

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

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SAAKNOMMER: CC 482/85

DELMAS

1986-03-17

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORE: MNR. W.F. KRUGEL

PROF. W.A. JOUBERT

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

48

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

VOLUME 48

(Bladsye 2360 - 2424)

COURT RESUMES ON 17 MARCH 1986.

JOHN HLOPOKILE MGCINA: d.s.s. (Through Interpreter)

MR BIZOS: My Lord Mr Ramagula, accused no. 9, is hospitalised. Both Mr Tip and Miss Caroline Nichols visited him. There is apparently a serious condition of diabetes and that he will be absent for approximately three weeks. Or more. But it will take approximately three week to stabilise his condition I am told and thereafter he will require special treatment. So he will be absent for some time.

COURT: Will you be able to consult with him and be able to (10) proceed with the case?

MR BIZOS: Yes My Lord, he was seen by both Mr Tip and Miss Nichols on Saturday and we will monitor the position.

COURT: And we can go on on the previous basis?

MR BIZOS: Yes My Lord, we ask that we should go on.

COURT: Yes, it is so ruled.

FURTHER CROSS-EXAMINATION BY MR BIZOS: Now I want to do this as quickly as I possibly can. Bophelong was completely electrified by 1981? -- Yes that is so.

High mast lighting was completed even before that? -- Yes. (20)

There were no serious complaints in relation to the condition of its roads? -- There were complaints about the roads.

Yes, more especially I believe in relation to the signs for the safety of school children, there were no stop streets and there were no signs? -- Plus water floods which were causing damage to the roads and which would sometimes even flow into houses.

Yes, it had a drainage problem. Very well. But now there was talk of moving the people of Bophelong? -- Yes there was such a talk. (30)

Now, did that ...

COURT:/.....

COURT: What reason was given? -- They said there was a road which was being constructed to pass over that area.

MR BIZOS: And it is a small place, Bophelong, would the road take up the whole of it? -- I would not say because in further discussions with them they even said look what we are going to do we are going to move certain houses which are on the line of the road.

So were you going to have a main road separating the township in half? -- No what was going to happen is this road was going to run not through the township but on the side of (10) the township. Therefore the houses on the side were the houses to be removed.

I see. On the 29th of June, when you made your decision to increase the rent, was there any consideration given to the fact that in view of this uncertainty and in view of the fact that Bophelong had been electrified that at least Bophelong should not have an increase in rent? -- We discussed that but then only to find that there were requirements, things that the people needed there in Bophelong and again we discussed it to the point of saying now if we were to increase rents we must (20) increase the rents in the whole area covered by our Council, because otherwise then it would mean that the other people will have to get a very high increase in order to meet their demands. Therefore it was agreed that let us make it uniform increment.

Oh so no special consideration was given to Bophelong?
-- Yes we did.

Now tell me this, how many people are there in the area under the jurisdiction of the Lekoa Town Council? -- I would not know how many people are under that area except of course if one could go and take some statistics, then I can know. (30)

If I were to

COURT: /.....

COURT: Maybe you could get the houses. Do you know how many houses are there in Bophelong?

MR BIZOS: No Bophelong, Lekoa My Lord.

COURT: Lekoa, I am sorry. -- No I did not know.

MR BIZOS: Well let me give you the figures and see whether you would, that under your jurisdiction are approximately 40 000 houses? That includes all of them? -- That includes?

Everything under your jurisdiction. -- I will not know that because I have not counted them. I only know about the houses in Bophelong. (10)

Well was not any calculation done, there are so many houses, this is how, the R5,90, this is how much it is going to bring us? Did you not apply your mind to these questions? -- Even if maybe it was done I have forgotten about that.

I see. But you yourself did you not try and work out how much money would come in? -- I did. For instance I would work out my own calculations and then again at the meeting would also go through the calculations and agree on a certain amount, that this is what we are going to get. But now without the facts or the writings in front of me here I am not in a (20) position to tell the Court as to how much money we calculated.

I see. Would this, did you calculate that this, whether this money would be immediately required or only after the things had been planned and after the things had been tendered for and after the things had been started, only then some portion of the loan would have to be paid over? -- When a construction is going on you must have the money available in order to pay for whatever job has been done and therefore we needed the money to be there prior to the beginning of the work, and again the tenderers, whoever was giving the tender, would also have (30) to negotiate with us as to how are we going to pay in order to/.....

to make a contract.

Would you agree that you probably have over 200 000 people under your jurisdiction? -- I cannot tell because I have not counted them before.

Yes. But now you see had you not heard that from 1976 there was a very powerful argument put forward that the adjoining towns, in your case Vereeniging and Vanderbijlpark, should really subsidise your capital expenditure? Did you ever hear of that argument being used? -- No I have not heard of that. (10)

And did you not hear of a reason for that argument, that your residents under your jurisdiction do most of their buying in the adjoining towns, do they not? That is where they spent all their money, or most of it? -- No I did not hear about that.

And that as a result of that tremendous buying power the value of the rateable property that falls into the coffers of the Town Council increases as a result of your residents spending their money there? -- I understand what is being put to me but I did not hear about that before. I only come to hear about it now here. (20)

So did all this agitation about the Black people getting some fair share of their buying power that was going on from 1976 to 1984 passed you and your fellow councillors by? -- I did not know about that. All I know is that our Executive was holding talks with the Whites who are owners of the firms.

Yes. But at the Council meeting no one suggested that "Gentlemen we need fifteen million, seventeen million or twenty million" or whatever the case may have been, "it may be that we should be subsidised by some of the people who are getting the benefit of our buying power"? -- That is why we were negotiating with the firms. (30)

Well/.....

Well are you now saying that this was considered as a possibility at the meeting at which you decided to increase the rent? -- What possibility? I do not understand now.

COURT: Can you explain to me, you said your Executive held talks with Whites who were the owners of the firms? What were those talks about? -- The talks were about that the firms must come together and give some assistance to us about things that we require in the townships because our community is employed by the firms in turn. The feeling was that the firms must give some help to the community which is working for them. (10)

MR BIZOS: Yes I can understand that that was on the basis of the individual firms giving. Was the question of the subsidisation from the revenue that is obtained from rateable property, the value of which increases tremendously as a result of the Black people buying there? -- I have never heard that being discussed or being mentioned. I do not know whether there are any people who know about that.

Well I am going to suggest to you that the people who were holding meetings during August under the auspices of the VCA knew about things like? (20)

COURT: Knew about it or spoke about it?

MR BIZOS: Knew and spoke about it.

COURT: At the meetings?

MR BIZOS: At the meetings, yes.

COURT: Well he has said he never heard it.

MR BIZOS: He has never heard anything about it. Now in Bophelong we had another reason for dissatisfaction, and that was the R50. I think we touched on that.

COURT: Well have we not dealt with it, apart from touching upon it? (30)

MR BIZOS: Yes, I merely

COURT:/.....

COURT: We have on record that there was a decision by the Town Council and that that decision pertained to new houses and not old houses and that the superintendant, without referring to the Town Council or to the councillors, charged it on existing current accounts as well, and that he complained about it. Now do you want to go

MR BIZOS: As Your Lordship pleases, I only did it by way of introduction, I did not, I was not going to go through the facts again and perhaps touched on it was wrong. I appreciate Your Lordship reminding me of it. But now in the beginning (10) of August an accumulation of all these facts, the increase of the rent, the R50 deposit, the uncertainty that some of the people may be moved, cried out did it not for information to be made available to the people as a whole? Not so? -- That is so, as a result in fact we explained to the community what the reasons were and we even did not agree with the removal of the Bophelong township.

Now you see I am going to suggest to you that there certainly was no well advertised meeting on 5 August in Bophelong. Because none of the people available to us know anything (20) about a meeting that you held on the 5th. -- We drove around with a loudspeaker and announced the meeting for this day in question.

Was there any special reason why the meeting of 29 August was held at Bophelong? -- The reason why that meeting was held, it is because of the information we received while we were attending a meeting on a Tuesday that there were people waiting at a hall for a meeting to be held there. As a result of which we went to Bophelong Community Hall. On arrival there the people were no longer there. On that we then decided to (30). call a meeting to be convened on the 29th in order to come and hear/.....

hear what the reason was what is it that the people wanted to know.

If anyone were to suggest to His Lordship that the reason why the meeting of the 29th was held at Bophelong was because the councillors in Bophelong had not held meetings on the 5th would that suggestion be correct or incorrect? -- No that will not be true.

Well I want to read you from page 2147 line 3 to line 11, the evidence of your fellow councillor Mr P. Mokoena. He was asked the following question: (10)

"Het jy enige vergaderings gehou waarna die publiek uitgenooi was? -- Ja te Bophelong op 29ste Augustus.

Hoe het dit gekom dat julle op hierdie vergadering besluit het? -- Dit is omdat die raadslede geen vergadering daar gehou het op die 5de nie.

Het julle toe besluit om in Bophelong 'n vergadering te hou? -- Dit is reg."

Do you say that that evidence is wrong? -- Yes I will say that evidence is wrong because this person who says this he does not know, he is not from Bophelong and what I can tell the Court is that on the 5th each and every councillor was holding a meeting. (20)

You see this is why I am going to put to you that because nobody knows of any meeting having been held, and the evidence of Mr Mokoena, that if any meeting was held it was not advertised and it may only have been by a few of your close associates and that the community did not know about it. -- No we used a loudspeaker to announce the meeting.

Now I am going to move away from the 5th. Did it come to your notice that on 26 August 1984 a meeting was held in Bophelong? (30)

COURT: By councillors?

MR BIZOS: Not by councillors My Lord, by the community. -- I heard about the meeting which was being held.

Right. And had you heard that this was a meeting at which people were concerned about the increase in the rental and the R50 deposit? -- I did not come to know as to what was being discussed at this meeting and why was this meeting held.

Did you not consider it your business in order that you know what is worrying your community to try and find out? -- I was interested to know but nobody explained to me. (10)

Do you recall hearing that at that meeting a committee of ten was elected to approach the three local councillors and to invite them to a meeting to which all the community would come, members of the community who wanted to come.

COURT: That is a mass meeting, an open meeting?

MR BIZOS: A mass meeting, public meeting. That the three councillors must please come on 28 August 1984 to the local, at the local community hall at 18h00, that the committee of ten was deputed to come to the councillors and arrange a meeting on the 28th because of the concern of the people of (20) Bophelong, the concerns of the people of Bophelong? -- No committee of ten approached me nor was there any letter written to me to invite me to any meeting.

Are you on good terms with Councillor Ramagula and Councillor Mhlapo at the time? -- I beg your pardon?

Were you on good terms with Ramagula at the time, Councillor Ramagula? I was wrong about Mhlapo he is not a councillor. -- There was no time when I was not in good terms with him.

Did Councillor Ramagula tell you between the 26th and (30) the 28th that one Mhlapo, M-h-l-a-p-o, had delivered a letter to/.....

to him? -- No.

You see....

ASSESSOR (MR KRÜGEL): To him or to you?

MR BIZOS: To Ramagula.

ASSESSOR (MR KRÜGEL): The letter was delivered by Mhlapo to Ramagula.

MR BIZOS: Was it not as a result of this letter that the meeting of the, was there no claim at the meeting of the 29th which

COURT: Just a moment. You said that the invitation was (10)
for a public meeting on the 28th?

MR BIZOS: That is so My Lord.

COURT: Now you are referring to a meeting of the 29th?

MR BIZOS: The meeting of the 28th did not take place. I will come to the details. I am merely trying to establish that a letter was in fact written and received by Ramagula. Do you not recall that the reason given at the meeting of the 29th by Ramagula, Councillor Ramagula, was that a letter had been received from people to call a meeting and that the meeting of the 29th was called in response to that demand by the (20)
community? -- No.

