamptes. Van hulle het afgehardloop en die mense agternagesit.

Hoeveel polisiebeamptes was daar ongeveer? -- Baie. Ek weet nie hoeveel in getal nie.

Gee vir ons 'n skatting? -- Hulle kon honderd gewees het want ek het verskillende tipe grootte voertuie daar gesien. Casspirs, die polisiebus, landrovers en die groot polisie-trokke. (20)

Ek stel dit aan jou dit is hoogs onwaarskynlik dat die polisie net daar sou gebly het. Hulle sou nog verder gery het en nog verder aangegaan het en hulle sou nie daar tien minute terwyl jy in die huis was daar gebly het nie, maar aangegaan het? -- Daar was nog ander mense daar gewees wat die huise verlaat het en dan het die polisie hulle gesien en hulle gejaag en van die polisie het eintlik verbygegaan waar ek was. Dit wil sê verder voortgegaan. Dus verbaas dit my nie dat hulle so lank geneem het daar nie.

En nadat hierdie man geskiet was, toe loop jy in die (30) straat/...

straat af na jou huis toe om te gaan bel en die polisie doen jou niks nie, terwyl hulle al hierdie ander mense so aanrand? -- Nee, ek het eers daar uitgekyk en gesien hoe veilig dit vir my was en toe vinnig uitgehardloop om by die huis te kom. In die hardloop het een van die polisie n rubberkoeël geskiet wat eers op die grond te lande gekom het en toe dit gespring het van die grond af het dit toe nie sterk geword nie. Met die opkom het ek dit opgetel en dit saamgeneem huis toe.

So, jy hardloop en daar is nie polisie in die straat toe wat jou voorkeer dat jy nie na julle huis toe kan gaan(10) nie? -- Die polisie was nie baie ver gewees nie. Soos ek sê. daar is een wat probeer het om my raak te skiet.

Maar toe jy weer terugkom nadat jy gebel het, was daar weer so baie polisie wat jy sien wat die mense slaan en uit die huise jaag? -- Wat ek opgelet het, was die polisie is nog steeds besig om mense uit die huise uit te jaag by die klein strate in die nabyheid van die teerpad. Dit is wat ek opgelet het.

Watter klein strate in die nabyheid van die teerpad praat jy nou van? -- Dit is die strate parallel met die (20) teerpad en ander klein strate verder diep in.

So, dit is nou diep in die woonbuurt in? -- Ongeveer drie strate vanaf die teerpad. Dit is waar die polisie besig was.

So, het jy agter die polisie aangegaan na jou huis toe? -- Nee.

Nou hoe het jy dan daar gekom drie strate van die teerstraat af weg? -- Van my huis af na die plek waar die beseerde persoon was, loop ek van oos na wes en met dié sien ek aan my linkerkant daar is huise geleë dat die polisie(30)

nou/...

nou dieper die woonbuurt ingaan.

HOF : Ek verstaan nie mooi nie. Van jou huis af na die beseerde persoon, loop jy van oos na wes? -- Die pad is oos na wes, maar ekself het wes na oos gestap.

MNR. JACOBS : Van jou huis af? -- Ja.

Beteken dit dan nie dat jou huis moet dan verder van die hoofpad af wees nie? Toe jy hierdie dinge waargeneem het, was dit ver van jou af? -- Ja, maar van dit het naby genoeg plaasgevind vir my om te kan sien wat gebeur. Daar was wel daarvan wat baie ver was. (10)

Laat ek net duidelikheid kry, wat sien jy wat naby is wat gebeur? -- Byvoorbeeld die polisie gaan daar per voertuig verby persone daar en skiet met h rubberkoeël en die mense begin vlug. Van die polisie klim van die voertuie af en jaag die persone. Dit is wat ek opgemerk het.

So, jy sien hulle klim van die voertuie af en hulle jaag die persone. Waarheen jaag hulle hulle? -- Die persone het in verskillende rigtings gehardloop.

Nie in huise in nie? -- Party van hulle het skuiling geneem agter die huise. Van hulle het in die huise inge- (20) gaan.

Jy sien, ek probeer nou vasstel, jy het vir die Hof gesê dat toe jy na jou huis toe gegaan het en weer teruggekome het, veral toe jy teruggekome het, het jy gesien hoe dat die polisie die mense uit die huise slaan, net voor die verdagings, met die sambokke en nou kan jy dit nie vir die Hof vertel nie? -- Ek het verduidelik dat dit gebeur het.

Ek probeer nou vasstel wanneer? -- Terwyl ek by daardie huis was, het ek dit gesien plaasvind. Selfs op pad terug na die toneel waar die beseerde persoon was, het ek dit (30) gesien/...

gesien plaasvind.

Waar het jy dit gesien, want ek het jou nou gevra en jy kon nie vir ons sê nie? -- Ek sê dan dit het plaasgevind by baie huise in die nabyheid van die huis waar ons was.

So dit het nie gebeur toe jy teruggekóm het van jou huis af nadat jy gebel het nie? -- Op pad terug het dit nog plaasgevind.

Waar het dit toe plaasgevind? Naby die huis waar jy geskuil het? -- In 'n groot aantal huise daarvanaf het dit plaasgevind. (10)

Ek dog dan jy sê dit was veilig gewees om van daardie huis af waar jy geskuil het na jou huis toe te gaan vinnig? -- Maar ek het nou net vir die Hof gesê daar is 'n polisieman wat opgelet het toe ek die huis verlaat het en toe 'n rubberkoeël geskiet het.

Ek wil dit aan jou stel dat hierdie storie van jou - ek wil dit stel is net 'n fabel wat jy vir die Hof hier vertel van die mense wat so uit die huise uitgejaag is met sambokke en geslaan is binne-in die huise? -- Dit is wat daar plaasgevind het. Baie mense is beseer daar. (20)

En jy kon glad nie gesien het wat binne-in die huise aangaan nie. Dit is 'n oordrywing van jou kant af om te sê dat die mense is so geslaan in die huise? -- Kyk, as 'n polisieman in 'n huis ingaan, kom die mense vinnig uit daardie huis gehardloop. Dit is logies dat die mense daar uitgehaas het as gevolg van die slaan met die sambok en van die mense is van onder die bed uitgeslaan met 'n sambok.

So, jy was so naby dat die mense dit vir jou kon sê? -- Ja, na die toestand verbeter het, het die mense uitgekóm en in die strate saamgedrom daar waar hulle nou gepraat (30)

het/...

het van hulle ondervinding tydens die voorval.

Wat jy vir die Hof dan vertel het is nie wat jy waargeneem het nie, maar net stories wat jy gehoor het? -- Nee, dit is nie dit nie. As ek gesien het 'n persoon verlaat 'n huis en hy verlaat daardie huis in 'n haas en die persoon sê later vir my "Ek het uit daardie huis gekom omdat ek uit daardie huis onder die bed uitgehaal is met 'n sambok" bevestig dit wat ek vroeër gesien het dat dit wel so gebeur het. (10)

Maar jy het nie gesien dat die polisie slaan die mense onder die bed nie, het jy? -- Nee, daar praat u die waarheid. Ek het dit nie gesien nie.

En as jy hier vir die Hof kom sê dat die polisie die mense so onder die bed uit geslaan het, dan praat jy van wat jy by ander mense gehoor het en nie wat jy waargeneem het nie? -- Ja, dit is wat ek gehoor het, maar wat terselfdertyd staving is vir wat ek gesien het plaasvind.

Hierdie mense het nou daar onder die bed geskuil. Jy sê hulle het later uitgekom en daar bymekaar gekom. Wanneer was dit? -- U moet verstaan, ek sê nie al die mense het (20) onder die bed uitgekom nie. Ek sê na die toestand verbeter het, het die mense saamgedrom en vertel van wat gebeur het met hulle. Die een sê hy was onder die bed, die ander een sê hy nee, hy was onder die tafel. So, die stories wissel maar wat die mense vertel van hoe hulle skuiling geneem het.

Dan vra ek weer vir jou, waar het hulle so saamgedrom toe toe jy met hulle gepraat het? -- In die strate.

Waar? By jou huis? By hierdie huis waar jy geskuil het of was dit heeltemal op ander plekke? -- By verskillende strate. Selfs by ons straat waar ek woon was daar baie (30)

mense/...

mense gewees.

Hoe lank nadat die polisie daar opgetree het daardie dag was dit gewees? -- Ek kan nie onthou hoe lank dit was na die polisie verby is nie.

Ure daarna? -- Nee, dit was nie ure nie.

Hoe lank? Tien minute daarna? -- Nie meer as dertig minute nie. Dit kon miskien meer as twintig minute gewees het.

En die polisie was toe heeltemal weg? -- Hulle het net heen en weer daar by die hoofpad patrolliedienste gedoen. (10)

Dit is nou met die sambokke. Watter ander mense het jy gesien is beseer? Nou vra ek jou duidelik met jou eie oë gesien? -- Met rubberkoeëls.

Waar het jy dit gesien? -- Terwyl ek by daardie huis was waar ek skuiling geneem het, het ek dit gesien asook op pad terug van my huis af waar ek gaan bel het, het ek dit nog gesien.

Wat het jy gesien daar by die huis waar jy geskuil het, want jy was mos nou binne-in die huis, jy kan nie die hele pad sien nie. Waar sien jy nou persone is beseer met rubber- (20) koeëls? -- Na ons die huis verlaat het en besig was om om die huis te beweeg, is van ons met rubberkoeëls geraak.

Van ons? Is jy ook geraak? -- Nee, nie ek nie.

Julle was dan net vier mense gewees wat om die huis beweeg het? -- Ja.

Wie is met die rubberkoeëls geraak? -- Ons was oorspronklik vier persone gewees wat in daardie huis ingevlug het. Toe ons die huis verlaat het na buite toe om om die huis te beweeg, was daar nog ander mense wat bygekom het wat gevlug het ook van ander rigtings af. Van hulle het by ons (30)

aangesluit/...

aangesluit met die omloop om die huis. Van hulle is verby.

Wie van hulle is raakgeskiet? Is dit die man wat in die nek geskiet is? -- Behalwe dit is daar van hulle wat rubberkoeëls op die lyf gekry het.

HOF : Die man wat in die nek geskiet is, is hy met 'n rubberkoeël geskiet? -- Nee.

Met wat is hy geskiet? -- Dit was 'n kleinerige wondjie waar die ding gepenetreer het, omtrent die grootte van my vinger. So, met ander woorde, dit is 'n kleiner ding as 'n rubberkoeël wat hom getref het. (10)

MNR. JACOBS : Maar jy was mos by hierdie man? Jy moes mos nou gesien het wie het hom geskiet en waarmee is hy geskiet? Hy is dan in jou teenwoordigheid geskiet of is dit nie so nie? -- Toe hy daar raakgeskiet was, was ek by. Al die mense sê dit was 'n lewendige koeël. Ek het dit nie gesien nie. Ek het net die wond gesien.

Jy het nie gesien toe hy geskiet is nie? Jy het net die wond gesien? -- Ons het gehardloop met ons oë in die lug om die helikopter te sien. Terwyl ons so hardloop, hoor ek hierdie persoon skreeu en toe ons nou omkyk om te (20) sien wat gebeur, het ek opgemerk dat die persoon 'n besering aan sy keel gehad het.

