

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

I 2.8 Vol 212p 11168-11229

SAAKNOMMER: CC 452/55

DELMAS

1987-05-05

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

VOLUME 212

(Bladsye 11 168 - 11 229)

HOF HERVAT OP 5 MEI 1987.

GCINUMUZI PETRUS MALINDI, v.o.e. (Deur tolk)

MNR. JACOBS : U Edele, hier het vanoggend ook n briefie gekom dat beskuldigde nr. 13 ook vanoggend 09h30 n radioloog ... (Hof kom tussenbei)

HOF : En nr. 20?

MNR. JACOBS : En nr. 20 het die Hof reeds verlof gegee. So, albei van hulle is reeds weg.

VERDERE KRUISONDERVRAGING DEUR MNR. JACOBS : Mnr. Malindi, in die opmars sê jy was daar plakkate gewees. Hoeveel (10) plakkate was daar omtrent? -- Tussen tien en vyftien volgens my observasie.

Hierdie plakkate, was hulle merendeels gedra deur lede van COSAS? -- Nee, ek weet nie.

Wie het jy herken wat van die plakkate gedra het? -- Joseph Sithole en Keiso.

Sithole, hy was n lid van COSAS gewees vroeër? -- Ja, in die jaar 1980 was hy n lid gewees.

En hy was n aktiewe man gewees in die stigting van die Vaal Youth Congress? (20)

MR BIZOS : The witness has denied at least a dozen times that there was a body known as Vaal Youth Congress.

MNR. JACOBS : Sal ek dit dan noem, hy was n aktiewe lid in die werksgroep wat gewerk het vir die stigting van die Vaal Youth Congress?

MR BIZOS : Or a Youth Organisation.

MNR. JACOBS : Goed, jeugorganisasie? -- Ja, dit is so. Op n stadium was hy, maar later van tyd het hy weer weggeval van die mense van die werksgroep.

En Keiso? -- Hy was ook betrokke in die "working group"(30)

maar/...

maar hy het nie "regularly attend" nie.

Was hy 'n lid van COSAS vroeër? -- Nee.

Van die ander mense, het hulle COSAS T-hempies aangehad?

-- Nee.

Was dit jeugdige persone wat dit gedra het? -- Ja, van die mense wat deelgeneem het in die optog was daar 'n paar van hulle wat T-hempies aangehad het.

Wat se T-hempies? -- COSAS.

En jy het blykbaar in hierdie optog op en af beweeg op 'n stadium. Soos jy beweeg het daar, het jy COSAS lede (10) opgemerk wat jy herken het daar?

MR BIZOS : That is not a correct summary of his evidence.

What is put to him is making him a marshall more or less.

He may have changed his position once or twice in the march.

MNR. JACOBS : Jy het jou posisie verander. Jy het heel agter aangesluit, jy het opbeweeg tot 'n punt redelik voor aan die optog, deur die mense, volgens ek jou getuienis verstaan het. Is dit reg? -- Ja, dit het gebeur dat op 'n sekere stadium ek voor is en op 'n sekere stadium ek agtertoe geval het. (20)

En het jy mense van COSAS daar herken wat jy geken het?

-- Nee.

Van die jeug, die mense wat belang gestel het in die stigting en vergaderings bygewoon het van die stigting van 'n jeugorganisasie? -- Ek onthou ene Keiso, al het ek alreeds vir die Hof gesê dat hy nie gereeld bygewoon het nie. Ek dink ek het nog twee van Gebied 7 gesien wat aan my net van sien bekend is. Ek weet nie wat hulle name is nie. Een wat aan my bekend was, was Themba Mazibuko en David Radebe.

Van watter groep was hulle gewees wat waar gewerk het (30)

van/...

van watter gebied? -- Themba is van Evaton en David is van Gebied 3.

In hierdie optog, het jy opgemerk was daar van die skoolgaande jeug? -- Daar was jeug teenwoordig van die ouderdomme van jeug wat nog op skool is. Die ouderdomme is tussen 20 en 22.

HOF : Nie jonger nie? -- Miskien ook van 19.

Maar nie jonger as dit nie? -- Nee, ek het nie gesien dat daar jonger was nie.

MNR. JACOBS : Dan kom ons by h volgende punt. (10)

HOF : Stap u af van die punt?

MNR. JACOBS : Ja.