You yourself made mention of the fact that a meeting did not take place. Was that the meeting of the 28th?

COURT: You mean at the meeting of the 29th he mentioned that a meeting had not taken place?

MR BIZOS: In his evidence this morning he mentioned of some meeting not having taken place.

COURT: Which meeting?

MR BIZOS: I would suggest that it was the proposed meeting of the 28th. (30)

COURT: No his evidence was that on the 27th they were at a meeting/.....

meeting and somebody, I think he was called Scott, came to report to them that there were a number of people in the hall who were waiting for a meeting and so he went there but found nobody there, so then this meeting was arranged.

MR BIZOS: Yes, it is that part that I want to clarify because we are on a different tangent in relation

COURT: It seems to me you are on different dates as well.

MR BIZOS: Different dates. But I submit we may, we will submit to Your Lordship that the witness is confused in relation to dates. This morning you told us that on the Tuesday (10) you were told that a meeting was to take place but it did not take place. This is what you said this morning, and that people were waiting at the hall.

COURT: But that is not that a meeting was to take place and did not take place. He was in a meeting busy with councillors, there it was reported to them that a number of people were at a hall waiting for him.

MR BIZOS: For a meeting.

COURT: Then he went there and they were not there any longer.

MR BIZOS: As Your Lordship pleases. Now do you agree that (20) the day on which you heard that people were waiting at the hall for you was the 28th? Which would have been the Tuesday. -- There was a day in between. That is between the day on which it was reported to me there were people waiting at the hall and the day on which a meeting then was called by us.

Well I am going to put to you that on the 28th people were waiting for you at the hall because they thought that the request made at the meeting of the 26th would be heeded. -- If we were informed about that we were going to invite the community and say "Look come to the meeting you asked for, (30) we are going to be there".

Well/....

Well it is correct that the meeting of the 29th took place and that there were many councillors present. -- Yes.

And the meeting started off apparently the way most meetings start. The gentleman by the name of Motsoari was asked to deliver a prayer? -- Yes that is so.

Yes. And the people were behaving themselves and had come to put their questions and to be informed? -- When, after the prayer Ramagula came forward to the stage to come and address the audience. Then the noise started, then some other people also came up to the stage. (10)

You see I am going to put to you that you are not giving His Lordship a correct picture because let me try and remind you of some of the details. Firstly we reminded you about the prayer and you say that that is correct. And then do you remember that a young woman stood up, you may not know her name but I will put her name to you, well I am corrected, not so young, or almost 40. A woman, a Mrs Mokgotsi stood up. Do you recall her? Let me tell you what she said. She said that she was a single mother and that things were not easy for her. Do you recall that? -- No. (20)

Well listen to what else she said. That she felt that she was not alone in finding times difficult. She wanted to tell Councillor Ramagula why she was there and why so many other people were there. Do you recall that? -- No I do not.

She then said "We have been running around trying to find out what is going on with this proposed rent increase"? -- No I cannot recall that.

And she said that you were aware of the, that Ramagula and his fellow councillors were aware of the confusion but that no meeting had been held to explain. She then went further (30) and she said she wanted to know why an additional R50 was demanded/.....

demanded from her by the clerk, that she was shocked and did not have the money and that she felt so strongly about it that she went to the Township Manager to find out why this R50 was being demanded and what would happen if she did not pay it. Do you recall either this woman or any other woman or any other person speaking along those lines at the meeting of the 29th? -- No.

Are you able to deny that this, I am sorry I interrupted you. Did you want to add something else? -- No, what happened is a certain man got up there and said "Look on Sunday we (10) took a decision that the Monday we are going to the offices to find out about this" and when he said that then the noise started. No one else then took the floor to say anything for any longer period.

I am going to put to you that that is not a correct version. And then Mr Ramagula gave a curious answer. He said that those people who took the trouble to come to his home.

COURT: Who would take the trouble or did take the trouble?

MR BIZOS: Who did take the trouble to go to his home knew all about the R50 extra, and that he had advised those people (20) who had gone to his home not to pay the R50. Do you recall that? -- No I did not hear that. What I know is there was noise there and none of us, the councillors, had any opportunity to stand and address the meeting there.

Well I am going to put to you that that answer, that answer angered the people at the meeting because the demand was why had you not made public an explanation about the rent and the R50 and the answer was well if you people came to my house. -- No I did not hear that.

You say that a man spoke. Who was this man that you say (30) spoke? -- Mhlapo.

You/.....

You say that it was Mhlapo who spoke? -- Yes.

Was he the only person who spoke before the meeting became rowdy? -- Yes.

No other man spoke? -- No.

You see because in your evidence-in-chief you told His Lordship that Mr Thuso Marobe spoke. Do you agree that that is what you said in your evidence-in-chief? -- I did not mean that he spoke there and addressed there the meeting in a normal way. What I meant was he was standing right in front of me and also talking and then there was somebody talking on my right (10) and on my left, but I could hear him talking because he was right in front of me.

Who, Mhlapo? -- No that is Thuso Marobe.

Well are you now saying that you, first of all do you agree that you say that the man who spoke was Thuso Marobe? -- I refer to Mhlapo as a speaker because Mhlapo was given the opportunity to come to the stage and address the meeting and this Marobe was not given that permission to do that. In fact he just decided to talk while he was amongst the audience, not far from me. That is how I could hear what he was saying. (20) So the only speaker there officially was Mhlapo.

Well what do you say Mhlapo said? -- Mhlapo said we were attending a meeting on Sunday at which meeting we have taken a decision that we are not going to work on the 3rd, instead we are going to the offices.

Yes. For what purpose? -- That is all I heard him saying. I did not hear his further address because there were other people next to me also talking, therefore disturbed my hearing and concentration, therefore I could not hear what he said further. (30)

Well I am going to suggest to you that you are either
confused/.....

confused or you do not know what you must say now because of the conflict between your evidence-in-chief and your evidence under cross-examination.

COURT: Not entirely correct. In evidence-in-chief he said "n groot klomp, a goeie klomp is die jeug wat opgestaan het en een groot mens onthou ek ook. Hy het na die verhoor gekom en gesê hy was by 'n vergadering Saterdag waar besluit is om op 3 September sal hulle nie werk nie en die kwessie van huurgelde sal bespreek word by die kantore." He did not mention the name of the groot mens but that refers to Mhlapo. (10)

MR BIZOS: Well that might be My Lord but what I am suggesting is in relation to the, to Marobe speaking or not, and being the only man that spoke. Anyway I will leave it for argument, I do not

ASSESSOR (MR KRÜGEL): All that was said there "Marobe het gevra wie het julle mense gekies".

MR BIZOS: "Wie het julle gekies" yes. But I thought that I made it quite clear as to whether any other man spoke and he said no. But be that as it may we can proceed, if Your Lordship pleases. (20)

COURT: Yes.

MR BIZOS: You see on your version you knew that the people were coming to the Lekoa Town Council offices at Houtkop on the Monday in order to speak to the councillors about the rent? -- When do you say I knew they would be coming to the office?

On the 29th did you already know that the people were going to come to the office on the 3rd? -- No.

Did any woman speak at all at the meeting of the 29th?
-- Yes in that confusion some even come up to as far as the stage. Now one would not make out what was being said (30)

by/.....

by whom and what is it all about because they were all talking simultaneously and making noise.

So are you telling His Lordship that you are unable to remember any woman saying anything intelligible throughout the meeting of the 29th? -- No.

But you see

COURT: What does the "no" mean? Are you not saying it or can you not remember it? -- By no I mean no woman was given a chance to come forward and address the meeting.

MR BIZOS: Do you remember any woman saying anything, whether(10) she was given a chance to come and address the meeting or not? Do you remember any woman saying anything?

COURT: Yes, also shouting anything, any instruction to anybody? -- Yes I do.

Yes? -- The woman I heard shouting there was saying they do not want us. We ought to resign. If we refusing resigning they are going to burn us.

MR BIZOS: Well you see I am going to suggest to you that it is only now that you remember what you said in your evidence-in-chief after His Lordship put it to you directly that there(20) was something shouted out, there may have been something shouted out? -- No that did not remind me.

Because I am going to put to you that that is false and that only a short while ago you said that you did not remember saying any, any woman saying anything intelligible?

MNR JACOBS: Edele met respek hy het gesê hy het nie gehoor dat 'n vroumens 'n reg gehad om 'n toespraak te gaan hou nie. Dit is heeltemal 'n verskil as wat iemand dit daarso gesê het as om 'n toespraak te hou. Daar mag 'n verwarring gewees het tussen My Geleerde Vriend en die getuie dan. (30)

COURT: That is why I asked the question Mr Bizos. I was under the/....

the impression that the witness and you were not on the same wavelengths. He is speaking of people being given a chance to speak and you are talking of people shouting from the floor.

MR BIZOS: No. My Lord I did not distinguish the one from the other.

COURT: Well then you must put it clear to the witness otherwise we all get confused.

MR BIZOS: Well My Lord I am going to suggest to, I am going to suggest to you that no woman said any such thing. And if it had been said you would have answered so, you would have (10) said so when I first asked you questions about it. You see which woman, could you identify the woman who said that you must resign? -- I do not know what her name is. I only know here by sight.

How many policemen were at this meeting? -- I would not know many were there.

More or less? -- I would not know because there were policemen outside and some were just next to the door and I did not have time to look at them in order to be able to think of how many were there. (20)

Was this woman a member of your community? -- Yes.

She must have been known to some of the other people?
-- Which other people?

Other people in the community, people who voted for you, your friends, your relatives, the friends and relatives of other councillors. -- Well that is true that they were supposed to know her but no one came to me to say I know that woman.

Well did you take any initiative to find out who was this woman that made this threat in the presence of the police and in the presence of seventeen councillors and in an open (30) meeting? -- I do not know whether the defence understands this./.....

this. After this meeting, as I said, our houses were attacked and therefore there was no time for us to go about still trying to find out who a person was.

But what about the 30th, the 31st, the 1st and 2nd? The attacks only took place on the 3rd and thereafter.

COURT: His house was attacked on the same day.

MR BIZOS: On the 3rd.

COURT: His house was attacked on the day of this meeting, that evening. Was it not?

MR BIZOS: Well this is when stones were thrown. (10)

COURT: Yes. -- Yes it was attacked the same evening.

MR BIZOS: Where a number of panes were broken? -- Yes.

All the more reason for going to the police and reporting this woman? And trying to find out who this member of your community was that said this? -- I only went to the police to report the attack on my house and again I went back to my house to see whether the windows were being repaired or not. Secondly I was scared of moving around in the township at that time.

You have a telephone I presume? -- Yes I have.

To phone the police and say please go to these people (20) who are well disposed towards me, they may know the woman that threatened? -- No I did not.

COURT: Did you sleep in your house that night? -- No.

Did you ever return to your house? -- I only went home the Friday. Which means then that night I did not spend at my house. I only went to my house the following day.

MR BIZOS: You see you said to His Lordship that your house was damaged? -- Yes.

A question was asked of you at the bottom of page 2150:

"Ek sê tussen die 29ste Augustus en 3 September (30)

1984 is daar iets gebeur het by hulle? -- Nee niks het gebeur/.....

gebeur nie.

ASSESSOR (MR KRÜGEL): 29 August, 29ste?

MR BIZOS: Yes, perhaps I should start on line 21.

COURT: Actually that question relates to the second, the cross-examiner was, the questioner was attempting to find out what happened on the 2nd and the answer was nothing happened. A lot of people were standing around.

MR BIZOS: Well My Lord could I read the whole of the passage?

COURT: Yes.

MR BIZOS: "Na hierdie voorval op 3 September " (10)

MNR JACOBS: Kan ons net duidelik kry of daardie, watter getuie se getuienis is dit? Ek dink dit is the getuienis van Piet Mokoena wat nou gelees word.