Is dit nog toe julle na die huis toe gehardloop het om te gaan skuil? -- Nee, dit het gebeur na ons die huis verlaat het, terwyl ons probeer het om van die helikopter af weg te skuil deur om die mure te hardloop.

Waarvandaan af is geskiet? Waar was die polisieman wat geskiet het, want julle is mos nou agter die huis? -- Wat gebeur het is dat terwyl ons daar weggehhardloop het en probeer skuiling kry het vir die helikopter, het ons (30)

opgemerk/...



opgemerk dat daar 'n persoon se lyf uitgesteek het uit die helikopter. Die persoon het iets soos 'n vuurwapen in sy regterhand gehad, soos ek aandui en met die hardloop hoor ons die man nou skreeu. As gevolg daarvan het ons toe afgelei dat hy deur hom geskiet moes gewees het.

So, dit is nou 'n man in die helikopter wat geskiet het?  
-- Ja, dit is so.

Dit is wat jy vir die Hof probeer sê? -- Ja.

Waar was die polisie wat julle dan so gejaag het om die huis? Waar was hulle? Of was daar nie polisie wat julle(10) om die huis gejaag het nie? -- Die polisie het daar heen en weer beweeg. Partykeer in hierdie rigting en dan weer in die teenoorgestelde rigting.

Het polisiemanne julle om die huis gejaag? -- Nee, wat gebeur het is die volgende. Sê nou ons is aan die front van hierdie huis aan die stofpad se kant en hier kom die polisievoertuig afgerig met daardie straat, dan sal ons omhardloop om by die agterkant van die huis te kom. Terwyl ons daar anderkant is, kom daar nou 'n ander voertuig aan die teerkant van die pad en daar is openinge waar die mense ons deur kan(20) sien, dan begin hulle met die rubberkoeëls te skiet en dan hardloop ons weer om na die front van hierdie huis toe. Dit is hoe dit gebeur het, nie dat mense ons agtermekaar aangejaag het nie. Die helikopter ook. As dit by hierdie kant kom waar ons nou geskuil het, dan moet ons weer ons posisie verander om skuldiging te neem aan die ander kant.

So, ek moet dan aanvaar uit hierdie antwoord van jou dat daar in die straat was nie polisie te voet gewees nie, maar net dié wat gepatrolleer het? -- Nee, ek sê by hierdie plek waarvan ek praat was daar geen polisiebeamptes wat te(30) voet/...

voet was wat ons gejaag het nie. Ons self het probeer wegkruip vanaf die voertuie wat daar verbygery het.

Met ander woorde, dit was so veilig, as die voertuie verby is en hulle is ver, dat jy aan die oorkant van daardie huis kon gaan skuil en daar is geen polisiemanne nie? -- Ja, maar as jy nou verder loer in daardie pouse, dan sien jy by 'n ander punt in daardie omgewing daar is mense wat te voet gejaag word. Dan word jy bang om uit te gaan, want dan sal jy ook geïdentifiseer word en gejaag word. Dan het jy besluit om liewers nie uit te gaan nie. (10)

Hierdie storie wat jy vir die Hof vertel het terwyl jy nou daar agter die huis was of uit die huis uitgekom het en jy gesien het hoe dat die polisie mense vaskeer en slaan is dan ook net 'n fabel, want hulle het mos nou met motors en goeë daar verbygery en net vër weg was mense wat gejaag was? -- Dit is voorvalle wat plaasgevind het.

Jy sien, as ek jou getuienis reg verstaan het jy eintlik lank na die polisie, na die voorval plaasgevind het, het jy eers mense weer bymekaar gesien? -- Waar sien ek hulle?

Ek stel dit aan jou dit is nie terwyl jy daar gewees (20) het nie, want ek wil probeer van jou vasstel, jy maak hier 'n stelling in jou getuienis-in-hoof dat een van die redes waarom die mense blykbaar kwaad sou gewees het is omdat die polisie hulle in hulle huise aangerand het? -- Ek sê dit sonder enige twyfel dat dit so is.

Dit is nie jou waarneming nie, dit is wat jy gehoor het by ander mense? -- Ek het baie voorvalle met my eie oë gesien.

Hoe dat mense in hulle huise geslaan word en nou is hulle daaroor kwaad? -- Ja.

Ek het nog nie een keer - ek het jou al 'n paar keer (30)

gevra/...

gevra oor hierdie aspekte, maar jy het nog nie een keer vir ons vertel waar jy gesien het is die mense in hulle huise geslaan nie? -- Ek het gesê by verskillende huise daar in daardie omgewing het ek gesien dat daar mense uit die huise uitgevlug het met sambokke aangejaag.

En is hulle geslaan buitekant? -- Ja, hulle is gevolg met 'n sambok.

Ek vra is hulle geslaan buitekant? -- Ja, hulle was geslaan.

Noem een geval waar 'n huiseienaar of 'n bewoner van (10) 'n huis binne-in die huis geslaan is wat jy gesien het? -- Ja, ek weet van 'n persoon.

Waar? -- In dieselfde straat waar ek was, dit wil sê by die huis wie se front gekyk het, verder af 'n paar huise. Die polisie het mense daar ingejaag en van hulle uit die huis later uitgejaag. Ek het toe later verneem dat daar dogters was van daardie huis wat tesame met die vlugtende persone wat ingegaan het daar ook geslaan was met die sambok.

So, dit is nie wat jy waargeneem het nie. Dit is 'n storie wat jy gehoor het? -- Toe die persone daar uitgejaag (20) was met 'n sambok het ek gesien dat hulle geslaan word. Die meisiekinders wat die inwoners is by daardie huis, het ook uitgehardloop. Dit het ek gesien. As hulle vir my sê dat hulle ook geslaan was en dat ek alreeds gesien het dat hulle uitgevlug het, dan is dit die waarheid dat hulle geslaan is.

Jy het nie gesien dat die meisiekinders geslaan is nie? -- Nee, dit het ek nie gesien nie.

Jy het dit ook nie eers waargeneem nie? -- Ek getuig dat ek dit gesien het toe hulle geslaan word met die (30)  
verlating/...

verlating van die huis.

Kan jy vir ons sê of daardie meisiekinders nie ook deel van die optog was nie? -- Nee, hulle was nie.

Hoe weet jy dit? -- Want dit is wat hulle later gesê het.

Jy het nie gesien dat hulle ook in die huis in vlug toe die polisie hulle jaag nie? -- Nee.

Op een storie wat jy nie waargeneem het nie, wat jy op hoorsê na die hof toe kom ... (Mnr. Bizos kom tussenbei)

MR BIZOS : The prosecutor has put this three or four times. (10)  
We submit with respect that the witness has answered. He has been particularly clear on an equal number of occasions. I am sure that he does not know anything about the rule relating to res gestae and hearsay, nor do we want to argue about it at this stage, but I submit with respect that the answer has been given three or times consistently.

HOF : Dit is so. U is nou besig om te stry en nie te vra nie.

MNR. JACOBS : Ek wil net een stelling maak, wat ek besig was om te doen, dat nieteenstaande hy nie direkte waarne- (20)  
mings gedoen het nie, was jy bereid om vir die Hof te kom sê in jou getuienis-in-hoof dat die polisie het baie mense geslaan wat in die huise was ook, wat huisbewoners is en wat daar in die huise was? -- Na ek self die ondervinding gehad het van die polisie se gedrag daar en die mense vir my kom sê het dat dit so gebeur het, het ek dit so aanvaar. Ek het geen rede gehad om dit nie te glo nie.

Nadat jy hierdie man gehelp het wat in die ambulans weggeneem sou gewees het, hoe laat het jy ongeveer by jou huis teruggekom? -- Ek kan nie onthou hoe laat dit was nie. (30)

Kan/...

Kan jy vir ons sê ongeveer hoe laat dit was? -- Ek skat ongeveer voor 12h00, na 11h30, voor 12h00.

Hoe laat ongeveer het die polisie julle voorgekeer toe die skietery begin het? -- Dit was voor 11h00, om en by 10h40, 10h45.

En daardie middag, wat het jy gedoen? Het jy heeldag by jou huis gebly? -- Ek is die middag na Oupa Mariletsi toe in Gebied 13.

Hoe laat ongeveer? -- Ek kan nie onthou nie. Dit was in die namiddag. (10)

Was dit lank na middagete? -- Ek kan nie meer so goed onthou hoe laat dit was toe ek weg is om na Oupa se huis te gaan of toe ek by Oupa kom nie. Al wat ek kan sê is, dit was in die namiddag.

Is dit die eerste keer wat jy jou huis verlaat het nadat jy teruggekeer het nadat jy die gewonde gehelp het? -- Ja, ek was die hele tyd daar by die huis gewees voor ek na Oupa toe gegaan het na ek teruggekeer het.

Wat het jy by Oupa gaan maak? -- As gevolg van wat daar gebeur het vroeër het ek besluit om Oupa te gaan sien en (20) hierdie gebeure n bietjie te bespreek oor wat nou gebeur.

Wie is Oupa Mariletsi? Aan watter organisasie behoort hy? -- Hy behoort nie aan n organisasie nie.

Nie COSAS nie, ook nie VCA nie? -- Nee.

Hoekom gaan bespreek jy dit met hom? -- Oupa is my vriend. Ek het besluit om na hom toe te gaan.

Het jy en Oupa by sy huis gebly daardie hele dag of waarheen is julle? -- Nee, met my aankoms was Oupa nie tuis nie, volgens sy moeder. Dus is ek terug na my ouers se huis toe. (30)

Het/...

Het jy daarna die hele tyd by jou ouers se huis gebly?

-- Ja.

Tot die volgende dag? Die nag ook? -- Ja, dit is so.

Het jy enige van die beskuldigdes of van die ander lede van VCA daardie dag gesien weer? -- Nee, niemand nie.

Het jy nie op enige stadium gehelp om vas te stel watter mense is beseer en gedood daar en die naamlyste op te stel nie? -- Nee, ek het nie.

Die volgende dag? -- Ook nie die volgende dag nie, want ek was net in die lokasie daar gewees. (10)

Nooit gehelp met die opstel van naamlyste van beseerdes en dooies nie? -- Nee.

Het jy weer die mense van VCA gesien die dag daarna, die 4de? -- Nee, ek het hulle nie gesien nie.

Het jy die 4de ook by die huis gebly die heeldag? -- Ek is toe weer weg na Gebied 3 toe by my tante se huis.

Om wat te gaan maak? -- Na aanleiding van die inligting wat ek alreeds bekom het oor die voorvalle wat plaasgevind het tydens hierdie gebeure, dat die polisie sekere mense besoek, het ek besluit om na my tante toe te gaan. (20)

HOF : Het u gedink die polisie soek u of het u gedink die polisie soek iemand anders? -- Ek het die indruk gekry dat die polisie op soek is na die persone wat 'n rol gespeel het by die vergaderings vir die protes van die huur.

MNE. JACOBS : Wie het vir jou die inligting gegee? -- As ek reg onthou het ek telefonies met Edith se huis in verbinding getree. Die antwoord daar is dat Edith nie tuis was nie, want sy word deur die polisie gesoek. Tweedens, ek het ook in die verklarings in die koerante gesien waar daar beweer word dat die mense wat dit veroorsaak het, dit wil sê die (30)

gebeure/...

gebeure van die 3de, is mense wat h rol gespeel het in die protesvergaderings wat gehou was.