HOF : Ons wil h paar vrae vra oor die punt.

ASSESSOR (MNR. KRUGEL) : Terwyl u nou van die skoolgaande jeug praat, u sê daar was 19 tot 24-jariges in die optog en nie jonger kinders nie? -- 19 na 22.

Ekskuus. Hier was getuienis van mev. Mokoena wat bekommerd was oor haar kinders en hier was ander getuienis oor kinders van jonger ouderdomme. Waar was die woongebiede se kinders? Ek praat nou van kinders tot sê 18 jaar? -- (20)
Ek weet nie, maar jonger as 19 het ek nie by die optog teenwoordig gesien nie.

HOF : Laat ek net h bietjie agtergrond by jou kry. Ek het êrens gelees dat die persentasie van inwoners van h gebied wat jeugdige is, 16 jaar en jonger, 60% uitmaak van die inwoners van h Swartwoudbuurt. Wat sê u van daardie soort stelling? -- Ek het dit nog nie so goed opgelet om dit te bestudeer nie, maar dit is moontlik dat dit so kan wees.

Met ander woorde, dat die meerderheid van die inwoners van die woonbuurte daar kinders was van 16 en jonger? -- (30)

Nee/...

Nee, ek het misverstaan. Ek was onder die indruk gewees dat u vraag was die ouderdom is van 16 en ouer. As u sê 16 en jonger, nee, ek stem nie saam nie.

Kan ons dit anders om stel. Sou u sê dat die meerderheid van die inwoners van die gebied daar in die Vaal is nie skoolgaande of skoolgaande mense? -- Volgens my skatting is hulle omtrent ewe veel.

As dit so is, die skoolgaande jeug wat tussen 19 en 22 was wat u in die optog opgemerk het, hoeveel sou u skat was dit? -- Ek is nie positief seker nie, maar ek skat ongeveer (10) dat hulle 5% van hierdie optog - nie 5% nie, maar h vyfde van die optog gevorm het.

20%? -- Ja.

Kan u enige rede gee waarom daar geen enkele kind van 18 en jonger in daardie optog was wat u gesien het nie? -- Al rede wat ek kan verstrek is dat met my verbygaan by h skool bekend as Kgotlo Tharu Skool het ek opgemerk dat op die perseel van die skool daar, daar baie kinders was alhoewel die skool nie oop was nie. Dus kan ek nie met sekerheid sê wat die rede was hoekom ek nie kinders van (20) daardie ouderdomme gesien het nie. Nog h rede is, met my deurgaan oor die spruit tussen Small Farms en Evaton het ek opgemerk dat kinders van Residensia Senior Sekondêre Skool op pad was vanaf die skool. Ek het aangeneem dat hulle op skool aangedoen het en gevind dat daar nie skool was nie. Dus is hulle nou op pad terug huis toe. h Moontlike rede wat ek nog kan aanvoer is dat dit net so oop gelaat was. Niemand het gesê dat ek nou die kinders sal moet gaan aanmoedig of dit bekend gaan maak aan die kinders dat die kinders ook deel moet neem in die optog nie. (30)

HOF : Het dit nie vir u eienaardig voorgekom dat die jeug, ek het altyd verstaan taamlik politiek bewus is, glad nie deelneem aan die optog nie, die jonger jeug? -- Kan u die stelling herhaal?

Het dit nie vir u eienaardig voorgekom dat die jeug van 18 en jonger nie deelneem aan die optog nie waar, soos ek dit begryp, hulle altyd taamlik politiek bewus is? -- Dit hang van u af wat u siening is van politieke bewustheid van hierdie kinders, want in hierdie geval was daar 'n spesifieke "issue" gewees, wat eintlik gemik was, dit is aangaande (10) die huur wat verhoog word. Dit het betrekking gehad op die ouers. Dus die kinders se politieke bewustheid weet ek nie hoe dit daar betrokke sou geraak het nie.

Ek kom terug na die eerste deel van my vraag. Het dit vir u eienaardig voorgekom of nie dat die kinders nie deel uitmaak van die optog nie? -- Nee, dit was nie eienaardig nie.

Was u broer in die optog, Amos Malindi? -- Nee, hy was nie daar nie.

Waar was hy? -- Hy was by die werk. (20)

In stryd met die "stay-away"? -- Ja, in stryd met die beroep van die wegbly-aksie.