MR BIZOS: Oh yes, I am sorry My Lord, it was handed to me. I beg your pardon.

COURT: Is the case not involved enough?

MR BIZOS: I am sorry My Lord, yes it was confused. We will leave it at that, I am sorry. Now you see I am going to put to you that Marobe was not at the meeting of the 29th. -- I say he was there. (20)

Until the anger of the people at the meeting it was a meeting at which no difficulty was experienced? But that as soon as Ramagula made this remark there was a response, a noisy response of exasperation by the people and that that noise caused the police to come into the meeting with their guns. Do you recall that? -- I cannot remember whether the police had guns with them or not, that meaning I did not notice a gun as far as I can remember but what I can remember is I saw the police coming in.

COURT: Did they come in when the lights were on or when the (30) lights were off? -- Well they came in while the lights were on.

What/.....

What did they do when they came in? -- They stood there for some time and then went out. That is after the prayer they went out.

Yes now counsel is speaking of a different time in this meeting. -- No not after that, they did not come in.

MR BIZOS: Do you recall that Councillor Mokoena himself had a firearm, a hand gun? -- No I do not know, I did not see any gun in his possession.

And I am going, well what is the effect of gun, a gun carrying councillor and gun carrying policemen coming into (10) a community meeting?

COURT: Well so we are not talking about this meeting now, we are talking about something else?

MR BIZOS: Generally My Lord.

COURT: Generally, yes put it to the witness clearly. He will not understand it otherwise.

MR BIZOS: Generally what is the effect on the members of the communities when you have a councillor showing a gun and policemen with guns coming to a meeting? What is the response? -- Well I do not know because I have never seen it happening (20) that a councillor was at a meeting with a community and at the same time having a gun with him.

If I were to suggest to you that members of your community on that day were very upset by Mr Mokoena drawing a gun and the police coming in with guns into a community meeting what would you say to that?

ASSESSOR (MR KRÜGEL): Councillor Mokoena or Ramagula?

COURT: No Mokoena, Piet Mokoena.

MR BIZOS: Well that is so My Lord, I did not put it to him Your Lordship will recall because we did not have instruc- (30) tions at that time about the meeting of the 29th. -- I do not

remember/.....

remember him being in the meeting that night and I did not see any councillor having a gun with him that night.

Well you did not see Councillor Mokoena there that night?

COURT: In the meeting or there?

MR BIZOS: At the meeting.

COURT: Inside or outside? There is a difference.

MR BIZOS: Well I would add which would include both.

COURT: Well do it both then.

MR BIZOS: Did you not see him at the meeting? -- Mokoena was at the meeting but not inside where the meeting was held. (10)

Well I am going to put to you that Councillor Mokoena began moving in and out of the hall with his gun? -- No I did not see that happening.

Right. And although, I am sorry I will come back to that. That you told us that you do not know who switched the lights off? -- No I do not know that.

Were you escorted away from the platform by the police?
-- No.

You see there is a suggestion that the police switched the lights off in order to remove the councillors from the (20) hall. What do you say to that? -- I said I do not know who switched the lights off.

My Lord I am putting it tentatively I want to make clear because I only have hearsay evidence of it. The person who informed me, other persons, have not been available to consult with this. This is why I put it tentatively. And the lights going off had the effect, whoever might have switched them off, had the effect of letting everybody try and fly out of the various exits of the hall.

ASSESSOR (MR KRÜGEL): Fly or flee? (30)

MR BIZOS: I beg your pardon?

ASSESSOR/.

ASSESSOR (MR KRUGEL): Fly out or flee out?

MR BIZOS: Fled. -- I agree on that because immediately when the lights went off we also left the hall.

Not being escorted by the police? -- Yes. That is from inside the hall.

And immediately after the lights went off and people started fleeing away from the hall there were shots outside, apparently of teargas? -- When we came out of the hall we met with the stones which were being thrown and some of the vehicles there were already damaged. (10)

Well what do you say about the teargas? -- Well it was probably shot at the time when the police were escorting us.

Well do you know whether any of the teargas got into the hall? -- No.

Were you yourself armed? -- No I was not.

Do you, are you, do you have a firearm? -- No I do not.

Now do you recall whether any steps were taken by the police to disperse the people from outside the hall? -- I do not know because when we came out from the hall we ran to the cars then from where we were escorted by the police. Now (20) I do not know what happened after we had left.

I am going to put to you in relation to this meeting that the people were angry with the councillors in relation to their behaviour, that you were blamed for not performing your duty properly and that there were calls for your resignation? But that no threats were made against you or other councillors at the meeting. -- That is not so, there were threats. In fact even the vehicles were damaged and our houses were attacked on that night, which is evidence then that there was that kind of a thinking that we were supposed to have been assaulted. (30)

Well if people were sjambokked in order to move away from the/.....

the hall, if they were, would that have led to tremendous anger? -- I do not believe that an innocent person can just be assaulted by the police when police has got to do with law and order, for no reason.

Well you do not know whether people, as they were coming out of the hall, were sjambokked in order to disperse? -- I do not know about that, that is correct, but what I am saying is I do not believe that an innocent person can just be assaulted by the police who has to do with law and order, for no reason whatsoever. (10)

Well would you say that all the people that were at that meeting that evening, how many do you say there were? -- There were many, the hall was full and some were also outside.

Did you consider them guilty of anything? -- No, they were not guilty of anything.

COURT: At what stage? Some were throwing stones?

MR BIZOS: No My Lord I would have, I am talking about the people who were in the hall and as they were coming out of the hall. I am not talking about the people that may have thrown stones after they went away from the hall. -- It was dark (20) when people left that hall so one could not see what was happening. I am not in a position to say whether at that time during the darkness they were guilty of anything or not.

Alright. Well the most you can possibly say in fairness to the police is that if there were some who threw stones they would not know who the stone throwers were and who were not? -- I cannot tell who the people were who were throwing stones in that darkness.

COURT: Well was there street lighting in the vicinity? -- Yes. (30)

MR BIZOS: But Councillor Mgcina from the point of view of the/.....

the ordinary resident who had a problem in Bophelong would you agree that whoever's fault it might have been this was a most unsatisfactory meeting and an unsatisfactory state of affairs? -- If you could just clarify your question because now here we have to do with councillors and the community. Now make it clear to me what do you mean, when that person viewing which side of the two?

No that the resident who had a problem with his rent being increased, R50 being demanded for a deposit, who came to this meeting and who did not initiate any shouting, who was not (10) one of those who threw stones, the ordinary resident with the problem that had come to the meeting with the possibility of finding a solution to his or her problem, would you agree that the meeting ended up in a most unsatisfactory way? -- This meeting was supposed to be ended because people were being assaulted and each and every person was concerned about his own life, the safety of your life, and therefore you have to run away. And people who were ordinary residents who had come there only to have their problems solved and their questions answered were satisfied to see us running away because then (20) it would mean we were saving our own lives.

Now what I want to ask you is this, was any step taken between the 29th and the 2nd to give any, either by way of pamphlet or another meeting or a loudhailer or anything else, was any step taken to explain to the people what it is that they had turned up in their hundreds to hear on the 29th? -- No nothing was done.

Alright. I want to turn to another subject. Did you, when did you hear for the first time, and from whom, that a committee had been elected to speak to the councillors? (30) That a committee had been elected on the 26th in order to speak/.....

speak to the councillors? -- I did not come to know that on the 26th. I only came to know about that in September when they came to Houtkop.

Did you not have any visit from anybody between the 26th and September?

COURT: The 26th of August and September, all in 1984.

MR BIZOS: All in 1984. -- People did come to me after my house was attacked. Then we would just discuss about what is happening there pertaining to the talk of the house. Otherwise not that somebody who was elected approached me . (10)

Did you have any visitors between the 26th and the main attack of your house in September who came to you for any communal business or to do anything else with you? -- Yes some people did come to me.

Yes. -- It was in the evening. And these people I met outside my house and when I met them there all they said to me is that they are demanding for my resignation and I must resign.

Is that all? -- Yes that is what I remember.

They did not threaten you in any way? -- You mean a (20) threat on that?

Yes.

COURT: You mean an immediate threat?

MR BIZOS: Yes.

COURT: Or a future threat?

MR BIZOS: No My Lord, a threat.

COURT: Yes I want, I am sure what you are after Mr Bizos. I want the witness to give a clear answer to a question. I do not want to help the witness. Do not get that impression.

MR BIZOS: Well he has already said no My Lord. (30)

COURT: Yes well, right leave it at that Mr Bizos and we can argue/.....

argue it later.

MR BIZOS: You say that no threat was made to you? -- What they said is that I must resign. If I do not resign they are going to kill me.

Why did you say no they did not threaten you in any way?
Until His Lordship asked a question in a more direct way?

COURT:/.....

COURT: I did not put any question Mr Bizos. I was asking you to put your questions clearly, so that we do not have an argument about it later.

MR BIZOS: As Your Lordship pleases.

COURT: And this is not the first time this has happened. Yes go on. -- The reason is I have been asking the defence to be clear on his questions many times and he does not put his questions clear. Now I understand and then I am explaining.

MR BIZOS: I asked you what these people said to you and you said that they told you to resign. Is that so? -- They said (10) I must resign, if I do not they are going to kill me.

Now did I ask you if that was all? -- What I remember yes, that is all.

And what was your answer to that question? -- I did not answer to that question because from what they said to me they did not expect any answer, they were just telling me.

Did you go to the police? -- No I did not.

Why not? -- It is because I did not know how to go and put it to the police because maybe the police may want to know from me what exactly happened. (20)

Well surely for your own protection you would have been only too happy to have told the police what had happened? -- It never occurred to me.

You mean that somebody comes and threatens to kill you but it does not occur to you to report the matter to the police? -- Well it happened with me, it never occurred.

You knew who these people were? -- Some I knew, yes.

Yes, who were they, those that you knew? -- Stompie.

Yes who else? -- Mogeles.

Who else? -- I just forget the name of the other one. (30)

But anyway you knew three of them? -- I cannot remember

whether/.....

whether they were three or two.

Well anyway the two you knew by name? -- Yes.

And you knew them as members of your community? -- Yes.

And you know that it is an offence to intimidate people?

-- No that I do not know.

You do not know that it is an offence to intimidate people?

-- No I do not know.

Did you believe that people, you as a councillor were free to come and tell you "Resign or we will kill you" and that this was not an offence and nothing could happen? -- I knew that (10) they had no right to come and threaten me about that but I did not know that a mere threat can be reported to the police and it can be followed up as an offence.

Was this before or after stones had been thrown at your windows? -- Before the attack on the house.

But now did it not occur to you that if people threaten you and then your property is damaged there might be some connection between the threat and the action which the police may investigate and find some solution? -- I did report to the police about the attack on my house, the damage on my house. (20)

When did you report to the police about that? -- The same night.

Is that the 29th? -- Yes.

Did they ask you whether you suspected anybody, or responsibility for this act? -- Yes they did ask me.

Did you give them Stompie's and Hlanyane's name? -- No because they were merely asking me who are the people who attacked my house.

You see I am going to put to you that in the beginning of August you did receive a visit and that there were three (30) people that visited you in the beginning of August. -- I cannot remember/.....

remember that.

Yes, that there was Stompie, Vusile(?) and Zondi.

COURT: Is is Nosele?

MR BIZOS: Vusile, V-u-s-i-l-e, and

COURT: Vusile, also called Vicks, V-i-c-k-s?

MR BIZOS: I have not got that, but probably My Lord. We do not know. And Nzondi? -- Visit me about what?

Yes, I will tell you what they visited you about. They told you that people were complaining about this R50.

COURT: Before that is interpreted, do you know a person (10)
called Vusile and do you know a person called Nzondi? -- No I do not know them.

Thank you. Will you please repeat the question.