Jy het toe dadelik besef jy is ook een van hulle en toe vlug jy? Toe kruip jy weg by jou tante? -- Ja, ek het toe besef aangesien ek ook by hierdie vergaderings was, is daar h moontlikheid dat hulle na my toe ook kan kom. Die beste vir my om te doen is om by my tante te gaan woon in Gebied 3.

En weg te kruip daar vir die polisie? -- Ja.

Wie is jou tante? -- Elizabeth Malindi.

Hoekom het jy vir Edith gebel? -- Weens die feit dat (10) VCA eintlik die leierskap geneem het van hierdie optog en vergaderings, sy is een van die persone wat ek eerste aan gedink het om te spreek oor hierdie voorvalle wat plaasgevind het.

So, dan verstaan ek jou heeltemal reg, VCA het die leierskap geneem met al die vergaderings en met die optog? -- Ja, die twee vergaderings wat ek bygewoon het sowel as die optog, is ek daarvan bewus dat VCA h hoë rol gespeel het daar.

Die twee vergaderings, as ek dit net duidelik kan kry, (20) is die middagvergadering op 26 Augustus van VCA, nê? 26 Augustus 1984 net om die datum reg te kry? -- Die vergaderings van 25 en 26 Augustus 1984.

Ons wil dit net duidelik kry, op die 26ste was daar twee vergaderings wat jy bygewoon het. Al twee van hulle ook? -- Nee, ek praat van die vergadering in die middag.

Maar tog het Esau en Edith en beskuldigde nr. 17 gekom op daardie oggendvergadering en ook h belangrike rol daar gespeel? -- Hulle het h baie klein rol gespeel dat hulle vir h baie kort rukkie gepraat het. (30)

GETUIE STAAN AF.

HOF VERDAAG TOT 28 APRIL 1987.

byeenkoms op daardie stadium. Daardie wetgewing het op daardie stadium nog gegeld. Dit mag op 'n later stadium uitgegooi gewees het in die howe, maar toe het dit nog op die wetboek gestaan.

HOF : Wel, is dit u antwoord op die beswaar?

MNR. JACOBS : Ja en dat ek geregtig is om hierdie vraag te vra en ek wil dit aan hom stel dat hierdie was 'n onwettige byeenkoms gewees.

HOF : As die Hof later bevind dat 'n byeenkoms wettig is, al was dit destyds gedink dat dit onwettig is, kan u nie (10) stel as positiewe feit dat dit onwettig was nie. Die beste wat u kan stel is om te sê wel, dit was 'n oënskynlik onwettige byeenkoms. Dit is die verste wat u kan gaan.

MNR. JACOBS : Goed, ek sal dit so stel. Ek wil dit aan jou stel op daardie stadium was dit 'n oënskynlik onwettige byeenkoms en dat 'n mens sou verwag, dan sou julle na vorentoe gegaan het om met die polisie te onderhandel? -- Ek hoor van daardie suggestion vir die eerste keer in hierdie hof. Dit is nie waarvan ons geweet het tydens die optog nie.

Het julle enigiets gedoen om vas te stel op daardie (20) stadium wat die wetgewing is wat op daardie stadium bestaan het? -- Sover as wat my kennis strek, nie.

HOF : Kan ek net vir u vra, u is gearresteer buite die kerk op 'n stadium. Wanneer is daardie aanklag teruggetrek? -- Dit was terwyl ek in aanhouding was.

Dit is na September 1984? -- ja.

So, op 3 September 1984 was daar nog 'n aanklag teen u hangende vir 'n onwettige vergadering wat u bygewoon het? -- Ja, dit is so.

En omdat u in die opelug 'n onwettige vergadering (30)

bygewoon/...



bygewoon het, of dit nou reg of verkeerd was? -- Ja.

Dus u het geweet dat daar 'n verbod was op 'n vergadering in die opelug? -- Ja, dit is so.

MNR. JACOBS : Toe die polisie geskiet het sê jy het jy in 'n huis ingehardloop. Is die huis direk langs die pad op die roete wat julle geloop het? -- Dit is een van die huise aan die agterkant van die huise wat na hierdie straat, die hoofstraat se voorkant kyk.

Moes jy deur 'n perseel hardloop van 'n huis aan die voorkant om by die ander huis aan die agterkant te kom? -- (10) Ja, dit is so.

En daardie huis, toe jy by hom ingehardloop het, was die deure toe? -- Nee, dit was nie toe nie.

Het mense voor jou al daar ingehardloop of was jy die enigste een wat in daardie huis ingehardloop het? -- Ja, dit is so.

Ander mense het alreeds ingehardloop daar? -- Ja.

Hoeveel van julle het in daardie huis ingehardloop? -- Ek kan nie meer onthou hoeveel ons was nie.

Gee vir ons by benadering? -- Ons kon miskien vier (20) persone gewees het daar binne.

So, julle het in daardie mense se huis ingehardloop sonder dat julle toestemming gehad het van hulle? -- Ja, dit is so.

Het julle nie omgee dat die polisie miskien agter julle sal aankom, en by die mense se huise in en dat daar nou skermutselinge kan ontstaan nie? -- Nee, ons het na daardie huis toe gehardloop net vir beskerming.

Hoekom het jy verder gehardloop in die woongebied in, verder weg na jou huis se kant toe nie? -- Ek het besef (30)

dat/...

dat die maklikste vir my was om te doen op daardie huidige oomblik was om in daardie huis in te vlug en dan myself daar te versteek.

Toe die polisie op julle geskiet het, was hulle 40 treë voor die voerpunt van hierdie optog of 40 meter, jy was omtrent 80 meter van die voerpunt af, die polisie is minstens 120 meter van jou af toe die skote geskiet is, jy hardloop nou weg, dan was daar mos geen gevaar wat op daardie oomblik vir jou gedreig het dat jy by n huis moet inhardloop nie? -- Ek het alreeds gesê onmiddellik toe die mense van die optog (10) uiteen gegaan het daar met die polisie-optrede, het die polisie in die voertuie ingeklim en die mense toe met die voertuie daar gejaag en die enigste maklikste ding wat ek in staat was om te doen om myself te beskerm, was om in daardie huis in te gaan. Dit is hoe ek dit goed gedink het en dit is hoe ek dit gedoen het.

Kom ons toets n bietjie daardie getuienis. Jy sê die polisie het net die eerste - hoeveel sarsies het hulle geskiet? Net die eerstes en toe in hulle voertuie geklim? -- Die polisie het verskeie skote gevuur as gevolg waarvan (20) die mense van die optog uiteengegaan het uit die pad uit en in die klein straatjies ingehardloop het. Die polisie het dus in die voertuie ingeklim en toe die mense gejaag in die verskillende klein straatjies.

So, die polisie het nooit daar voor die mense gestorm nadat hulle geskiet het en met sambokke geslaan nie? -- Wat gebeur het was die volgende. Die mense het uiteen gegaan na die skote gevuur was. Die polisie het in die voertuie geklim en gery in die rigting waar hulle n klomp mense nou vasgekeer het in n hoek, dan klim die polisie uit die (30) voertuie/...

voertuie uit en slaan die mense met die sambokke.

Het jy dan nie dadelik weggehardloop toe die polisie skiet nie? -- Nee, ek het nie onmiddellik weggehardloop nie. Ek het net padgegee vanaf die hoofpad.

Toe staan jy nou eers en kyk wat aangaan? -- Verbasend, ja, toe staan ek en kyk wat gebeur nou, hoekom word ons aangeval.

Nou klim die polisie in hulle voertuie wat dwars staan, hulle draai hulle voertuie om en nou jaag hulle agter mense aan wat hulle vaskeer en jy staan en kyk? -- Wat gebeur (19) het is, ek het net padgegee van die hoofpad af, in 'n perseel gaan staan en kyk na wat gebeur het soos beskryf deur my. Terwyl ek nou so staan en kyk, het ek besef dat ek nou vasgekeer is. (Getuie gebruik die woord "trapped") Daar was polisievoertuie wat in die straat parallel met die hoofpad gery het en daar was nog polisievoertuie in die hoofstraat gewees as gevolg waarvan ek toe besluit het om skuiling te neem by hierdie huis.

Dit is die eerste maal wat ons hoor dat jy daar gaan staan en kyk het op 'n stadium. Dan was jou oorspronklike (20) getuienis nie korrek dat jy dadelik weggehardloop het toe die polisie begin skiet en die "marshalls" daar gesê het julle moet uitmekaar gaan nie. Is dit reg? -- U maak 'n fout as u so sê.

Hoekom sê jy so? -- Ek het weggehardloop vanaf die hoofpad en padgegee met ander woorde om 'n skuilplek te gaan soek. Dit is toe die polisie begin skiet het.

Goed, ons het dit nou so. Jy het gehardloop toe die polisie begin skiet. Waarheen hardloop jy? Laat ons net weer duidelikheid kry? -- Ek het ook in hierdie huise wat (30) naby/...

naby die hoofpad geleë is ingehardloop.

HOF : Ek wil nou net duidelikheid kry. Toe die skote klap, toe hardloop u en u hardloop direk in die huise in naby die hoofpad? -- Ja, dit is so.

MNR. JACOBS : Ek het nou-nou verstaan jy het gesê jy het net padgegee van die hoofpad af en toe het jy gestaan en kyk? -- Ek het in die huis ingehardloop. Dit is een van die huise wat naby die hoofpad geleë is. Ons het deur die vensters geloer toe hierdie voorval nog verder aangegaan het.

Jy antwoord nie my vraag nie. -- As ek net mag voltooi. (10) Terwyl ons so loer deur die vensters, sien ons dat daar gebruik gemaak word van traangas. As gevolg daarvan het ons toe die huis verlaat omdat die traangas ons binne-in die huis geaffekteer het. Ons is op die erf van daardie huis. Ons het geweet waarnatoe om te gaan nie, want die polisie was alreeds orals daar gewees.

HOF : Ja, maar waarheen het u toe gegaan? -- Bedoel u vanaf die huis?

Ja? U is nou uit, die traangas het u na buite gedryf, nou weet u nie waarnatoe om te gaan nie. Waarheen is u (20) toe? -- Ons het om die huis gehardloop. Byvoorbeeld die polisie, as hulle van die hoek van hierdie huis af te voorskyn kom, het ons omgehardloop, dit wil sê verskeie kere om daardie huis gehardloop tot een van ons raakgeskiet was in die nek.

Was u net in een huis in? -- Ja, ek was net in een huis gewees.

Ek het gedink dat die huis waar u in was, was n huis wat front aan die volgende straat wat parallel loop met die hoofstraat? -- Ja, dit is so. Ons het oor die omheiningdraade geklim. Toe ek by daardie huis se erf gekom het, (30)

het/...

het ek beseft dat ek nie meer 'n kans het om nog by die straat te kom nie en ek het dus by daardie huis ingegaan.

MNR. JACOBS : Ek neem aan jy het baie vinnig weggehardloop toe die polisie begin skiet en jy begin weggehardloop na hierdie huis toe?

HOF : Ek kan nog nie mooi begryp nie. Ek het verstaan dat u sê dat u in 'n huis ingehardloop het langs die hoofpad en deur die vensters geloer het na wat aangaan? -- Nee, dit is nie 'n huis wat geleë is by die straat nie, dit wil sê die hoofstraat waar die optog was nie. Dit is 'n huis aan die(10) agterkant van daardie huis wie se front aan die hoofstraat was waar ek ingehardloop het en deur die venster geloer het.

Miskien het ek u verkeerd verstaan. Die notule sal seker duidelik wees.

MNR. JACOBS : Is dit die huis direk agter die huis wat aan die hoofstraat front, laat ons nou nie daaroor ook moeilikheid kry nie, of is dit dieper in die woongebied in agter hierdie huis? -- Ek sê daar is twee strate daar wat parallel loop. Dit wil sê daar is huise daar. Die huis se front is aan die hoofstraat, dit wil sê die straat van die optog.(20) Die een se front is aan die ander straat. Dit is nou die ander straat wat parallel is met die hoofstraat. So, ek was by die huis direk aan die agterkant van die huis wie aan die hoofpad front, maar dié huis was aan die ander kant.

HOF : Ja, u was in die huis waarvan die voordeur wes kyk? -- Dit is so.

MNR. JACOBS : Nou wil ek net my vraag herhaal van netnou. Toe die skietery begin, toe die polisie begin skiet en die "marshalls" gesê het julle moet uitmekaar gaan, het dit vinnig gegaan en jy het vinnig weggehardloop na hierdie (30)

huis/...

huis toe? -- Ek was vinnig om pad te gee van die hoofpad af en te vlug.

Direk na daardie huis toe? -- Ek sal nie sê direk na daardie huis toe nie. Ek was nog verbaas oor hierdie skietery deur die polisie.

Goed, u was verbaas, maar hoe het u dan gegaan? Het u nie direk na die huis toe gegaan nie? -- Ek kan nie sê direk nie, want ek het oor omheiningsdrade van ander huise geklim.

Dit is reg, dit is nog direk en dit is daarom dat jy direk soontoe is, jy moes oor drade gespring het? -- Dit (10) het ek gedoen tot by hierdie betrokke huis waar ek nou gevind het dat ek nie verder kan weghardloop nie en toe besluit het om by hierdie huis in te gaan.

Jy het nêrens op die pad gestop nie? Jy het net gegaan en oor die draad gespring, verder gehardloop en as daar nog 'n draad is aan die agterkant van hierdie huis weer oor die draad gespring in die perseel in waar jy weggekruip het in die huis? -- Ja, ek het nêrens gestop nie. Dit is die eerste plek waar ek ingehardloop het vir veiligheid.

Netnou toe jy vir die Hof vertel het hierso, glo dit (20) as u wil, hoe braaf jy was, dat jy daar gestaan en kyk het, het jy vir die Hof n leuen vertel, om te sien hoe dat die polisie mense vaskeer daar? -- Ek het die waarheid vertel.

Ek kan dit dan nie verstaan nie. Een keer sê jy jy het direk weggehardloop, n ander keer sê jy jy het net van die hoofpad afgegaan en toe staan jy en kyk, glo dit as u wil, dit was u woorde gewees? -- Vanaf hierdie huis waar ek was, kon ons sien wat daar buite gebeur. Soos ek sê op n stadium het dit gebeur dat ons die huis moes verlaat en om die huis hardloop.

(30)

Maar/...

Maar jou getuienis was netnou anders gewees. Toe het jy gestaan en kyk as 'n brawe man hoe dat die polisie die mense so vaskeer?

MR BIZOS : Did he say that, that he stood there as a brave man?

MNR. JACOBS : Die woorde wat hy gebruik het, was "glo dit as u wil, ek het gestaan en kyk." Dit is die afleiding wat 'n mens kan maak.

MR BIZOS : If My Learned Friend quotes the evidence he must quote the evidence. If he wants to gloss on them, he (10) must please leave the gloss out, otherwise it confuses the witness.

HOF : Dit is waar, anders gaan die getuie netnou antwoord oor die punt van die brawe man wat glad nie eers te sprake is nie.

MNR. JACOBS : So, jou getuienis was netnou verkeerd toe jy gesê het dat jy het daar gestaan en gekyk hoe dat die polisie die mense vaskeer en dit was baie duidelik die indruk wat jy gegee het, dat dit was voordat jy in die huis gaan skuil het? -- As u 'n verskil daarin sien, ek sien geen verskil nie. (20) My getuienis is consistent.

Die traangas wat die polisie gegooi het of geskiet het op die oomblik toe die opmars uitmekaar gejaag is, daardie oomblik, of dié wat op daardie stadium deur die helikopter gegooi was, het dit jou geaffekteer? -- Ja, dit het my geaffekteer.

Kon jy goed sien? Hoe affekteer traangas jou? -- Dit laat jou oë trane loop.

Brand dit? -- Ja, dit maak jou oë so 'n bietjie jukkerig.

Kan jy ook nie mooi sien dan nie? -- Ja, dit is wat (30)

gebeur/...

gebeur.

So, jou oë was ook geaffekteer dat jy nie baie mooi kon sien nie? -- Onmiddellik toe dit begin gebeur, het ek water gekry, my oë gewas en toe goed gesien.

Waar het jy die water gekry onmiddellik toe dit gebeur het? -- By een van die huise daar waar ons verbygehardloop het by waterkrane buite.

O, jy het dan gestop by 'n kraan. Is dit dan reg? -- Ja, dit is so.

En jou gesig gewas? -- Ja. (10)

Jy sê ons, wie was saam met jou? -- Ons was baie daar wat eintlik baklei het om eerste by hierdie waterkraan te kom.

Jy was seker nie eerste nie. Jy moes seker ook maar 'n beurt af wag? -- Ja, dit het my nie lank geneem nie.

By watter huis was dit nou gewees? -- Ek is nie seker nie, maar al wat ek kan sê is, ek weet ek het water gekry en my gesig gewas.

Jy het nou vir die Hof gesê by een van die huise waar julle verbygehardloop het. Ek wil net probeer vasstel (20) by hoeveel huise het julle verbygehardloop? -- Ek kan nie onthou nie.

So, dit is nog 'n fout in jou getuienis waar jy netnou gesê het jy het direk weggehardloop na daardie huis toe oor die draad en daar ingegaan? -- Ek het gesê dit is die eerste plek waar ek ingegaan het om myself daar veilig te hou.

Kan jy onthou dat ek vir jou gevra het of jy gestop het op enige stadium van jy begin weggehardloop het tot by daardie huis en dat jy gesê het nee? -- Nee, ek stem nie saam met u nie. (30)

So/...



So, jy het nie gestop by h waterkraan dan nie, dit was h fout gewees wat jy gemaak het? -- Ek stem ook nie daarmee saam nie.

Wat is dan die feit daar? Het jy gestop by h kraan? -- Die eerste plek wat ek binnegegaan het met die oog daarop om myself te beveilig, is hierdie huis wat ek van praat wat ek binnegegaan het, maar alvorens ek daar gekom het, het ek by h ander plek gestop om die water te kry.

So, toe die traangas jou getref het en totdat jy by daardie huis gekom het waar jy by die kraan gekom het, kon(10) jy nie eintlik goed sien nie? -- Ek kon goed sien. Dit is juis hoekom ek oor die omheiningdrade kon spring. Dat die oë miskien so h bietjie gejuk het, beteken nie dat h mens nie sal kan sien nie. Selfs die loop van die trane, kan nie veroorsaak dat jy nie kan sien nie.

So, dit is nog h fout wat jy netnou gemaak het dat traanrook het die effek dat h mens nie goed kan sien nie? -- Nee, ek stem nie saam met u as u sê dit is h fout nie.

Nou maar jy het netnou vir ons gesê traanrook het die effek dat h mens nie goed kan sien nie. Is dit nie so nie?(20) -- Traanrook affekteer h mens se oë dat hulle juk en trane uitloop, maar ek kon nog sien en oor die drade klim.

Toe jy netnou vir die Hof gesê het dit maak dat h mens nie goed kan sien nie, was dit verkeerd? -- Ja, ek het so gesê.

Jy sien, ek probeer nog vasstel tot op hierdie stadium waar jy sê nou maar by die kraan gekom het en waar jy daar gaan stop het. Waar het jy gesien dat die polisie die mense slaan met sambokke? -- Terwyl ons nog vasgekeer was in daardie huis wat ek van gepraat het, het die polisie nog aangegaan(30)

om die mense te slaan en ek was besig om dit te sien.

Nee, ek praat van voor jy in die huis gekom het? -- Na die skietvoorvalle dat die optog uiteen gegaan het, van die polisie het toe mense daar agternagesit met knuppels en sambokke.

HOF : Dit is daar in die hoofstraat? -- Ja. Toe die mense nou weggehardloop het vanaf daardie hoofstraat, het die polisie toe teruggehaas na die voertuie toe en van die voertuie gebruik gemaak om die mense te jaag en by die mense gestop, afgeklim en toe die mense geslaan. (10)

MNR. JACOBS : Nou kom 'n interessante ding uit. So, jou getuienis is nou dat die polisie het geskiet, hetsy rubber patrone, hetsy traanrook, toe het hulle gestorm na die mense toe, hulle geslaan met sambokke en toe teruggegaan en in die voertuie gaan klim. Is dit wat jy nou sê? -- Wat gebeur het, is na die polisie geskiet het, het die mense van die optog uiteen gegaan en gevlug. Die polisie het hulle agterna gesit met knuppels en sambokke. Die meerderheid van die polisie het toe dus later teruggekeer na die voertuie toe en toe gebruik gemaak van die voertuie om verdere opvolging(20) te maak van die persone wat gevlug het.

Dit sien jy alles in die tyd wat jy met traangasoë weggehardloop het, oor 'n draad geklim het na die kraan toe? -- Ja, dit is so.

Het hulle die mense geslaan, ingehaal? -- Hulle het hulle nie vasgegryp nie, maar wel ingehaal en geslaan.

So, die polisie hardloop baie vinnig. Hulle vang 40 meters op sommer net so op die mense? -- Ja.

En in daardie tyd hoe ver het jy gehardloop wat hulle 40 meter gehardloop het? -- Ek weet nie hoe ver ek al (30) weggehardloop/...

weggehardloop het nie, maar wat ek wel kan sê is, ek het padgegee vanaf die hoofpad.

Jy sien, nou-nou toe ek vir jou gevra het hoekom jy nie dieper in die woonbuurt ingehardloop het nie, en nie by hierdie mense se huis ingegaan het nie, het jy vir ons vertel die polisie het geskiet, dadelik in die voertuie geklim en toe met die voertuie gekom om die mense vas te keer en dit is daarom dat jy nie kans gekry het om verder in die woongebied in te vlug nie. Onthou jy dit? -- Ja, dit is so.

Sal jy met my saamstem dit is 'n verskillende weergawe (10) wat jy nou sê dat die polisie het die mense geskiet en die mense gestorm, toe omgedraai na die voertuie en ingeklim? Stem jy saam dit verskil? -- Hierdie goed gebeur omtrent gelyktydig. Dit is hoekom ek hulle sommer in dieselfde asem noem.

Ek vra nie of hulle gelyktydig gebeur het nie. Ek vra stem jy saam daar is 'n groot verskil tussen die twee weergawes? -- Nee.

Hierdie huis sê jy se deur was oop gewees. Vandat julle nou ingevlug het in daardie huis, is die deure toegemaak? (20) -- Ek kan nie meer onthou of die deur toegemaak was nie.

Het julle weggekruip in daardie huis? -- Nee, ons het net die huis binnegegaan en sommer in die middel van die huis gaan staan.

In die middel van die huis? -- Ons het in die huis gaan staan.