MR BIZOS: Do you recall tha three people came to you, one of whom was Stompie who you say you know, and told you that there was a lot of concern about the R50 deposit that was being asked for? -- No.

Have you not got a relative who is a young man called Vusile? -- No.

COURT: Have you got his surname? (20)

MR BIZOS: No My Lord, not yet. Did you attend a feast in the beginning of August 1984 at a Vusile's place?

COURT: A marriage, what type of feast?

MR BIZOS: No, just a feast My Lord, I have no instructions...

COURT: Just a beer drink.

MR BIZOS: A feast, that is how, I do not want to describe it any further. -- No I did not.

Do you know, apparently My Lord, I have now been furnished with the name, Vusile Thavene, T-h-a-v-e-n-e. -- I know the Thavene family. That is I know Thavene, the head of the (30)
family. I do not know his children.

Well/.....

Well do you know whether he has a child called Vusile, a young man? -- No. I may be knowing that person by sight and not even knowing that was Thavene's son.

Well I am going to put to you that these three young men came to speak to you about this problem of the R50. -- No.

And that your response to them that you are not prepared to talk to children? -- No there is no such.

Well what is your general attitude to

COURT: Could we hear that after the tea adjournment?

COURT ADJOURNS FOR TEA. COURT RESUMES.

(10)

JOHN HLOPOKILE MGCINA: d.s.s. (Through Interpreter)

FURTHER CROSS-EXAMINATION BY MR BIZOS: Do you consider it below your dignity to discuss community affairs with young people? -- Any person, even a child, is entitled to come and talk to me.

Yes. Well I am going to put to you that that was not your attitude in the beginning of August 1984. -- That is not so.

When did you hear for the first time that there would be a march to Houtkop on 3 September? -- I never heard of it. (20)

Either directly or from your fellow councillors or from any official at Houtkop? Or from any pamphlet or any whispering or any, you never heard about it? -- No.

Are you sure that there was no mention of it at your meeting of the 29th? -- What was said on the 29th was we are going to go to the office and no mention was made of Houtkop.

Oh. Well which office were they referring to? -- Well I took it they are talking about the local office in Bophelong.

Did you see your fellow councillors between the 29th and the 3rd? -- No. I last saw them on the 29th. (30)

Well did you expect the people of Bophelong to come to the/.....

the local office on the 3rd? -- From what this person was saying, yes.

Did you take that talk seriously? -- Only after the attack to my house that I took it serious, that this could happen.

You say that after the attack on your ouse on the 29th?
-- Yes.

Did you know that there would be a march to the local office? -- Yes from what that person said in that meeting.

Did you hear before the 3rd that there was going to be a stay-away? -- No. (10)

Did you not hear about the stay-away at all? -- No.

From nobody? -- No.

Did it come as a complete surprise to you when you noticed, if you did notice, on the morning of the 3rd that people had not gone to work? -- Yes.

Did you expect some portion of your community to come to the office, which you understood to be the local office, on the morning of the 3rd? -- Yes.

Did you make any arrangements to be at the office on the morning of the 3rd in order to receive members of your (20) community who were going to come there? -- No I did not. As a result of what had happened to my house, the attack on the house, I decided not to make any arrangements because I thought well should I go they may decide to kill me.

Well did you think that the people would march to the office, wherever that may be, in order to kill other people, including you? -- About myself yes, because they have attacked my house so I had the reason to think that well they may have killed me as well if I was at the office.

Did you not go and discuss these fears with your fellow(30) councillors? -- No, because this happened on a Thursday so on a/.....

a Friday I was waiting there for the people to come and fix the windows because I was fearing that other people may come in there and take things out of the house.

So you, as far as you know, there was not, nobody was going to stay away from work on the 3rd? -- No I did not know.

You had never heard anyone mention it in any context? -- No.

You, did you really expect a march to take place on the 3rd? -- All I expected was that the people will go to the office after the address by this person who said that on Monday (10) they will be going to the office, and then that is what I knew.

Did he say why they would be going to the office? -- No he did not. As I said immediately when he started saying that they have taken a decision of going to the office then there was some noise as a result of which then I could not make out what he was saying after that.

Why did you in your evidence-in-chief say that on the 29th a man spoke about not going to work on the 3rd? -- From what he said that we will be going to the office on Monday.

That is not what, you know you have a very good way of (20) trying to cover your tracks whenever a contradiction is put to you. You said specifically that the man spoke about "Op die 3rde ons moet nie werk toe gaan nie". Do you recall saying that specifically in your evidence-in-chief, like you said some other things? -- I have not changed anything up to now.

Well the record will speak for itself. Now tell me this other than the fact that your own house was attacked you did not expect a general stay at home on the 3rd? -- Do you mean after the attack on my house?

No, leave out the attack on your house. Did you expect (30) a general stay away on the 3rd? -- My question is at what stage?

After /.....

After the attack on my house or before?

Before the 3rd at any stage did you regard, did you believe that there would be a large body of your community not going to work on the 3rd? -- What occurred to me was people were going to go to the office as it was said, that I in fact concluded on the attack, from the attack on my house that people were going to go to the office. Now whether this was going to be a stay away for people from work or not, at the time it did not occur to me.

So prior to the 3rd you had no idea as to whether there(10) would be a stay away on the 3rd or not? -- I did not know anything. All I knew was that they were going to go to the office, that is from the talk.

Did you know whether or not there was going to be a march to Houtkop from any area in the Lekoa Town Council's jurisdiction? -- When?

At any time before the 3rd? -- No.

Not. So just to make it absolutely clear that at no time prior to the 3rd did you know that there would be a march to Houtkop on the 3rd? -- No. (20)

And there was, if there had been any mention of any march to Houtkop on the 3rd at the meeting of the 29th you would have heard it? -- I would have heard it, yes.

Yes. Now when did you say you sent your family away? On what date? -- The day when I was at a meeting receiving a message that there were people who wanted a meeting. On arrival there finding that there was nobody there for a meeting I then took my children to Sebokeng.

So would you agree that that was, would be the 28th? -- No I cannot say with certainty what the date was. All I can(30) say when this happened it was a day between the two dates, that is/.....

is the day on which this happened and the meeting of the 29th.

So it was before the 29th? -- Yes.

Now I want to ask you specifically, that there is no misunderstanding. Do you say that the, a day before the meeting of the 29th to the 3rd that no member of your family other than yourself stayed in your home in Bophelong? Is that what you are saying? -- Yes.

Not your children or your wife, nobody came to your house at any time? -- Yes.

Alright. There are just one or two others matters that (10) I want to ask you about. Did you ever decide that community halls should not be made available to the VCA? -- I cannot remember such a decision being taken, nor do I remember any request from the VCA to make use of a hall.

Do you recall whether you ever voted as a councillor that community halls should not be made available to trade unions? Or other political organisations? -- No.

Did you as a councillor, during 1984, resolve to threaten the churches that their leases would be cancelled if they allowed their properties to be used for political meetings? (20) -- No I cannot recall that.

Did anyone have your authority as a Council, on 5 January, 1984, to write to the Roman Catholic Church that if the Church would ...

COURT: Which one, the general church or a church?

MR BIZOS: Zone 12 My Lord.

COURT: Zone 12, yes.

MR BIZOS: The Roman Catholic Church, Zone 12, that if they continued allowing their premises to be used for what he calls "non church activities" the lease would be cancelled? -- No (30) I do not know about that.

Did/.....

Did you as a councillor at the Council ever subscribe to a resolution that the Chancellor of the Catholic Diocese, this is the general My Lord, Catholic Church, say that the churches must not be used for political purposes, for meetings of a political nature? -- No I never heard of that.

Well what is your attitude to the right of your community to meet in order to discuss matters that it considers of importance, albeit politics? -- If people come together to discuss things pertaining to the community as a member of the community I say they are entitled to do that, much as I can (10) also join them being a member of the community.

Yes. So you as a councillor would never have had any objection whatsoever to community halls being used by the VCA during 1984? -- No I would not because I would in fact myself like to know what is it being discussed and it is something which has to do with the community and I am forming part of the community.

Yes. And you would have had no objections to trade unions using the community halls? -- No.

And if anybody expressed a different policy of your (20) Council it is certainly against your wishes? -- I would not agree with that. When something pertaining to the community is to be discussed and that is the attitude I do not go with it. Because in a community as human beings we are supposed to come together and meet and discuss whatever problems are arising from our community.

You were a councillor from 1977 right up to now? -- Yes. From 1977.

From 1977. We have already had this from Mr Mokoena, I want to put it to you as well because you are a more senior (30) councillor, that the perception of the people in your community

in/.....

in relation to the councils did not change much in 1984 by the new way in which councils were constituted? -- I do not understand, what change are you talking about?

Well whatever the attitude of the community was prior to the end of 1983 the same sort of feelings towards the Council went into 1984? -- I noticed a difference from the 29th.

COURT: You do not understand what counsel is after. Before 1984 the community had a certain view as to what a Council can or cannot do. Now is it correct or incorrect that with the new Council in 1984 the people thought that it would still be (10) just about the same? -- That one is very difficult for me to answer because I do not know what the reasoning of other people is in relation to that.

MR BIZOS: Let us try it another way. The November 1983 elections did that bring in a lot of new blood or was the old guard still there so to speak? -- If that is how you put it now about whether it had any influence about how one will go about doing certain things I will find it very difficult to answer that question, not unless you are specific and say to me if this was what was happening before then and then what was changed (20) after that election, then I will understand.

Let me try another way. How many councillors were elected in November 1983? -- Thirty-nine.

How many had been councillors before, out of the thirty-nine? -- You mean in number as to how many councillors were there?

COURT: No, no, counsel wants to know of the thirty-nine who were old members and who were new members? -- I will not be able to remember. I will have to go back in thinking.

MR BIZOS: Yes alright, we will leave it at that. There is just one final aspect. Did you try and be guided in your (30) activities by what other Councils were doing? For instance the neighbouring/....

neighbouring council on the East Rand, did you try to be guided by what they were doing? -- What I can remember is that we went to the Town Council and that was once only. I do not know whether our Executive did go out.

But now you as a councillor during 1984 did you become aware of the fact that your neighbouring council on the East Rand successfully persuaded the government to transfer the liquor stores belonging to Eradebo, it is an acronym, I will spell it for the record My Lord. E-r-a-d-e-b-o, presumably for the East Rand Development Board. (10)

COURT: To transfer the liquor stores of that institution to?

MR BIZOS: To the Council.

COURT: To the council. -- I did not come to know about that.

MR BIZOS: You see because I am going to suggest to you that there was a tremendous outcry about the transfer of these bottlestores.

COURT: In his area or Eradebo's area?

MR BIZOS: In Eradebo and in his area My Lord.

COURT: Before it was done, before it was transferred to Eradebo or in general the idea that it be privatised? (20)

MR BIZOS: That, the idea that it was to be privatised was opposed generally in the East Rand, and in Vereeniging and elsewhere. -- I know about our area. We were also crying for that, that let these outlets be transferred to our Council.

Well you see, I want to round it off because I think that, with respect, His Lordship has heard enough but I want to put to you that you could quite easily have achieved what the East Rand Council achieved for the benefit of your people instead of your own benefit. -- We wanted to.

I am going to put to you that the public spirited (30)
councillors of Khatlehong and other places on the East Rand
managed/.....

managed to achieve what you failed to do. -- Well I hear the statement.

Well the question is did it not occur to you Councillor that because you were going to get a three quarter million asset you did not try hard enough? -- No that is not so.

Thank you My Lord, I have no further questions.

HERONDERVRAGING DEUR MNR. JACOBS : Mnr. Mgcina, in getuienis-in-hoof was dit vir u gevra of u dit beskou as demokraties as mense met plakkate daar by die stembus kan gaan staan en beswaar te maak of te adverteer dat daar nie gestem moet word nie. (10) Beskou u dit ook as reg dat mense gekeer word om nie te stem nie en demokraties? -- Nee, dit is nie demokraties as mense gekeer word nie.

En dan 'n ander aspek wat ek graag net wil weet en dit is jy het getuienis gegee van 'n R50,00 deposito op elektrisiteit wat die mense moes betaal het. Weet jy wat het geword? Is daardie R50,00 ooit betaal of wat het gebeur daarna, nadat jy stappe sou geneem het? -- Nadat ek gepraat het, het dit stil geword. Niemand het my weer genader om vir my te kom sê dat ek daardie geld betaal het of moes betaal het nie. (20)

Weet jy of dit gevorder is of nie? -- Ek het nog nie klaar geantwoord nie. Toe ek met die superintendent 'n gesprek gevoer het, het ek vir hom gesê dat die mense wat alreeds 'n deposito betaal het, indien hulle weer daar kom om te kom betaal en byvoorbeeld as 'n persoon R60,00 moet betaal, moet hulle daardie R50,00 aftrek, sodat daardie persoon net R10,00 betaal.

Toe Bophelong geëlektrifiseer is en hoë masligte gekry het, het Bophelong as 'n gebied alleen betaal vir daardie elektrifikasie of was dit gefinansieer deur die hele begroting van die Raad, destyds toe dit ingestel is in 1981? -- Geld van (30) die hele gemeenskap in daardie area van die Raad was gebruik

om die elektrisiteit daar te kry en die hoër ligte.

Dan is daar nog net een aspek wat vir my onduidelik is. Jy het hier op 'n vraag van My Geleerde Vriend gesê jy het gehoor in September van 'n komitee wat gekies was en raadslede sou gaan sien. Wanneer het jy daarvan gehoor en wat se komitee is dit waarna jy verwys? -- Eers te Houtkop het ek daarvan geweet. Daardie mense, die komitee, het gekom om met die "executives" te kom praat.

Wanneer was dit gewees? -- Omtrent daar by Oktober/November 1984. (10)

Wie het hierdie komitee verteenwoordig? Van watter organisasie of mense het dit gekom? -- Ek weet nie van watter organisasies hulle gekom het nie.

Het jy geweet op watter vergadering hierdie komitee gekies was of het hulle verduidelik waar hulle gekies is of wie hulle afgevaardig het? -- Ek was nie betrokke in die gesprek tussen die komitee en die "executives" nie. Hulle het alleenlik met die "executives" daar gepraat.

ASSESSOR (MNR. KRÜGEL) : Raadslid, die Stompie Moghele, hoe goed ken jy hom? Wat doen hy? -- Ek weet nie wat doen hy (20) nie. Hy was aan my bekend as 'n skoolier.

Op hoe 'n manier ken u hom? U sê u weet hy is 'n skoolier? -- Omdat hy deelgeneem het aan die sokkerspan het ek hom leer ken.

Afgesien daarvan dat hy sokker speel en dat hy 'n skoolier is, weet u wat het hy andersins gedoen? - Nee, ek het nie geweet nie.

Weet u - of die besluite van 'n Stadsraad soos byvoorbeeld Johannesburg of Pretoria of 'n ander Stadsraad onderhewig is aan goedkeuring deur hoër gesag van hulle begrotings en (30) hulle besluite oor uitgawes? -- Nee, ek weet nie daarvan nie.

GEEN VERDERE VRAE.

... / MNR. FICK

MNR. FICK : U Edele, die volgende getuie se naam is Alinah Mogatla. Haar getuienis sal handel oor paragraaf 77(10) van die akte, bladsy 356 en verder. Dit is die moord op raadslid Motjeane.

ALINAH MOGATLA, v.o.e. (Deur tolk)

MNR. FICK : Om die verrigtinge te besnoei, sal ek met die toestemming van My Geleerde Vriend die getuienis wat sy gaan gee van voor 3 September leidende vrae aan haar stel.

ONDERVRAGING DEUR MNR. FICK : U is woonagtig te 12988 Gebied 11, Sebokeng? — Ja. (10)

Die oorledene in hierdie saak, Caesar Motjeane, is aan u bekend? — Ja, ek ken hom.

Hierdie raadslid het skuins oorkant u huis gewoon? — Ja.

U woning is reg langs die steeg? — Ja.

Wat van die teerpad af inkom en dan langs u huis verbygaan? — Ja, dit is so.

Voor 3 September was u nie bewus van enige organisasies soos die VCA, COSAS, AZASO en UDF se bedrywighede nie? — Nee, ek weet niks daarvan nie.

U man stel ook glad nie in politiek belang nie? — Nee(20) glad nie.

U het ook geen pamflette of plakkate van enige van hierdie organisasies wat ek opgenoem het ontvang by u huis voor 3 September nie? — Nee.

U het 'n kennisgewing van die Lekoa Stadsraad ontvang dat die huur verhoog word na R5,90 per maand?

HOF : Met of na?

MNR. FICK : Ekskuus, met. — Ja, dit is so.

U het in die strate gehoor van 'n sogenaamde "stay-away" wat op 3 September 1984 sou plaasvind? — Ja, ek het daarvan(30) gehoor.

U het dit nie ernstig opgeneem nie? -- Nee.

Op 3 September 1984 die oggend net na 06h00 het u wakker geword? -- Ja, ek het wakker geword.

Waarvan het u wakker geword? -- As gevolg van die geraas het ek wakker geword.

Het u gaan kyk wat se geraas dit is? -- Ja.

Het u uit u huis gegaan of deur die venster gekyk? -- Ek het deur die venster geloer.

U man, het hy ook gaan kyk? -- Ja, hy het.

Wat sien u toe u daar deur-die venster kyk, wat se (10) lawaai is daar aan die gang? -- Ek het kinders gesien wat met klippe gegooi het en Caesar was besig om te skiet.

Die kinders, hoe oud skat u hulle? -- Dit sal vir my moeilik wees om 'n skatting te gee wat ouderdomme betref. Daar is van die mense wat jy 'n skatting gee en dan vind jy later uit jou skatting is uit, die persoon is ouer as dit of is jonger as dit. Al wat ek kan sê is, dit was kinders gewees.

HOF: As u praat van kinders, is hulle volgroeid of moet hulle nog groter word? -- Dit is kinders wat nog besig is om te groei.

MNR. FICK : As u hulle lengte opgemerk het en u kyk na u eie(20) lengte, is hulle langer as u, korter as u of net so lank soos u? -- Hulle wissel in hoogte. (Getuie dui lengte aan) Hulle was van verskillende hoogtes.

HOF : Sommige so groot soos die tolk en sommige soos die getuie en sommige so groot soos die getuie se linkerskouer. Hoe hoog is dit alles? -- Ja, dit is die hoogte van die kinders.

MNR. FICK : U sê hulle gooi klippe. Waarheen gooi hulle die klippe? -- Na Caesar se huis toe.

Hoeveel van die mense was daar wat klippe gegooi het? -- Hulle was baie. (30)

HOF : Het Caesar se huis 'n muur omgehad of 'n draad of was dit

oop? -- Daar is 'n omheining gemaak van yster. "Burglar proof".
'n Tipe materiaal soos diefwering.

In ruite? -- Ja, staal. 'n Mens kon deur sien na die ander kant.

MNR. FICK : Tralies? -- "Burglar fence" in die vorm van diefwering wat aan vensters gesit word.

HOF : U praat nou van die huis self. Was daar diefwerring aan die huis self? -- Nee, die omheining van Caesar se perseel is van hierdie tipe soos ek nou net beskryf het soortgelyk aan diefwering. (10)

Is dit sulke staalstafies? -- Staalstafies waarvan 'n mens 'n omheining maak om sy perseel.

Kon 'n mens klippe daar deur gooi? -- Ja, die spasies tussen hierdie diefwering se openinge is so groot soos ek aandui.

So 15cm. Hoe hoog was die heining? -- (Getuie dui hoogte aan)

Dit is amper 2 meter. Was dit reg om die hele perseel? -- Ja.

En aan die huis self, was daar enige diefwering of so?(20) -- Nee, daar is geen diefwering aan die huis self nie.

En die aanvallers, was hulle op die straat of op die persele langsaan? -- Van die aanvallers was in die straat en van hulle was op my perseel gewees, want daar is geen omheining op my perseel nie.

MNR. FICK : En die steeg, was daar van die mense daar ook? -- Ja, hulle was.

Jy sê hulle gooi klippe en die oorledene Caesar het geskiet. Het hy in die lug geskiet, na die mense geskiet of hoe het hy geskiet? -- Dit was gerig op die mense. (30)

Daar waar Caesar geskiet het, het hy in die huis gestaan

... / en

en uit die huis uit geskiet of was hy in die erf of op straat?
-- Net op die erf.

HOF : Buite sy huis? -- Ja, buite die huis op die erf.

MNR. FICK : Het hy meer as een skoot geskiet? -- Hy het meer as een skoot geskiet.

Weet u of hy die enigste persoon was wat op daardie perseel gestaan en skiet het of was daar nog mense of weet u nie?
-- Ja, hy en Matipedi is die persone wat geskiet het.

Het u vir Matipedi gesien waar hy gestaan en skiet het?
-- Hulle was altwee op die erf gewees. (10)

Bymekaar? -- 'n Entjie van mekaar af. (Getuie dui aan hoe hulle gestaan het.

HOF : Twee meter. Het elkeen 'n vuurwapen gehad? -- Ja.

MNR. FICK : Die Matipedi, werk hy vir Caesar? -- Ek het so verneem, ja.

Wat het die klipgooiende mense gemaak as Caesar en Matipedi skiet? Het hulle bly klippe gooi? -- Hulle het klippe gegooi en op 'n stadium weggehardloop.

Het hulle dan weer teruggekom? -- Ja.

Het jy gesien waarheen hardloop hulle weg? -- Ek het nie(20) gesien nie. Ek het net gehoor dit is nou stil.

Op 'n stadium is u uit u huis uit? -- Ja.

Was die klipgooiery op daardie stadium nog aan die gang?
-- Ja.

Waarom is u uit u huis uit? -- Ek wou gaan sien het wat gebeur het, eintlik met die oog daarop om hulle voor my deur weg te jaag.

Waar is u by u huis uit? By die voordeur of waar? -- By die agterdeur uit, by die kombuis.

Wat gebeur toe? -- Net 'n entjie uit die deur uit, is (30) ek getref deur iets op my kop. Later toe ek kyk wat gebeur

... / het

het, het ek gesien dat my kop bloei.

Is u toe terug in die huis in? -- Ja.

U en u man het toe die wond probeer verbind? -- Ja.

En terwyl u met die wond besig was, die klipgooiery en skietery, het dit nog aangegaan? -- Ons was besig hier in die huis. Die volgende ding wat ek gehoor het was mense wat by die deur gepraat het. My man is toe soontoe waar die mense by die deur gepraat het. Toe hy daar kom, vind hy dat hulle 'n kind in die huis ingebring het, 'n seuntjie. Hy het my toe geroep om te kom kyk. (10)

Voordat u daarmee aangaan, was die polisie op enige stadium daar op die toneel gewees daardie dag? -- Ja, hulle was.

Was dit voor u man u geroep het om te kom kyk na die kind of daarna? -- Voor die kind in my huis ingebring was, was die polisie daar gewees.

Was dit nadat u met die klip getref was? -- Nee, dit was voor ek met die klip getref was.

Laat ons dit net eers opklaar. Hoe het die polisie daar op die toneel gekom? -- Ons het nie gesien nie. Al wat ek kan sê is, ons het gehoor dit is nou stil en toe ons kyk, het (20) ons die polisie met voertuie daar gesien staan en van die polisie met die snaakse klere aan was besig om met Caesar te staan en praat.

En die klipgooiers, waar was hulle? -- Hulle was nie meer daar nie.