Maar waar in die middel van die huis? Laat ons net duidelikheid kry daaroor? -- Ek het toe terwyl ons daar gestaan het deur die venster geloer wat gebeur.

Hoekom antwoord jy nie my vraag nie? Besef jy nou jy (30)

het/...

het weer n fout gemaak? -- Watter vraag?

Ek het vir jou gevra waar het jy gaan staan in die middel van die huis? -- Ek het in die kombuis gestaan en toe na buite geloer.

Is die kombuis aan die agterkant van die huis? -- Ja, dit is aan die agterkant.

Ek dink die Hof het netnou gesê die voordeur kyk na die westekant, die straat is aan die westekant? -- Die kombuisdeur is na die westekant toe.

Na die straat se kant toe? -- Ja, wat parallel is met (15) die teerstraat.

HOF : Is die huis se voordeur sy kombuisdeur? -- Nee, nee, die "lounge, dining-room" se deur is na die westekant. Met ander woorde, die kombuisdeur is aan die teenoorgestelde kant.

Kyk hy oos? -- Ja, in die rigting van die teerstraat.

Dit is oos? -- ja.

MNR. JACOBS : En die vensters kyk ook na die oostekant, daardie muur aan die oostekant wat na die teerstraat toe wys langs die deur? -- Aan die suidelike kant is die venster. (20)

Jy het nog nie netnou se vraag geantwoord nie. Waar in die middel van die huis het julle gaan staan? -- Ek was in die kombuis gewees. Die ander mense het deurgegaan vorentoe. Dit kan wees dat hulle tot by die "lounge, dining-room" gekom het.

So, jy was dan nie in die middel van die huis nie. Is dit reg? -- Ek was nie in die middel van die huis nie.

Langs hierdie huis, was daar ander huise gewees? -- Ja, daar was.

Is hierdie huise naby mekaar gehou? -- Ja, dit is so. (30)

As/...

As jy by die kombuisvenster na die suidekant toe uit kyk, hoe ver is die ander huis daarvanaf? -- (Getuie dui distansie aan)

HOF : Kom ons maak dit 8 meter.

MNR. JACOBS : Lê hierdie huise min of meer langs mekaar gelyk voor, voorkante gelyk, agterkante gelyk? -- Nee, hulle wissel. Daar is van hulle wat n bietjie vorentoe gebou is en daar is wat agtertoe gebou is.

Die huis aan die suidekant waar die venster is, moes tog jou uitsig belemmer het op die pad? -- Belemmer het (10) van wat?

As jy deur daardie venster gekyk het aan die suidekant moes jy teen die huis vasgekyk het langsaan? -- Nee, jy is in staat om te sien, òf meer regs òf meer links van daardie huis.

Ek verstaan nou nie meer regs of meer links wat bedoel jy daarmee nie. -- Wat ek daarby bedoel is, as jy by die venster staan, kan jy na jou regterkant toe kyk en jy sal sien wat gebeur verder as daardie muur en as jy na jou linkerkant toe kyk deur die venster, kan jy ook verder as die (20) muur sien.

Dit is nie wat ek gevra het nie. Kom ons maak dit nou duidelik. As jy na die linkerkant toe kyk, kyk jy in n klomp agterplase in. Is dit reg? -- Nee, dit is nie reg nie. Jy kan die perseel van die huis skuins regoor die huis vanwaar jy deur die venster loer en dan kry jy tussen daardie huis en die huis langs hom n opening wat jou dan toelaat om in die straat te sien aan die ander kant. Dieselfde geld as jy na die linkerkant kyk. Jy sal n spasie kry wat jou toelaat om te sien tot by die teerstraat. (30)

Kyk/...

Kyk jy nie parallel met die teerstraat af in die agterplaas as jy by daardie venster uitkyk nie?

HOF : Dit hang seker af hoe jy jou kop draai.

MNR. JACOBS : Goed, ek sal dit daar laat. Ek wil dit aan jou stel dat h gedeelte van daardie straat wat jy sien, is h baie klein gedeelte? -- Ja, jy sien h klein gedeelte van die pad.

ASSESSOR (MNR. KRUGEL) : Net duidelikheidshalwe, die pad waarvan ons nou praat, is dit nog steeds die pad waarin die optog besig was om te beweeg? -- Ja, maar beide van hulle, (10) selfs die een wat parallel is met daardie een is ook sigbaar.

MNR. JACOBS : Ook h baie klein gedeelte? -- Ja, h baie klein gedeelte.

En jou uitsig word juis belemmer deur die huis langsaan? Dat jy h groter deel van beide die paaie sien? -- Ja, dit belemmer tot h mate h mens se uitsig dat jy nie h volle uitsig kan kry nie.

En die kombuisvenster, was dit oop of toe gewees? -- Ek kan nie onthou nie.

Was daar traanrook in daardie huis gegooi? -- Nie (20) direk nie, in die sin dat daar h kannetjie traangas in die huis self te lande gekom het nie, maar daar was traangas wat daar ingeblaas het wat ons dan geaffekteer het.

HOF : Ingewaai het? -- Ja, ingewaai het.

MNR. JACOBS : As die deure en vensters toe gewees het kon dit julle mos nie geaffekteer het nie? -- As dit so was, ja.

Het julle dit nie agter julle toegemaak nie? -- Ek het gesê ek kan nie onthou nie.

So, daar was nie - ek wil dit aan jou stel daar was nie traangas wat julle uitgedryf het uit daardie huis uit (30)

nie/...

group in Zone 13 which was in fact preparing or aiming at putting up a youth organisation or group in the Vaal.

What was his age more or less in 1984? -- He was about two years my senior.

Was he at school in 1984? -- No, he was not.

COURT : Was he working? -- He had been working prior to that, but this time he was retrenched, so therefore unemployed.

MR EIZOS : What work had he been doing? -- He was employed by the construction company.

Had he been in COSAS in his younger days? -- Yes, he (10) was.

Do you know whether he was involved in any way with the VCA? -- Yes, during the year 1984 he made it clear that he was no longer interested in forming a youth organisation of the Vaal, but he showed more interest in forming - he showed more interest in assisting to form an area committee of the VCA.

In which zone? -- Zone 13.

Do you know when he died? -- It is between the 8th ...  
(changing over to new cassette) (20)

K647

(Machine defective)? -- No, except from what I got from his aunt.

Were the circumstances of his death known or did they become generally known or were there allegations, let us put it that way, as to how he came to his death?

MNR. JACOBS : Edele, ek is seker My Geleerde Vriend kan die persone wat die allegasies maak as getuies roep en dat die persoon nie hoorsê getuienis hoef te gee nie.

HOF : Ja, dit kan seker gebeur afhangende waarvoor die getuienis nou gelei word. As ons al daardie mense se (30)

getuienis/...

getuienis moet hoor op onbelangrike aspekte, gaan ons baie lank hier sit. What is the purpose of this evidence, Mr Bizos?

MR BIZOS : The behaviour of the witness as a result of the report he received, not to prove the truth or otherwise of the allegations.

COURT : Can we not merely have his behaviour? He can be cross-examined on that.

MR BIZOS : As a result of what you heard, did you come to know about any arrangements being made for his funeral? -- (10) Yes, that is so.

We know that he was buried on 23 September 1984? -- Yes, that is so.

Did you go to his funeral? -- Yes, I did.

Did you have anything to do with the arrangements for his funeral? -- No.

There is one aspect of his funeral that I want to deal with you only. You have seen a photograph of a VAYCO banner? -- Yes, I saw that.

It is part of the AAU series. -- AAU1, 2, 5. (20)

COURT : It is AAU and it is on AAU2 and AAU3 and AAU5.

MR BIZOS : Did you see this banner at the funeral? -- Yes, I did.

Did you know anything about this banner that you saw? -- No, I did not know anything about it.

You have already told His Lordship that VAYCO was never formed? -- Yes, it was not formed.

Did you ever to find out who had made this banner and who the people in Zone 14 for that called themselves the Zone 14 branch of VAYCO? -- No, I did not have that opportunity (30 of/...



of trying to find out about that.

Why did you not have the opportunity? -- Because I was arrested right at the funeral there at the grave-yard.

I want you to please describe how the people who attended the funeral got from the church to the cemetery? -- The coffin was taken from out of the church building into the hearse. Outside parked there were a lot of taxi's, including buses. When we left the church building we were holding the coffin with the deceased inside. This was held shoulder high. We were singing at that time up until when we got it into the (10) hearse. Then when the procession left for the grave-yard this was led by the police in their large vehicles, namely the Casspirs. There were other police vehicles right at the end which were following the procession.

What do you say to the evidence that the people marched from the church to the cemetery at this funeral? -- No, that is not correct. It cannot be true, because there was a lot of transport there. In fact some of the vehicles were running half empty.

Were there only police vehicles or any other type of (20) means of transport for the police? -- The large ones were the Casspirs and Buffaloes which were used. Also present there in vehicles were the landrovers and the ordinary police trucks.

Was there anything in the air? -- Yes, while the service was on in the church, there was a military plane or helicopter which was making circles above the church premises.

Were there any incidents on the way to the grave-yard? -- No, it was just a well behaved procession.

Were you present through the burial ceremony at the (30) grave-yard/...

grave-yard? -- Yes, I was.

What did the police do when the ceremony was over? -- While we were just about to finish with the service at the grave, the police then started surrounding the people who had gathered at this grave. Just when the people dispersed from the grave going to the vehicles, I then heard a shot - that a gun was firing a shot. As a result of which then I became aware that these policemen were shooting at us, the people who were leaving the grave. They shot with rubber bullets, made use of their sjamboks and also fired teargas. (1

Did you see Colonel Viljoen there, the Brigadier who gave evidence here? -- Yes, I saw him.

What was he doing? -- He was standing there looking at us being hit with the sjamboks, being really hit with the sjamboks and he was uttering the following words "Let the Kaffirs be hit and they must be donnerd."

COURT : Was this inside the cemetery or outside the cemetery -- Inside the cemetery.

And he was also standing inside the cemetery? -- Yes, that is so. (20)

MR BIZOS : Were there any vehicles in the cemetery itself in which people had not yet been buried in?

COURT : You mean people not belonging to this funeral?

MR BIZOS : No, no, just vehicles.

COURT : Empty vehicles?

MR BIZOS : Yes. Any of the vehicles that brought the mourners there, were there any of them in the cemetery itself -- Yes, most of the vehicles were parked in the cemetery itself.

Were there some people in the vehicles whilst this (30)  
assault/...

assault on them was taking place? -- Yes, there were people who ran into those vehicles which were parked there. In fact I am one of them. I ran into a vehicle. I was taken out of that vehicle with a sjambok. That is when I later noticed that Viljoen is there and observed what was happening there and what he said.

Were you taken out of the vehicle? -- Yes.

When taken out of the vehicle, what did you do? -- When we were taken out of the vehicles, I thought we were being arrested. Instead we were further hit with the sjamboks, (10) as a result of which then I also tried to get away from this sjamboking, because they were even being hit with batons. I eventually succeeded in running out of the premises of the cemetery.

I noticed that you keep your right eye closed whilst you are giving your evidence?

COURT : Not both eyes?

MR BIZOS : No, the right eye.

COURT : I was noticing that his eyes are closed to quite some extent, both eye-lids are down. (20)

MR BIZOS : That is right, but I believe that the right is even more pronounced. Did anything happen to your eye or eyes that day? -- Yes, they are both like that, they are droopy, but the right one is more droopy as a result of my having been hit by a rubber bullet just on the side of my right eye, which resulted in it being more droopy than the other one.