Na 'n rukkie is die polisie toe daar weg? -- Ja.

Toe die polisie weg is, het u die klipgooiers weer gesien? -- Ja, hulle het teruggekeer.

Het u gaan kyk toe hulle terugkom? -- Deur die venster, ja. Ek het nog steeds deur die venster gekyk. (30)

Het u op die dag enige plakkate gesien wat rondgedra word?

... / Ja

-- Ja, mense het iets gedra daar.

Op watter stadium het u dit gesien? -- Toe hulle met die steeg opgekom het, het ek dit gesien.

Was dit nou die eerste keer toe u wakker geword het van die lawaai of is dit nou die tweede keer toe die klomp nou teruggekom het? -- As ek reg onthou was dit die tweede keer.

Hierdie iets wat u van praat, hoe lyk dit?

HOF : Kan ek net iets duidelik kry. As u sê die klipgooiers was daar, dan was hulle weg en dan was hulle weer daar, hoeveel het u gemerk dat die klipgooiers weg is en weer daar kom en (10) weg is en weer kom? -- Dit is net hierdie twee kere wat ek van praat. Kyk, hulle was daar gewees. Op 'n stadium was dit stil en die polisie was daar. Toe die polisie weg is, het hulle teruggekom. Dit is die tweede keer wat ek van praat.

En toe hulle nou terugkom, was daar plakkate? -- Ja.

MNR. FICK : Hierdie plakkate, hoeveel van hulle het u gesien? -- Twee of drie.

Waar het u dit gesien? Het die mense dit gedra, het dit op die grond gelê, was dit teen die geboue of waar was dit? -- Ek het net gesien die goed is sigbaar bokant hulle koppe. (20) Of hulle dit op hulle koppe gedra het of die goed hoog gehou het en met wat, kan ek nie sê nie.

Kon u enigiets lees wat op die plakkate staan? -- Nee, ek was bang. Ek het nie gekyk nie.

Toe hulle nou terugkom na die polisie weg is, wat gebeur toe? -- Die bakleiery tussen hulle en Caesar het weer begin en dit was voortgesit.

Die tweede geleentheid toe die klomp mense terugkom, was hulle minder as die eerste klomp of min of meer dieselfde of was hulle baie meer of wat is die posisie? -- Dit sal ek (30) nie weet nie. Die mense was baie. Ek het nie 'n skaal om te

... / kan

kan sê hoeveel mense was daar nie.

Die straat, was hy vol? — Ja.

Was daar mense in die steeg? — Ja, daar was.

Was daar weer mense op die erf? — Ja.

As u sê die bakleiery het nou weer begin, wat se bakleiery was dit? Weer klipgooiery en skietery? — Ja, hulle het met klippe gegooi.

U sê vir die Hof op 'n stadium het u man u geroep en u het toe gaan kyk? — Ja, ek het gaan kyk. Daar was 'n kind gewees. (10)

HOF : 'n Seun? — Ja.

Nou het ek nie mooi duidelikheid nie. So, die seun is beseer nadat die polisie daar was en nadat hulle weg is? — Ja.

MNR. FICK : Het u gesien waar die seun beseer is? — Ja, ek het gesien.

Waar? — Die linkerarm was gebreek gewees en die koeël het deur die linkersy penetreer en by die regtersy uit.

Die seun wat u van praat, vergelykend met die lengtes wat u hier in die hof aangedui het van hoe die mense gelyk het daar, hoe groot was hy? — (Getuie dui lengte van seun (20) aan)

HOF : Net hoër as 'n meter? — Ja.

Dit was sommer 'n klein kind nog? — Ja.

MNR. FICK : Die kind is nou daar in die kombuis. Het u gesien hoe hy daar gekom het, of hy daar gebring is of weet u nie? — Nee, ek het nie die mense gesien wat die kind daar gebring het nie.

Het die kind daar by u gebly in die kombuis? — Nee.

Hoe is die kind daar weg? — Ja, sekere seuns het daar gekom en die kind sommer weggevat, in 'n Kombi voertuig gelaai (30) en is toe weg met die kind.

Het u enige van die persone wat die beseerde daar kom wegvat het geken? -- Nee.

Op hierdie stadium terwyl hierdie dinge nou gebeur het, was die klipgooiery en die skietery nog aan die gang? -- Die bakleiery was nog aan die gang.

HOF : Die skietery en die klipgooiery? -- Ja, die bakleiery was aan die gang in die sin dat hulle geskiet het en daar was 'n klipgooiery ook.

MNR. FICK : Die seun wat daar by u kombuis ingebring is, is hy 'n seun daar van die omgewing, van die bure se kinders? (10) -- Ja, dit is 'n kind van daardie Zone.

HOF : Het u hom geken? -- Nee.

MNR. FICK : Het u hom al voorheen daar in die strate gesien? -- Nee.

Op 'n stadium toe die klipgooiery nog aan die gang was, toe hoor u daar is 'n geskreeu in die straat? -- Ja.

Wat se geskreeu was dit? -- Die geskreeuery het gegaan oor mense wat gesê het Caesar is dood.

Was dit die presiese woorde "Caesar is dood" of het hulle hom op 'n bynaam genoem of het hulle van Motjeane gepraat (20) of hoe het hulle gesê? -- Hulle het gepraat van Caesar.

Het u toe probeer kyk wat aan die gang is? -- Nee, ek het nie.

Hoe lank het die klipgooiery nog aangehou nadat u die geskreeu gehoor het? -- Nee, na die geskreeu het dit nie weer aangegaan nie.

Het u op 'n stadium later daardie dag gaan kyk buite of u die persoon Caesar kan sien? -- Ja, ek het op my erf gestaan en kyk.

Het u vir die oorledene Caesar gesien? -- Nie persoon--(30) lik nie. Ek het net gesien die klomp mense staan daar. Ek

... / dink

dink die derde of die vierde huis van my huis af, terwyl ek op my perseel gestaan het. Ek het net daar 'n plakkaat gesien, 'n kartondoos wat hulle hoog gehou het, wat daar by hom was.

HOF : 'n Hele kartondoos of 'n stuk karton afkomstig van 'n kartondoos? — Ek praat van die goed wat hulle hoog gehou het. Dit is die plakkate. Ek het 'n plakkaat daar gesien.

MNR. FICK : Die plakkaat wat u gesien het, het hy plat gelê op die grond of hoe het hy gelê? Waar het u hom gesien? — Dit het so gestaan.

HOF : Skuins 45° hoek. (10)

MNR. FICK : Weet u waarteen hy so gestaan het? — Nee, ek het nie geweet nie.

Het u gesien of die oorledene Caesar se huis die dag beskadig was? — Ja, ek het gesien.

Wat het u gesien hoe is hy beskadig? — Die huis was aan die brand.

Is daar 'n motorhuis op die perseel? — Ja, daar is.

Het dit gebrand of was dit nog heel? — Dit was ook aan die brand gewees.

Was daar enige voertuie op die perseel? — Ja, daar was. (20)

Hoeveel? — 'n Kombi, Cressida en 'n van.

Was enige van hierdie voertuie in die motorhuis? — Ja, die Kombi en die Cressida was in die motorhuis wees. Die van was net buite die deur geparkeer. Dit wil sê die kombuisdeur.

Al drie was uitgebrand? — Ja.

Het u gesien hoe hulle aan die brand geraak het? — Nee, ek het nie.

Wanneer het u vir die eerste keer gesien dat hierdie huis en voertuie brand? — As gevolg van die geraas van die mense daar buite van "Hoe, hoe", het ek en my man gaan loer (30) deur die venster om te sien wat gebeur. Ek het opgemerk dat

... / daardie

daardie huis aan die brand was en toe weer teruggehardloop na die slaapkamer toe.

Toe u gesien het die huis is aan die brand, was dit voor u gehoor het dat mense skreeu Caesar is dood of was dit daarna? — Ek het eers gesien dat die huis aan die brand was.

Was dit voor of na die klomp mense wat klippe gegooi het teruggekom het, die tweede keer? — Dit is toe hulle die tweede keer teruggekom het na die polisie weg was.

Het u enige ander beseerde persoon gesien daar in die omgewing behalwe die een wat u gesien het daar by die plak-(10) kaat?

HOF : Na die klipgooiery opgehou het?

MNR. FICK : Na die klipgooiery opgehou het? — Na die klipgooiery?

K145 HOF : Toe alles nou weer stil was na die klipgooiery opgehou het, het u gesien daar is 'n klomp mense, daar lê iemand wat u gedink het is Caesar met 'n plakkaat. Nou vra die advokaat het u nog iemand anders gesien wat beseer is? — Ja, ek het iemand anders gesien.

Wie was dit? — Dit was 'n onbekende persoon. (20)

MNR. FICK : Waar was hy toe jy hom gesien het? — In dieselfde straat van ons op 'n erf van 'n ander huis 'n entjie voor.

Kon jy sien hoe die man beseer was? — Nee, ek was ook nie by hom nie.

Het u vir Matipedi weer gesien na alles oor is? — Ja, ek het hom gesien.

Waar het u hom gesien? — By die huis langs aan Caesar s'n op die perseel by die hek.

Was die persoon lewendig of wat was sy toestand? — Nee, hy was dood. (30)

Kon jy self sien hoe hy beseer is? — Nee.

... / Na

Na alles nou stil was, het daar 'n persoon by u huis aangekom? — Ja.

Wat wou die man gehad het? — Die persoon het by ons kom verneem waar is Caesar.

Het hy enigiets by hom gehad? — Ja.

Wat het hy by hom gehad? — 'n Kamera.

Het u hom toe verwys na die plek waar u dink die oorledene Caesar was? — Ja.

Het u gesien wat hy daar gemaak het? — Ja, ek het.

Wat het hy gemaak? — (Getuie demonstreer) (10)

HOF : Die kamera opgelig, met die hande aan die kante van die kamera en die ding voor sy gesig gehou. — Ja.

MNR. FICK : Was daar 'n klomp mense om hom om te kyk wat maak hy daar? — Ja, daar was mense gewees.

Het u hierdie man vantevore geken? — Ek sal hom nie eers kan uitwys nie. Ek ken hom nie.

Kon u enigiets aan hom sien dat hy 'n verslaggewer is of heeltemal 'n privaat persoon of 'n polisiefotograaf of iets van die geaardheid? — Ek weet nie wat die verskil is tussen 'n man wat vir die koerant werk of 'n polisieman of 'n privaat (20) man nie. Ek het hulle nog nie vantevore gesien nie.

Wat het hierdie persoon vir u kom vra direk toe hy daar by u kom? Wou hy weet wat het gebeur of het hy spesifiek kom soek na die persoon Caesar? — Hy was op soek na Caesar, want hy het vir my gevra "Waar is Caesar dood hierso?"

CROSS-EXAMINATION BY MR BIZOS : You are the wife of Mr Mogatla who gave evidence here? — Yes.

He told us that he gets the 06h15, 06h20 bus in the morning? That is to go to work. Is that right? — Yes.

And you told us that you were actually woken up by the (30) trouble that occurred that morning? — That is true.

... / So

So, the stoning and the shooting started shortly after 06h00? -- Yes.

Let me describe to you how I understood your husband's evidence and tell us whether you agree with it. There were a number of attacks during that day with stones against Caesar's house? -- Well, I do not know. That is how he saw it happening.

By a number of attacks I mean this, that there was stonethrowing and then Caesar and the other person, his bodyguard would come out and shoot the stonethrowers? -- No, I cannot(10) testify about what my husband has told this Court. I can only testify about what I saw happening. He related what he saw happening and I am relating what I saw happening.

Alright, I can understand that, but do you not agree that from time to time there was an attack with stones, shooting and a withdrawal of the people that were throwing stones? -- That is what I said.