COURT : While we are on the subject, were you born like that or is it something that affected your eyes when you were young? -- I was born like that. (30)

But/...

But otherwise, your eyes were previously not affected?

-- No.

You can see well? -- Yes, I can see well.

MR BIZOS : You say you were struck by a rubber bullet.

Could you just point out where you were struck at this funeral?

-- (Witness indicates)

COURT : Across the right temple near the eyebrow.

MR BIZOS : And after you were struck by this rubber bullet, what happened? -- I went to take some shelter in a van. I was taken out of that van and that is how I got arrested. (10)

I just want - there are others matters that I want to deal with. Firstly, did you ever try to recruit IC.8 into COSAS or into any other organisations? -- I never tried to recruit IC.8 into any organisation. Agewise he was above the age limit of the organisations in which one could recruit him. That is for instance myself.

Did you or would you have tried to recruit anyone into COSAS in the beginning of 1983? -- No, I would not, because I was no longer a member of COSAS.

Did you know IC.8? -- Yes, in a way. (20)

Were you in any way involved with any writers' association? -- No, I had nothing to do with that association.

The other matter that I want to deal with is because Mayor Mahlatsi gave certain evidence about it. Did you have any dealings with Mr Mahlatsi, the mayor? -- I used to speak to him about certain things, yes.

At what stage did you in fact speak to him? -- For the first time it was in 1982. That was early 1982. If my memory serves me well, it was during March 1982.

Did you see him alone? -- When I went to see him he (30)

was/...

was with his brother, namely Pule and another gentleman, a Mr Mohlahlo. Going to see him there I was accompanied by my brother, the former accused no. 12 and one Isaac Johnson. Also present was Timmy Moropodi.

COURT : From which side was he? From your side or from the other side? -- He was from our side.

MR BIZOS : How did the meeting come about? -- What happened is, as a result of the information from Timmy that he, Timmy, had a talk with the Mahlatsi's and the Mahlatsi's then said to him, Timmy, that he can invite us to be present because(10) they wanted to discuss this what they have discussed with him as well. It was as a result thereof that we came to be together and this meeting had to take place. In fact (mechanical defect) which matter had to do with Timmy alone. For clarity sake, while Timmy was discussing that matter pertaining to himself and the Mahlatsi's, the Mahlatsi's then said to Timmy that he, Timmy, must invite us because they, now the Mahlatsi's, have something to discuss with us, which is something entirely different from what Timmy had gone there for. (20)

COURT : Us, being you and your brother? -- No, not as individuals. He had asked Timmy to invite some certain members of COSAS and therefore Timmy approached us as members of COSAS. That is how we happened to be there to discuss it.

MR BIZOS : Had Timmy been a member of COSAS? -- Not at that time. He was a former member, yes.

COURT : And Johnson? -- He was a member.

MR BIZOS : And you, were you still a member of COSAS at that time? -- Yes, I was.

What happened when you got there? -- On arrival there(30) these/...

these people then said yes, they wanted to talk to us and then in fact the mayor said there is something that he would like to discuss with us which has got to do with the elections of the councils, that is the coming elections.

Were there going to be elections in 1982? -- Yes, it was the end of the term of the community council, the end of the year 1982. There was going to be some new elections.

During 1982? -- Yes.

Did those elections take place or were they postponed? -- No, it was postponed because of the introduction of the (10) new act of the BLA. It was therefore suggested that they better keep on until the settlement of the BLA.

Was Mr Mahlatsi the mayor at the time that he called you or was he hoping to become the mayor? -- He was not a mayor then.

Who was it? -- Mr Matjila was the mayor.

What did Mr Mahlatsi want of you? -- He wanted some assistance from us in this way, that we must encourage our members of the COSAS who were of the age to take part in voting, that they vote for his party in order to support (20) his party. That is what he wanted us to canvass.

Were you going to get anything out of that? -- Yes, he said he has come to know about the aims of COSAS and the financial need we had and said to us if we could do this the way he wants us to do it, that is canvassing, then they were prepared to put in some moneys to COSAS in order to enable COSAS to succeed in its aims where there is some financial need. They would be prepared to support it.

Did he say anything about his then political opponent, Mr Matjila? -- Yes, he said for instance at present there (30)

are/...

are no developments at all in the township. The reason being that the people who are supposed to be the leaders in developing the township do not know a thing how to go about doing things in order to develop the township. For instance the chairman of the town council, community council Matjila, does not know how to run a township. He told us further that Matjila does not even know what a budget is and how one goes about doing a budget. What happens is that the Board will work out everything and throw it in front of him and then he will just attach his signature, not knowing what he is signing for. For instance he made mention of the fact that it is afterwards that Matjila realises that he had signed for the increase of rent in the township, yet at the time when he signed the document he did not know, he just signed. He then further said to us "Look, if you people can make it possible that proper people be involved in the running of the townships, all the problems that are being experienced in the townships can be solved."

Was Mayor Mahlatsi the only Mahlatsi there? -- No, his brother as well, namely Pule. (20)

Did he take any part in the discussions in the presence of the mayor, the subsequent mayor? -- Yes, he added something to that.

What did he add? -- What he said was that he knows that COSAS is very influential especially to the young people and further said should Esau succeed, Esau referred to here was the mayor, then he is going to have an abattoir structure put up in the township and a bakery and therefore we are not going to have the trouble of going to spend our moneys in town. (30)

Was/...

Was anyone else present from what we call the other side?

-- Yes, a Mr Mohlahlo was present.

Did he have anything to add? -- Yes.

What contribution did he make? -- What he said was "Gentlemen, I understand that you say you do not work hand in hand with the government created structures, but that is not a problem. The problem is, do we have the right people within that structure?" He then further said he happens to know Kehla Mtembu of AZAPO, he knows that man for some time, they have been discussing political issues for quite some (10) time. He further said to us according to their discussions with Kehla, they agreed that there is not much difference between the community councils and the AZAPO system. The only difference is it depends who the people are involved in the community council structures. He further said we better not be shy then to work with them, because there is going to be a good working relationship between us and them.

Did any of the three from the other side have anything to say as to what role, if any, COSAS was to play when the abattoir and the bakery were established? -- Yes, during (20) that time it was being said that we must buy Black, which meant then that we were going to have our own things within the township and therefore our moneys were going to be spent in our Black township.

Who suggested that? -- The mayor.

Was any money given to anyone at this meeting? -- Yes, Tim Moropodi was given a cheque for R280,00 to go and pay for his computer schooling fees in Johannesburg.

Was anything said about the future? -- This cheque was made out by Pule Mahlatsi and signed by him for the amount (30

of/...



of R280,00. He then after tearing it off from the cheque book held it like this showing it to us and saying "Mahlatsi Holdings has got a lot of these. You will get plenty of this kind of stuff here." He further said whenever we need some assistance we can approach them, we need not be shy.

Did you and the others from COSAS respond to this request -- Our response was to them "Look, as we have already made it clear to you that our organisation is not an organisation which works hand in hand with the community councillors, we are going to consider your request and we will see you (10) soon." We told him that it is true that we have a lot to do which needs money, which things we cannot carry out, but now we cannot take a decision here. We must go and meet with others in order to come to a proper decision.

ASSESSOR (MR KRUGEL) : Just to get clarity on this R280,00. Would this then be the matter that Timmy Moropodi wanted to see the Mahlatsi's about? -- He had gone there to ask them to recommend him for a bursary, which was to be given by the community council which used to give bursaries then, but instead of them giving him or recommending him for that (20) kind of a bursary, they then decided to use him to get us. After having got us, they then gave him their own bursary from their holdings.

KRUISONDERVRAGING DEUR MNR. JACOBS : Mnr. Malindi, verstaan ek dan heeltemal reg dat hierdie man het na hierdie Mahlatsi' toe gegaan om hulle te kry op 'n onreëlmatige wyse om sy beurs te bevorder? -- Nee, my getuienis is die persoon Timmy het na die mense toe gegaan om hulle te gaan vra dat hulle hom moet aanbeveel dat hy 'n beurs moet kry van die Gemeenskapsraad. In plaas dat hulle hom aanbeveel, het hulle besluit(30 dat/...

dat hulle self gaan betaal vir sy beurs.

Dit is mos duidelik, jy doen mos aansoek by die Raad of by die Gemeenskapsraad, "community council" vir jou beurs? Jy gaan mos nie vra vir die mense wat daaroor moet gaan besluit om dit aan te beveel nie. Dit is mos onreëlmstig? -- Nee, met ons, die mense wat in die lokasies woon, ons weet daarvan dat as jou dinge vinniger deurgebring moet word, moet jy eers h persoon gaan spreek wat te doene het met daardie afdeling en jou saak aan hom stel alvorens jy enige aansoek doen, dan sal jou dinge vergemaklik word. Dit is (10) die rede hoekom Timmy die persone genader het.

So, wanneer dit julle dan pas, gaan nader julle die raadslede vir julle eie doeleindes, anders val julle hulle aan?

EDF : Dit is nou h bietjie baie wye stelling. Wie is nou julle? Ons praat nou van mnr. Moropodi en ons ook nog nie eers presies waar mnr. Moropodi skakel met hierdie getuie nie.

MNR. JACOBS : Mnr. Moropodi, het hy aan enige van julle organisasies behoort? -- Hy was h gewese lid van COSAS. (20) Tydens hierdie gebeure was hy nie meer h lid nie.

Wanneer het hy opgehou om lid te wees? -- As ek nog reg onthou laat in die jaar 1981.

Hoekom het hy opgehou om lid te wees? -- Sy lidmaatskap was geskors omdat hy in die besturende komitee van COSAS destyds nie op goeie was oor sekere dinge nie. Dus was sy lidmaatskap beëindig.

Wie was die besturende komitee van COSAS destyds gewees? Was jy daarop gewees? -- Ek was h lid van daardie komitee, maar by hierdie vergadering waar hierdie besluit geneem (30)

was/...

was, was ek nie teenwoordig nie. Mense wat daar teenwoordig was, was die volgende Thabo, Mugudubethe en Immanuel. Ek vergeet net wat sy van is. Solly Pethlane nie. Ek kan nie meer onthou wie die res was wat ook teenwoordig was by hierdie vergadering waar dit so besluit was nie.

Wat is die rede dat hy geskors was? -- Al kan ek nou nie meer presies onthou nie, maar hy het 'n verklaring gemaak aan die pers waar hy vir die dorpsraad Matjila genooi het vir gesprekke wat hy kan kom uitvoer met COSAS.

HOF : Was hy op die uitvoerende bestuur gewees? -- Ja, hy (19) was.

Wat was sy funksie? -- As ek reg is was hy die "publicity secretary".

MNR. JACOBS : Hoekom word hy dan geskors dat hy 'n persverklaring maak dat Matjila hulle kan kom toespreek? -- Toe hy daar gevra is by hierdie vergadering hoekom hy dit gedoen het sonder om dit met die ander besturende lede te bespreek, was daar nie 'n goeie antwoord gewees nie. Daar was dus nie 'n goeie rede vir hom om dit te gedoen het nie en hy het toe begin vloek en die lede wat gevra het begin vloek en dus (20) het hulle hom geskors.

Ek wil hierdie dag van 3 September toe julle die polisie ontmoet het - ek wil net 'n paar punte duidelik kry. Jy sê vir die Hof dat julle was al verby Hunter's Garage, die voorpunt was verby Hunter's Garage toe die polisie op die toneel verskyn het? -- Omtrent 100 meter.

Was jy al by Hunter's Garage verby waar jy in die optog was? -- Ek was in die omgewing van Hunter's Garage.

HOF : Voor, verby of duskant? -- Net na ek verby is.

MNR. JACOBS : So, jy was ook al verby? -- Ja, dit is so. (30)

Is/...

Is dit reg hierdie optog het nooit tot stilstand gekom toe die polisie daar was nie? -- Dit het nie heeltemal tot stilstand gekom nie.

Hulle het aangehou loop? -- Ja, dit is so.

Nieteenstaande die feit dat die polisie voor gestop het, hulle voertuie dwars in die pad getrek het, nieteenstaande die feit dat hulle met hulle wapens daar gaan staan het nie, het julle net nog aangehou loop? -- Daar was nie 'n rede vir ons om te stop nie.

Selfs nie eers die polisie wat julle pad versper en (10) gereed maak met vuurwapens nie? -- ja.

Sou julle die polisie uit die pad uit geloop het as hulle nie geskiet het nie? -- Nee, ek stem nie saam met daardie voorstel nie.

Nou maar hoekom het julle dan nie gestop toe die polisie daar voor julle is nie? -- Ek het alreeds gesê die pas van die mars was eintlik stadig en daar was mense wat langs die optog gehardloop het en gesê het ons moet kalm bly.

Maar dit antwoord nog nie my vraag nie. Hoekom het julle nie tot stilstand gekom en gehoor hoekom keer die (20) polisie julle voor nie? -- Ek verstaan nie u vraag nie, want die polisie het nog nie 'n aanduiding gegee dat hulle iets wou gesê het nie en ons het nog nie by die polisie gekom nie. Hulle was nog 'n entjie ver van ons af. Op hierdie stadium wat ons eintlik verder verwag het was dat die persone wat gesê het ons moet kalm bly, dit is die mense in bevel van die optog, sou na die polisie toe gegaan het om met die polisie daar 'n gesprek uit te voer.

Dan is dit mos net 'n normale metode om te volg, as julle verwag daar gaan nou 'n gesprek gevoer word, julle sal nou (30) staan/...

staan daarso en wag om te sien wat gaan gebeur? -- Dit is wat verwag was, ja, maar die voerpunt van die optog was nog nie by die punt waar dit nou met die polisie in aanraking kom nie.

Het hierdie mense enigsins probeer om hier voor by die punt uit te gaan en na die polisie toe te gaan en met hulle te praat en die mars agter te laat? -- Ja, ek het opgelet dat daar mense was wat vorentoe gehaas het, maar ek glo nie met hierdie uiteengaan van die optog of die mense alreeds by die polisie gekom het nie.

Ek vra het hulle voor die mars uitgegaan, voor die (10) voerpunt van die mars uitgegaan? -- Dit is wat ek sê, tydens die uiteengaan van die optog het ek nie gesien waar presies hierdie mense was by hierdie optog nie, of hulle heel voor was en of hulle nog tussen die optog was nie.

ECF : Die antwoord is dus, u het nie gesien dat iemand by die voerpunt van die optog uitbreek of verbygaan om vooruit te loop na die polisie toe nie? -- Ja, dit is wat ek sê.

MNR. JACOBS : Hoe moes die polisie nou geweet het julle wil met hulle praat? -- Nee, maar een of twee van die polisie wat in bevel was van die polisie daar, kon net na vore gekom (20) het en navraag gedoen het met wie hulle daar konpraat.

Ons kom nou terug tot hierdie punt. Hoe ver was die voerpunt van die polisie af toe hulle begin skiet het? -- Omtrent 40 meter.

En toe het die opmars nog steeds vorentoe beweeg en nog steeds nie tot stilstand gekom nie? -- U hou nou aan met die vraag van die optog wat nog verder aanstap. Ek het alreeds gesê die pas het 'n bietjie verminder. Hulle het nie vinnig geloop nie, want ons was gesê om kalm te bly, maar nog steeds stadig beweeg. Ons het ook verwag dat daar 'n gesprek gaan (30)

wees/...

wees tussen ons mense en die polisie.

Sal jy my vrae antwoord en nie kommentaar lewer nie. Ek vra jou 'n eenvoudige vraag en ek is geregtig om vir jou daardie vraag te vra en jy moet hom antwoord.

MR BIZOS : With respect, the answer was a direct response to the question.

MNR. JACOBS : Ek vra weer vir jou die vraag ... (Mnr. Bizos kom tussenbei)

MR BIZOS : I have said the question has been answered and I would appeal to My Learned Friend not to shout at the (10) witness nor to point his finger at him.

MNR. JACOBS : Ek is baie geregtig om die vraag op hierdie stadium te stel.

HCF : Die vraag wat u aan hom gevra het is toe beweeg die optog nog steeds vorentoe en die antwoord daarop was die pas het 'n bietjie verminder, maar die optog het nog steeds stadig beweeg. Daarna het die getuie kommentaar gelewer. U kan hom daaroor kritiseer of nie, maar die vraag is beantwoord.

GETUIE STAAN AF.

HCF VERDAAG.

HOF HERVAT.

(20)

GCINUMUZI PETRUS MALINDI, nog onder eed

KRUISONDERVRAGING DEUR MNR. JACOBS (vervolg) : Mnr. Malindi, jy sê dat die "marshalls" het hier langs die optog gehardloop en gesê julle moet kalm bly? -- Ja, dit is so.

Laat ons net hoor, hoe het hulle gehardloop? -- Hulle het vorentoe en agtertoe gehardloop en vir die mense gesê om kalm te bly.

Hoekom was dit nodig om te sê die mense moet kalm bly? -- Soos ons die polisie nou gewaar het daar voor, het dit toe nodig geword vir hulle as die "marshalls" om toe te sien (30)

dat/...

dat die optog in orde bly.

Ek vra vir jou hoekom was dit nodig om vir die mense te sê om kalm te bly. Jy antwoord nie my vraag nie? -- Dit is miskien dat hulle in gedagte gehad het dat dit nodig sal wees dat hulle met die polisie moet praat.

Het daar iets gebeur in die optog dat die mense begin opgewonde raak het, dat dit nodig was om op en af te hardloop en te sê "Bly kalm, asseblief"? -- Nee.

Dan sien ek mos nie die nodigheid dat hulle op en af hardloop en sê "Bly kalm" nie? -- Die mense is in beheer (10) van die optog en hulle is die mense wat nou dink miskien gaan dit nodig wees dat hulle met die polisie moet praat, met die gevolg dat hulle dit nodig gevind het om vir ons te sê om stil te bly en kalm te wees.

Jy sien wat vir my baie eienaardig is, nie een van die ander getuies wat hier getuig het vir die verdediging het gepraat van mense wat op en af gehardloop het en gesê het "Bly kalm" nie. Dit is heeltemal 'n nuwe ding? -- Een van die getuies het hier melding gemaak dat hy na vorentoe gehaas het. Hy het iemand op pad ook gekry wat saam met hom gehaas (20) het vorentoe en as dit nou nie genoem was deur daardie persoon dat in daardie haas van hulle hulle ook gesê het dat ons kalm moet bly nie, sien ek dit nie as 'n groot verskil nie. Die feit bly staan hulle het gehaas na vorentoe. Daar is een wat gesê het die optog het toe stadig beweeg en die singery het opgehou.

Mnr. Die Tolk, ek het nou toevallig gehoor dat die getuie sê "They must calm down" en u gebruik die woorde hulle moet kalm bly. Kan u net vir ons sê? -- Ek het getolk wat die getuie sê. Dit mag wees dat die getuie 'n woord gebruik het (30)

wat/...

wat hy in Engels uitgedruk het, maar die Swarttaalwoorde wat hy gebruik het, regverdig nie die byvoeging van die laaste gedeelte wat u gehoor het nie.

Maar sy woorde was "calm down" gewees? -- As dit so is, mag ek die getuie vra om dit te herhaal vir my, dan sal ek vir die Hof sê of dit van belang was dat ek daardie verskil gemaak het of nie.

HOF : Ja, doen dit. -- Ek het in Engels gesê "keep calm".

MNR. JACOBS : U sien, die verskil is nog, daardie persoon sê hulle het vorentoe gegaan, daardie getuie. Hy het nie(10) gesê hulle het op en af gehardloop nie. Stem jy saam daar is 'n groot verskil tussen vorentoe gaan, vorentoe haas en op en af hardloop? -- Daar is 'n verskil tussen die "marshall" wat na vorentoe haas met die oog daarop om met die polisie daar voor te gaan praat en die "marshall" wat by die optog bly en toesig hou oor die optog. Dit beteken ek volg nie wat u vraag is nie.

Ek sê vir jou, my stelling is eenvoudig, daar is 'n verskil tussen die getuienis, sal jy saamstem, tussen net vorentoe gaan, vorentoe haas en getuienis wat jy nou gee (20) dat hulle het op en af gehardloop? -- Die een wat vorentoe gehardloop het, is die een wat met die polisie sou gaan praat het daar voor en hierdie "marshalls" wat gesê het ons moet kalm bly, is die "marshalls" wat by die optog gebly het om toesig oor die optog te hou.

Hierdie mense wat vorentoe gehardloop het, hoeveel was hulle? -- Ek het vyf of ses opgelet.

Waarvanaf het hulle gekom? -- Van hulle het by my verby gegaan waar ek was by daardie punt. Van hulle het sommer van voor af begin wegbeweeg. (30)



Kom ons kry dié wat verby jou gekom het, hoeveel was hulle? -- Ek kan nie onthou hoeveel hulle was nie.

HOF : Ons plaas op rekord dat beskuldigde nr. 8 teruggekeer het.

MNR. JACOBS : Hoeveel het dan van voor af begin hardloop vorentoe? -- Ek kan nie onthou nie.

Hoe kom jy by jou getal van vyf of ses? -- Omdat ek opgelet het dat persone wat na vorentoe gehardloop het, was vyf of ses.

Maar jy mos tog gesien het wie verby jou kom, dat hulle (10) vyf of ses word of hoeveel? -- Ek sê ek kan nie onthou hoeveel van hulle by my verbygehardloop het nie, maar wat ek wel kan sê is, dit is 'n klompie van soveel persone wat na vorentoe gehardloop het.

Het hulle die voerpunt bereik van die mars? -- Ek het nie opgelet of hulle tot by die voerpunt gekom het en of hulle by die voerpunt verby is nie.

Hoekom het jy dit nie opgemerk nie? Het jy dan nie na die voerpunt gekyk nie? -- Ek het vorentoe gekyk. Ek sou graag wou gesien het wat daar gebeur, maar daar was (20) "marshalls" gewees wat ons in hierdie optog gehou het, dit wil sê hulle het nie eers toegelaat dat hulle aan die kant kom dat jy kan sien hoe ver kom daardie mense nie.

So, jy kon eintlik nie sien wat voor aangaan nie? -- Ek het dinge gesien wat daar voor plaasgevind het.

Jy kon net sekere dinge sien? -- Wat ek alreeds van getuig het, is wat ek gesien het.

So, jy kon eintlik net dinge sien wat vir jou gunstig is? -- U kan my van enige ding vra. Indien ek dit gesien het, sal ek vir u sê. (30)

So/...