The people who were being shot at, would jump behind fences and go behind houses in order to avoid the shooting? -- That is true. (20)

And that Caesar and his companion who was also armed, did not confine themselves to shooting from inside the house, but that they came onto the yard, in the space between his house and the fence? -- Yes, that is true.

COURT : Did you notice them shooting from the house itself?

-- No, I did not see that.

MR BIZOS : Did you only see them shooting from the open space?

-- Yes.

Did people, when there was this shooting, also take cover and run into the lane, because that would be out of the (30) line of fire? They could not shoot round the corner, so to

... / speak

speak? -- That is true.

So, would you agree that people would then come out of the lane and behind the fences in order to attack Caesar's house again? -- Yes.

Can you tell us more or less about what time the police arrived there? -- No, I did not look at the time.

In relation to the bringing in of the wounded child, was the wounded child brought in first and then the police came or had the police been there and then the wounded child was brought in? -- The police had left when the child was (10) brought.

Was there any talk as to who was responsible for the wounding of the child? -- No, there was no talk about that.

What did you -- let me put it this way. How long after the police left was the child brought to your house? -- It was a short time. Not long after the police had left, there was a stone-throwing while Caesar was shooting. Immediately thereafter the child was brought into my house.

So, the child was brought into your house after there had been stoning after the departure of the police? -- Yes.(20)

Did the shooting of the child lead to a noise being made, a noise of despair or a noise of anger or any special noise that the child had been shot? -- My evidence is, me and my husband were in the house. When I emerged coming for the first time to the kitchen, the child was already in the kitchen.

Did you watch the stone-throwing before - after the police left and before you saw the child? Did you watch the stone-throwing? -- Not continuously. My watching the incident there was as follows. I would go there and stand for a very short while and look what was happening and then again run (30) away from where I was watching.

In relation to the bringing of this child, when did you see these posters there? Do you remember when you saw the posters? Do you remember whether it was before or after or do you not remember? -- I first saw the placards which were held by these people coming up that lane. Prior to that there was no bloodshed yet.

When you say bloodshed to you include the wounding of the child? -- That is so.

So, you saw the placards before the wounding of the child?
-- Yes. (10)

When the child was wounded, did the stone-throwers take cover, so to speak? -- No, I do not know. I believe so, but I was not watching them.

These people that were coming up the lane, were they the people who had taken cover away from the shooting shortly before that? -- No, I do not know, because these people were not known to me. I am not aware if those were the same people or not.

COURT : How much time passed between the quiet brought about by the police, when the police left and the placard bearers (20) coming onto the scene? -- Under correction it can be 15 to 20 minutes. I cannot say with certainty.

MR. BIZOS : Were people during the stone-throwing and the shooting moving to the left of Caesar's house as you were looking or to the right Caesar's house as you were looking and down the lane? -- The structure of my house is not like the other houses which are existing in that street. The other houses are facing either east or west or north or south. The structure of my house is at an angle. From this angle, being in my house, I can see or have a full view of Caesar's (30) house.

I think the question was whether people scattered at the time of the shooting in all three directions? — They scattered running to any direction.

And when they came back, they came back from all the directions? — Yes.

HERONDERVRAGING DEUR MNR. FICK : Geen vrae.

ASSESSOR (MNR. JOUBERT) : Die eerste keer toe u uit die huis gegaan het, by die agterdeur uit, is u deur die klip getref? — Ja.

En dit was toe u besig was om die wond te verbind dat (10) die beseerde kind in die huis ingebring is? — Ja.

Die tweede keer het u by die voordeur uitgegaan en in die steeg opgestap? — Nee, ek was nooit by die voordeur uit nie.

U het getuig dat u in die steeg opgeloopt het?

HCF : Nee, sy het nie so gesê nie.

ASSESSOR (MNR. JOUBERT) : Vanwaar het u die plakkate gesien? Vanuit u huis? — Ja, ek was in die huis.

Ek wil net duidelikheid hê. Die plakkate het u gesien voor of na die beseerde kind ingebring is? — Voor die kind beseer was, het ek die plakkate gesien. (20)

Was dit nadat u die wond teen u kop gekry het? — Ja.

GEEN VERDERE VRAE.

HOF VERDAAG TOT 14h00.

HOF HERVAT OM 14h00.

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MNR. HANEKOM : Ek roep Arthur Jokozela. Dit is ook 'n raads-lid. Hy sal ook getuig oor die gebeure van sy verkiesing tot by 3 September. Dit is paragraaf 77(15)(iv), bladsy 360 en volgende.

ARTHUR ZULU JOKOZELA, v.o.e. (Deur tolk)

ONDERVRAGING DEUR MNR. HANEKOM : Mnr. Jokozela, waar woon u tans? — 19761 Zone 14, Sebokeng. (30)

U het ook daar gewoon gedurende November 1983? — Dit is

... / reg

reg.

Wat was u beroep in November 1983? -- Ek is die eienaar van 'n droogskoonmaakfabriek te Sebokeng.

Waar is dit geleë? -- 8139 Zone 7A, Sebokeng.

Besit u die besigheid steeds? -- Ja.

Het u in November 1983 gestaan vir die verkiesing van raadslede as 'n kandidaat in Lekoa? -- Ja, dit is so.

Vir watter wyk? -- Wyk 27.

Het u voor die verkiesing, verkiesingsvergaderings gehou? -- Ja. (10)

Hoeveel? -- Vier.

Kan ek net duidelikheid kry voordat ek aangaan, wyk 27 is dit in Sebokeng? -- Nee, dit is in Sharpeville.

Hoe was die opkoms oor die algemeen op die vier verkiesingsvergaderings wat u gehou het? -- Ek skat dit ongeveer die eerste vergadering wat ek gehou het, was die bywoning ongeveer die aantal van die beskuldigdes voor die hof.

HOF : Een-en-twintig.

MNR. HANEKOM : Was dit in 'n saal of was dit 'n huisvergadering? -- In 'n huis. Eintlik nie binne-in die huis nie, maar op (20) die erf van daardie huis.

En die orige drie vergaderings, was dit almal huisvergaderings of was dit in 'n saal gewees? -- Die ander twee was ook maar by die huise gehou, behalwe die derde een van die wat oorbly. Dit was by 'n skool gehou.

Hoe was die opkoms by die een wat by die skool gehou is? -- Daar was baie mense gewees. Omtrent hierdie hofsaal vol.

Het u by enigeen van die vier vergaderings probleme ondervind met intimideerders, mense wat die vergaderings probeer opbreek het? -- Nee, geen probleme nie. (30)

Was u suksesvol in die verkiesing? -- Nee, ek was nie

... / suksesvol

sukcesvol nie. Ek het verloor.

Is dit korrek in Junie 1984 was daar 'n tussenverkiesing vir wyk 37? -- Ja, dit is.

HCF : In watter gebied? Ook Sharpeville? -- Wyk 37 is in Sebokeng.

MNR. HANEKOM : Hoeveel kandidate het gestaan vir die verkiesing? -- Vyf.

Het u weer verkiesingsvergaderings gehou voor die verkiesing? -- Ja, ek het.

Hoeveel? -- Aangesien ek dit nie kan onthou nie, mag (10) ek 'n bietjie na my notas hier verwys? Ek het vyf vergaderings gehou voor hierdie verkiesing.

Sonder om op die detail van elkeen in te gaan, het u op enige van die vyf vergaderings enige probleme ondervind? -- Nee, geen probleme nie. Almal wat daar was, was bly gewees.

Die verkiesing het plaasgevind 12 Junie. Is dit reg? -- Ja, dit is so.

Was u hierdie keer suksesvol? -- Ja, ek was suksesvol gewees. Hierdie keer was ek.

Kan u onthou hoeveel stemme u op u verenig het? -- (20) Mofokeng het drie stemme gekry. Lionel Mofokeng is sy naam. Velile Mshembu het sestien gekry. Stephen Mofokeng het een-en-twintig gekry. Augustus Galate het ook een-en-twintig gekry. Ek is nou die laaste persoon met tweehonderd een-en-dertig.

Verteenwoordig u steeds die wyk? -- Ja.

Was daar die dag, 12 Junie met die verkiesing self enige probleme by die verkiesingslokaal? -- Nee, geen probleme nie, behalwe natuurlik blykskap, want ek het besef nou gaan ek deur.

Toe u in die Raad kom in Junie 1984, was die Raad besig met die begroting. Is dit reg? -- Ja, alhoewel hulle nou (30) eintlik aan die einde van die hele ding was.

En die Raad het besluit om die huur te verhoog met R5,90 en R5,50 onderskeidelik? — Ja, dit is so.

Wat was die rede wat genoodsaak het dat die huur verhoog moes word? — Daar was verskillende redes gewees. Byvoorbeeld die masligte, die verfwerk aan die hostel self, die oprigting van "storm water canals", verbetering van paaie en nog ander goed by wat ek nie nou kan onthou nie.

Was daar verbeterings wat u spesifiek vir u wyk wou deurvoer? — Ja, byvoorbeeld die verfwerk van die hostel. Dit was in my wyk gewees. (10)

Om duidelikheid te kry, is daar in u wyk hostels? — Ja, die wyk waar ek is is net hostels wat daar is. Dit is wyk 37.

Wat wou u daar doen? — Die verbetering van paaie daar en die koop van matrasse en koop van rooklose stowe. Ek kan nie nou alles sommer uit my kop uit onthou nie.

Is dit korrek dat op 5 Augustus 1984 het u 'n vergadering gehou in u wyk? — Ja, dit is so.

Waar het die vergadering plaasgevind? — In die hostel self.

Was daar baie mense teenwoordig? — 'n Goeie klomp was (20) teenwoordig.

Wat was die doel van die vergadering? — Dit was om 'n verduideliking oor te dra aan die mense wat die besluit was aangaande die begroting met betrekking tot die R5,50 en R5,90.

Was daar teenkanting van die kant van die gehoor teen die verhoging? — Nee, daar was nie.

HOF : Sou elke hostelbewoner R5,90 elk meer moes betaal? — Nee, dit was die stelsel vir die huise in die lokasie. Die hostel word bereken per bed geregistreer.

Is die hostel se gelde ook opgesit? — Ja, dit was ook (30) verhoog, maar nie met R5,90 nie.

MNR. HANEKOM : Met hoeveel was dit verhoog? -- Ek het ongelukkig nie die syfers by my nou nie. Ons tesourie het die syfers wat die verhoging was.

Was die mense tevrede gewees met die verhoging? -- Ja, hulle was bly gewees. Hulle was so tevrede dat sommige van hulle sommer onmiddellik begin betaal het op daardie datum en die geld was aan hulle terugbetaal.

Op 29 Augustus 1984 het 'n klompie van die raadslede 'n vergadering gehou in Bophelong. Is dit reg? -- Ja, dit is so.

Was u ook by die vergadering? -- Ja, ek was. (10)

Die vergadering was binne-in 'n saal gehou. Is dit reg? -- Ja.

Was u binne-in die saal of buite? -- Ek was 'n wag daar buite by die voertuie.

Watter voertuie was dit? -- Die raadslede se voertuie.

Was u alleen daar 'n wag of saam met ander mense? -- Ek skat ongeveer vyf van ons was daar gewees.

Was u almal raadslede? -- Ja.

Waarom het u buite by die voertuie gewag? -- Dit was 'n voorafgaande reëling dat dit so gedoen moet word as gevolg (20) van die inligting wat ons alreeds gehad het aangaande die vergadering van die 5de, waar die mense van hierdie gebied Bophelong nie tevrede was nie. Dus het ons dit in gedagte gehad dat die mense dalk klippe sal gooi. Ons moes dus beskerming verleen het.

Kon u vanwaar u buitekant was enigsins sien wat binne-in die saal gebeur? -- Nee, ek kon nie sien nie.