So, jy kon ook nie sien of die polisie wel na vorentoe gekom het en of daar enigeen van hulle na vorentoe gekom het en aangedui het hulle moet stop nie? -- Ek het gesien dat dit nie gebeur het nie.

So, daardie gunstige ding vir jou kon jy gesien het? -- Dit is wat u sê, dit is 'n gunstige ding vir my. Ek het getuig dat ek dit nie gesien plaasvind het nie.

Jy sien nie as die mense vorentoe hardloop na die voerpunt, of hulle dit bereik nie? -- Nee, ek het nie gesien of hulle dit bereik het nie. (10)

HOF : Hoe ver was u van voor af? -- Ek was nie meer so ver van die voerpunt af nie. Ek skat dit omtrent tussen 80 en 100 meter vanaf die voerpunt.

MNR. JACOBS : Het jy enigsins gedurende die optog na vorentoe beweeg nadat julle by die interseksie by Caeser se huis verbygegaan het? -- Nie tot by die voerpunt van die optog nie, maar wel verder na vorentoe beweeg, 'n posisie ingeneem vanwaar ek oorspronklik was.

Hoekom? -- Want ek wou graag gehad het dat ek heel voor moet wees by hierdie optog. (20)

As jy heel voor wou gewees het, hoekom het jy nie heel voor gaan aansluit van die begin af nie? -- Ek wou gehad het dat ek een van die mense moet wees wat voor is by hierdie optog, maar die "marshalls" wat die orde gehou het daar, het dit vir my moeilik gemaak om myself te vind by die punt waar ek wou gewees het.

Toe jy by die optog aangesluit het, het hulle van voor af na jou toe gekom in jou rigting? -- Nee, ek het van die agterkant af aangesluit.

Het jy toe heel agter aangesluit? -- Ja. (30)

Nie/...

Nie in die middel nie? -- Nee.

Hoekom het hierdie "marshalls" dan, soos jy hulle noem, hierdie vyf of ses van hulle vorentoe gehardloop? -- Ek weet nie, maar wat ek sê in antwoord is dat aangesien ons alreeds die polisie daar voor gesien het en hulle het self na vorentoe gehardloop het, was dit dus hulle bedoeling gewees om n gesprek met die polisie daar te gaan uitvoer.

Hoekom sal die leiers voor wat die hele optog lei dan nie met die polisie gaan praat nie? -- Ek weet nie.

Dit is mos tog logies dat die manne wat heel voor is (10) as hulle die polisie sien, vooruit sal gaan en gaan praat met die polisie? -- Dit kan wees dat hierdie by die heel voorste mense gaan aansluit het.

Jy sien, die indruk wat jy by die Hof wil bring, is ek reg, dat die polisie het sommer onnodig geskiet daar? -- Sonder enige twyfel is dit so.

Dit is wat jy aan die Hof wil voorgee, nê? -- Dit is wat ek aan hierdie Hof sê wat daar plaasgevind het.

Sal u saamstem, jy kan nie betwis dat daardie oggend voordat julle die polisie gekonfronteer het daar of die polisie julle voorgekeer het was daar al mense vermoor in die Vaal Driehoek nie. Is dit reg? -- U het die woord gebruik konfronteer. Bevat daardie vraag nog daardie woord? (20)

Antwoord my vraag? Toe die polisie julle voorgekeer het op daardie stadium, was daar al mense vermoor, raadslede vermoor in die Vaal Driehoek? -- Ek weet nie daarvan nie.

Caeser was al vermoor? Jy kan dit nie betwis nie? -- Ek het destyds nie n idee daarvan gehad toe die polisie ons voorgekeer het nie.

Daar was al heelwat plekke aan die brand gestek daar (30)

in/...

in daardie woonbuurte. Jy kan dit seker nie betwis nie. Op daardie stadium was daar al? -- Ek het nie kennis daarvan van die plekke wat alreeds aan die brand gesteeek was nie.

Jy sal dit ook nie aanvaar nie, is dit wat jy sê, dat dit wel die feite is? -- Ek het nie kennis daarvan gehad nie, sê ek.

Hoe groot was hierdie optog gewees op daardie stadium? Hoeveel duisend mense was in hom? -- Dit was 'n lang optog gewees. Dit het gestrek vanaf die punt waar ons nou uiteen gegaan het terug na die poskantoor toe. Die lengte wat ek (10) skat is omtrent 600 meter. Dit wil sê daar moes duisende persone gewees het in hierdie optog. Ses of plus duisend.

Nou kry jy die situasie hier, hier kom ses of plus duisend mense aan, hulle stop nie, die polisie keer hulle voor, hulle staan voor hulle, hulle stop nie vir die polisie nie, plekke is al gebrand in die Vaal, mense is al doodgemaak en nou sê jy die polisie het sommer onnodig geskiet? -- In die eerste plek het die polisie nie die mense gestop dat die mense nou geweier het om te stop toe hulle deur die polisie gestop word nie. Tweedens, al hierdie wat u nou net genoem (20) het, het nie plaasgevind met die mense wat die polisie daar raakgeloop het nie. Derdens, polisie is opgeleide mense. Hulle behoort te weet wat om te doen en wat hulle plige is as hulle sulke persone raakloop. Wat hulle daar gedoen het was 'n optrede van mense wat nie goed dink soos u gesê het nie.

Wat se afleiding maak 'n mens as die polisie voor jou voertuie dwars in die pad trek dat jy nie verby kan kom nie en hulle staan voor die voertuie? Wat se afleiding maak 'n mens as jy nie verby kan kom nie? -- Dit mag wees dat dit (30)

is/...

is wat hulle in gedagte gehad het.

Daar is nie iets anders wat dit kon gewees het nie. Hulle blok julle pad? -- Kyk, die polisie was onder iemand se beheer daar. Hoekom hulle dit gedoen het, weet ek nie, maar soos u nou sê, 'n mens kon 'n afleiding gemaak het, ons kon net daardie afleiding gemaak het.

Die polisie wou nie hê dat julle moet verder gaan daar nie, dat julle tot stilstand moet kom? -- Dat die polisie ons nie sou toegelaat het om daar verby te loop sonder dat hulle geweet het wat die bedoeling was dat ons daar geloop het (10) nie.

Jy antwoord nie my vraag nie. Die enigste afleiding wat jy kan maak is, hulle wou julle stop, julle mag nie daar verder gaan nie? -- Nee, u maak 'n fout.

In watter opsig? -- Dat die polisie daar kan keer vir so lank hulle nog nie geweet het waarheen gaan ons nie. Dan sou hulle ons keer.

Maar hulle het mos nou gekeer. Dit is dat die optog tot stilstand moet kom? -- Not necessarily, dat hulle geweier het ons moet verbygaan. There are other possibilities. (20)

Wat? -- Dat hulle miskien wou geweet het wat die doel van ons was. Na hulle gehoor het wat die rede was waarom ons daar was, sou hulle ons toegelaat het om verby te gaan.

Maar eers nadat hulle gehoor het wat die rede is, maar niemand het na vore gegaan en vir die polisie gesê wat is die rede nie? -- Volgens my was ons nie eers daardie kans gegun om te verduidelik waarheen ons op pad was nie.

So, julle leiers het nooit 'n kans gehad om vooruit na die polisie toe te gaan en vir die polisie te sê of met hulle 'n gesprek te gaan voer nie? -- Ek sê so. (30)

Wat/...

Wat het hulle verhoed dat hulle vooruit kan gaan? --  
Want volgens wat ek opgelet het, die skietery het begin  
alvorens die leiers van die optog gaan praat het of gaan sê  
het waarheen ons gaan.

Maar hulle kon mos gegaan het. Hoekom moet hulle wag  
tot op die laaste oomblik? Hulle kon mos betyds vooruit  
gegaan het toe hulle sien die polisie keer hulle voor. Wat  
het hulle toe verhoed om te gaan? -- Wat my betref was dit  
verwag van die polisie om h aanduiding te gee dat hulle wou  
verneem waarheen gaan hierdie optog en u praat van die (10)  
laaste oomblik. Ek kan nie verstaan watter laaste oomblik  
dit is nie, want hierdie optog was nog op pad. Dit het nog  
nie eers by die polisie gekom nie.

Ek vra vir jou h vraag wat jy nou weer ontwyk. Ek vra  
vir jou wat het verhoed dat julle leiers voordat hulle 40 treë  
van die polisie af was, alreeds opgegaan het om met die polisie  
te praat? Jy sê dinge het hulle verhoed. Nou vra ek vir jou,  
jy het dit genoem? -- Daar was op ons geskiet.

Voordat julle 40 treë van die polisie af was? -- Dit  
was die distansie tussen ons en die polisie. (20)

Maar jy ontwyk nog altyd my vraag. Jy antwoord my nie.  
Voordat daar geskiet was op julle, voordat julle 40 meter van  
die polisie af was, wat het verhoed dat julle leiers na  
vore kan gaan en vir die polisie sê of met die polisie te  
gaan onderhandel? Ek vra dit nou vir die derde keer vir jou.  
-- U sal moet beseft ons kon nie met die polisie van ver af  
praat nie. Ons moes tot by die polisie gekom het. Therefore  
u moet dit appreciate dat ons nie van daardie distansie af  
met die polisie kon praat nie. Ek het alreeds opgelet dat  
daar leiers was hier by ons wat na vorentoe gehaas het om(30)

met/...

met die polisie te gaan praat.

Jy antwoord nie my vraag nie. Ek vra wat het verhoed dat die leiers gegaan het vooruit lank voor die tyd en na die polisie toe gegaan het? Ek het nie gesê hulle moet van daar af praat met die polisie nie. Nog elke keer vra ek vir jou die vraag dat hulle vooruit gaan na die polisie toe en met die polisie praat. Het jy 'n antwoord of nie? -- As u nie tevrede is met hierdie antwoord wat ek gee nou nie, dan moet ons maar liewers nou los. Die leiers van die optog het alreeds die initiative geneem om na vorentoe te beweeg met (10) die oog daarop om te gaan praat met die mense. Dus het ek aanvaar dat hulle na hulle toe gaan.

Hoekom moes die polisie nou na julle toe kom en met julle kom praat? Julle is dan besig met 'n onwettige optog?

MR. BIZOS : There is a wrong assumption in the part of the question that has already been uttered. With the greatest respect, the prosecutor is busy arguing with the witness. He can ask him about facts. He has been busy arguing with the witness for the last ten to fifteen minutes as to what the police might or might not have done. (20)

COURT : Well, is he not busy determining the intention behind the march and on that basis cross-examining the witness?

MR. BIZOS : Yes, but he is cross-examining the witness on the basis what the police might or might not have thought and might or might not have done.

COURT : In his view, the witness's view?

MR. BIZOS : In his view. I submit that he has been putting argument, but that is a secondary aspect. What I have now stood up to object to is that this was an unlawful march.

MNR. JACOBS : Ek wil dit so stel dat hierdie was 'n buitelug (30)

byeenkoms/...

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

### **PUBLISHER:**

*Publisher:*- Historical Papers, The University of the Witwatersrand

*Location:*- Johannesburg

©2009

### **LEGAL NOTICES:**

**Copyright Notice:** All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

**Disclaimer and Terms of Use:** Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of paper documents and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

### **DOCUMENT DETAILS:**

*Document ID:*- AK2117-I2-7-206

*Document Title:*- Vol 206 p 10783-10824. Witness: GP Malindi