Wat het toe daar gebeur die aand? -- Ek het mense opgemerk wat skielik uit die saal uitgevlug het. Die persone het gesê die ligte is afgeskakel daar binne. (30)

Was dit lank na die vergadering sou begin of kort daarna?

... / Dit

-- Dit was net 'n rukkie gewees na die aanvang van die vergadering.

Wat gebeur toe? -- Dit was toe vir ons duidelik dat elkeen die hasepad moet kies en weet hoe om by sy kar uit te kom en weg te kom van die toneel af.

Wat het u gedoen? -- Ek het op my per geklim en padgegee.

HOF : Dit is nou figuurlik gesproke? -- Dit is korrek.

MNR. HANEKOM : Het u op u eie Bophelong verlaat of was u onder begeleiding van die polisie? -- Daar was polisie gewees. Toe ons daar weggery het, het die polisie ons van agter af (10) beskerm, want die mense was besig om ons met klippe te gooi.

Is u voertuig raakgegooi? -- Ja, hulle het gegooi, maar nie raakgegooi nie.

Net om een stappie terug te gaan. Voordat u die perseel verlaat het, het u gesien of die polisie by die saal ingaan of nie? -- Daar is twee polisiebeamptes wat die saal binnegegaan het tesame met die raadslede. Dit is op die stadium toe hulle nog daar ingegaan het.

HOF : Dit is toe die raadslede aangekom het? -- Ja.

MNR. HANEKOM : En na dit, het u ooit weer polisie sien (20) ingaan in die saal? -- Nee, ek het dit nie gesien nie. Daar is iets wat ek moet verduidelik. Daar was twee ingange gewees. Ek was by die een ingang. Met die gevolg is ek sal nie weet wat gebeur het by die ander ingang nie, want my uitsig was versper.

Ons kom nou by 'n week of twee voor 3 September 1984. Is dit korrek dat u in daardie tyd pamflette in die hand gekry het? -- Nee, nie 'n week voor dit nie. In daardie week net voor die 3de, die Maandag, het ek pamflette gekry.

Hoe het u dit gekry? -- Dit was daar by ons winkels (30) versprei.

U Edele, ek gaan verwys na BEWYSSTUK AN(15)(11). Dit is reeds ingehandig op 'n vorige geleentheid. Ek toon net aan u 'n afskrif van 'n pamflet. -- Ja, dit is die een.

Die pamflet is reeds ingehandig deur 'n vorige getuie. Ons kan dit daar laat. Wat het u gedoen die nag van 2/3 September, die Sondag, 1984? -- Ek het 'n voertuig gebruik om by die winkel te gaan kyk wat gebeur daar. Dit is die oggend van die 3de.

Hoe laat? -- Om 02h00.

Die nag? -- Ja.

(10)

Waarom het u na die winkel gegaan? -- Ek was baie ongesteld oor dit wat ons gehoor het. Ek het nie geweet wat nou presies gebeur nie.

Ek praat van 'n winkel. Dit is eintlik die droogskoonmaakbesigheid? -- Ja.

Wat het u daar gevind? -- Dit was baie stil gewees. Daar het niks gebeur op daardie stadium nie.

Wat het u daarna gedoen? -- Nadat ek myself tevrede gestel het dat alles reg is, het ek teruggekeer na die huis toe.

Het u die oggend van die 3de ongeveer 07h30 weer teruggegaan na die besigheid toe? -- Ja, dit is so.

Wat het u toe gevind? -- Dit was nog baie stil gewees.

Is daar ander besighede rondom die besigheid van u? -- Ja, daar is.

HOF : Is u in 'n winkelkompleks? -- Ja.

MNR. HANEKOM : Het die eienaars van die ander besighede hulle oopgemaak vir besigheid of nie? -- Nee, dit was toe gewees.

En u eie besigheid, het u hom oopgemaak of nie? -- Ek het toe nie oopgemaak nie.

Het u na 'n tydjie teruggekeer na u woning toe? -- Ja, (30) dit is so.

... / Wat

Wat het by die huis gebeur? — Nie lank nadat ek teruggekeer het nie, het die burgemeester se vrou daar aangekom.

Wie is dit? Wie is die burgemeester se vrou? — Issie Mahlatsi.

Ja? — Sy het toe aan my die volgende verslag gedoen. Dat ek moet gou gaan kyk, haar man is besig om dood te gaan.

Net voordat ons aangaan met die verslag. Hoe ver het die burgemeester van u af gewoon? — (Getuie dui distansie aan)

HOF : Hoe ver is dit? 'n Halwe kilometer?

MNR. HANEKOM : Ja, ek sal sê tussen 'n halwe kilometer en (10) 'n kilometer.

HOF : Wat bedoel jy met middel van die dorp? — Ek praat van die middel van die dorp — daar is 'n garage iewers op die hoek in die middel van die dorp aan jou linkerkant as jy inry hiernatoe van Nigel se kant af.

'n Kilometer en 'n half.

MNR. HANEKOM : As gevolg van die verslag wat sy aan u gelewer het, wat het u gedoen? — Sonder om enige tyd te mors het ek haar in my voertuig geneem na haar familie toe te Zone 13.

Waarvandaan ek toe na Mahlatsi, die burgemeester, se huis (20) toe gegaan het om te gaan kyk wat gebeur het.

HOF : In watter deel is hy? — Zone 11.

MNR. HANEKOM : Wat het u daar by sy huis aangetref? — Daar was net vlamme gewees toe ek daar aankom.

Het die huis gebrand? — Ja, dit is so.

En mnr. Mahlatsi self, was hy nog daar? — Nee, hy was nie daar nie.

Wat het u toe gedoen? — Ek het navraag gedoen by die omstaanders wat gekyk het na die vuur om te verneem waar Mahlatsi is. (30)

Het u hom later die dag opgespoor? — Nee, ek het hom nie

... / opgespoor

opgespoor nie.

Waar het u die res van die dag deurgebring, 3 September 1984? — Ek het daar in die huis weggekruip.

In u eie huis? — Ja.

Is u huis aangeval die dag?— Nee, dit was nie aangeval nie.

Wanneer het u weer na u besigheid toe gegaan? — Vroeg die volgende môre.

Wat het u toe gevind? — Ek was nie persoonlik daar gewees nie. Ek het net tot naby gewees, want ek was bang om tot (10) by die plek te kom. Ek het weg van die plek af gestaan en toe my seun gestuur om te gaan kyk, want ek was bang.

Wanneer het u self weer die eerste keer na die winkel toe gegaan? — As ek nie verkeerd is nie, was dit die Woensdag of die Donderdag gewees. Ek is nie meer seker nie.

Van dieselfde week? — Ja.

Wat vind u toe? — Die plek was uitgebrand gewees. Dit was net die mure wat daar gestaan het.

Hoe groot by benadering was die skade wat u gely het? — Ek self weet nie, maar die verslag deur die mense wat later(20) daar gekom het en kom vasstel het, die assessore, het gesê dit is R38 000,00.

Ek is klaar met die gebeure van 3 September en daarna. Net een aspek. Ek wil aan u 'n pamflet wys. Dit is BEWYSSTUK AM(58). Herken u die pamflet? — Ja, ek het al die pamflet gesien.

Wanneer en waar het u dit gesien? — Voor hierdie verkiesing van 1983 het ek dit gesien.

Waar het u dit gesien? — Die kinders het dit versprei daar in die huise op ons persele. (30)

Wie het die pamflet uitgereik? — Nee, ek weet nie.

... / Onder

Onder aan die pamflet staan UDF. -- Ja, ek sien dit.

Met die adres en regs bo die embleem van die UDF. -- Ja, dit is so.

Ek handig die oorspronklike in as BEWYSSTUK AM(58).

CROSS-EXAMINATION BY MR BIZOS : You told us that you were elected in June 1984 to the council? -- That is so.

Was this the first time that you were elected to the council? -- That is so.

Had you never been a member of the council before? -- No.

Did you belong to any group or any of the parties that(10) may have developed there in Lekoa? -- I was the chairman of the Ciskei Urban Board.

COURT : What is that? -- That is the body which represents the Ciskeians in the urban areas.

MR BIZOS : Have you got a lot of Ciskeians there in the jurisdiction of Lekoa? -- Yes, there is quite a good number of them.

COURT : Is this Ciskei Urban Board an official board? -- Yes.

MR BIZOS : How many Ciskeians would you say there are in Sebokeng and neighbouring areas? -- I do not know how many (20) are there.

And does what happens in the Ciskei concern the people who live there? -- Just repeat that?

Does what happens in the Ciskei concern the Ciskeians living in the Lekoa area? -- Yes, they are interested in that.

When you were elected on 12 June, when would you say the decision was taken to increase the rent? -- On 29 June a final decision was taken.

To increase the rent? -- That is so.

This R5,90 and R5,50 increase, did not really concern (30) your constituency, your ward? -- It is true. There was an

... / increase

increase though not of the same amount.

And you told us you do not know what the amount was? --
That is so.

Did you ever find out when the proposal was first made
that the rental should be increased? -- No, I did not.

Do you know of any meetings either in May, June or July
at which people were invited to come where it was explained
to them as to the proposal that there would be an increase
or not? -- No.

Was there any discussion in the council that before (10)
we make any announcement we must - before we make any decision
let us call the people together to find out how they feel
about it? -- It was only said that people - the increment
is put into operation, let the people or the community be
called to be notified, but it was never said that before any
decision was taken about this increment, that people must be
called to discuss it with them.

Can you recall when notices went out announcing the in-
crease? -- It was a week after the 5th, immediately after the
5th. (20)

COURT : The 5th of what month?-- 5 August.

MR BIZOS : Was the letter not given out from 2 August onwards?
-- No, that one I cannot recall.

COURT : Was it posted or was it handed out or how did it
reach the inhabitants? -- If I am not mistaken these letters
were being taken to different places.

To the individual houses or at various spots? -- To the
individuals at different addresses.

MR BIZOS : Do you know anything about the Lintsana Company?
-- No. (30)

Were you not given any shares in any of the bottle-stores
... / that

that were up for sale? -- Unfortunately nothing was left over for me to take over from that.

But you are a business man? -- Yes.

Although in January an unsuccessful councillor. Did you not tender as a business man of a substantial business? -- No, I did not.

Was there any special reason as to why you did not tender? -- Money was playing the most important role. I did not have money.

Did you inquire whether any of your fellow councillors(10) had as much or perhaps a little less? -- No, I did not.

At the time of the budget meeting in June when you discussing the increase in the rentals, did you know that there was nothing left for you as far as the bottle-stores and the liquor outlets were concerned? -- Yes, I knew about that.

Did you not raise the question during the budget debate why these bottle-stores had been given to your fellow-councillors? -- No, I did not ask that.

Did you not ask why the council itself should keep the liquor outlets? -- No, I did not. (20)

Had it not come to your notice that already from January the East Rand Council, the urban councils in the East Rand were agitating and were threatening to take the Board to court if the bottle-stores were not transferred to the council? Did you not hear anything about that? -- When I got into the witness-stand here, I was told not to relate things that I heard from other people.

You have told us about some things that you have heard from other people? -- Which are those?

COURT : How far is this going to take us, because he came (30) on the scene in June when the thing was finalised or at least.

... / when

when the tenders had been accepted. He is a rookie as far as the council is concerned. You expect a bit much of him.

MR BIZOS : I appreciate that.

COURT : But tell me this, did you know that tenders were being asked for these liquor outlets? -- Yes, I heard about that.

How as it made public? -- I do not know of any way in which it was published. I just came to know about that from people who were just discussing it. Then I happened to hear about that. Otherwise it was not announced that people (10) could know without being told by others who knew about it. Then of course I do not mean that that was the position with all the other areas. I am talking about the area where I live.

WITNESS STANDS DOWN.

COURT ADJOURNS UNTIL 18 MARCH 1986.

DELMAS TREASON TRIAL 1985-1989

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