Kan dit gesê word dat die kinders 'n ander georganiseerde ding aan die gang gehad het op daardie oggend? -- Na aanleiding van wat ek vroeër daar gesien het, dit wil sê die kinders by Kgotlo Tharu Skool en die kinders wat ek gesien het toe ek in die nabyheid van die spruit was, sal ek sê dat die kinders nie met iets besig was wat organiseer was vir die môre nie, maar dat hulle nie die beroep gekry het nie. So die boodskap het hulle nie bereik nie. (30)

Indien dit beweer sou word in hierdie saak dat die kinders op daardie oggend besig was met 'n georganiseerde opstand of oproer, wat sou u antwoord daarop wees? -- Ek sal sê in antwoord by die vergadering wat ek in Augustusmaand bygewoon het was daar geen aanduiding gewees dat die kinders 'n sekere rol moet speel nie en in die loop van daardie week, na die vergadering, het ek niks verneem wat gesê was dat dit deur die kinders uitgevoer sal moet word nie. Wat die dag van die 3de ook betref het ek niks te hore gekom wat in daardie dag gebeur het as gevolg van die kinders se optrede (10) wat georganiseer was nie. Om daardie rede is ek nie bereid om toe te gee dat die kinders enigiets georganiseerd gedoen het op hierdie betrokke oggend nie.

ASSESSOR (MNR. KRUGEL) : Wat byvoorbeeld van die getuienis van mev. Nkiwane oor die kinders wat haar huis aan die brand gesteeke het? -- Ek is nie op hoogte van haar getuienis nie, die eintlike oorsprong daarvan nie en ek dra geen kennis hoe hierdie voorval plaasgevind het nie. Dus is ek nie in staat om kommentaar te lewer daaromtrent nie. Die rede daarvoor is dat ek geen kennis dra hoegenaamd van wat (20) beplan was gedoen moet word deur die kinders nie.

MNR. JACOBS : Die volgende aspek wat ek met jou wil behandel is vir hoeveel jaar was jy verbonde aan COSAS self in die Vaal? -- Sedert Maart 1980 tot en met Mei 1982.

Vir 'n deel van daardie tydperk was jy die voorsitter van die COSAS tak van Vaal? -- Ja, dit is korrek.

En die ander deel van die tyd, die laaste deel van die tyd, was jy organiseerder of sekretaris? -- Publicity secretary.

In die Vaal - die COSAS tak het - is ek reg om te sê (30)

dat/...

dat die skole of sal ek sê die senior skole wat senior leerlinge het ingesluit was? -- Ja, dit het lede gehad in die hoërskole.

En dit is van die hele Vaal? Al die gebiede in die Vaal? -- Daar is van die hoërskole waar ons nie lede gehad het nie.

Die plekke waar - kan jy vir die Hof sê hoeveel hoërskole ongeveer was daar wat onder die jurisdiksie geval het in die sin dat julle lede gehad het daar in die Vaal?

HOF : As ek reg onthou was hulle almal opgenoem by naam. (10)
Waarom moet ons nou weer daar deurgaan?

MNR. JACOBS : Ek wil net een punt daaruit maak.

HOF : Maak u punt. Moenie dat ons dit weer afskryf nie.

MNR. JACOBS : Op elke so 'n skool het julle 'n verteenwoordiger gehad van COSAS? -- Ek het skole genoem waar ons lede gehad het en hierdie lede het ons aangemoedig om SRC's te stig by daardie skole.

HOF : Kan ek die ding net begryp. Op voorbeeld van die VCA, die VCA het 'n sentrale komitee en dan het hy "area committees", gebiedskomitees gehad. Het COSAS Vaal ook so gewerk met 'n (20) sentrale komitee van COSAS Vaal en dan komitees op die verskillende skole waar hulle lidmaatskap gehad het? -- Ons het net een komiteeliggaam gehad in die Vaal van COSAS. Wat dan verder gebeur het was die skole het dan SRC's gestig en dit was genoem 'n SRC in daardie betrokke skool en dit het nie 'n lid van die COSAS komitee gehad nie, in die sin dat hulle nie genoem was COSAS komitee nie, maar net as SRC genoem van die skool.

Ja, maar nou die lede van COSAS wat op 'n skool is, het hulle nie 'n groepie gevorm of 'n organisasie gevorm of 'n (30)

soort/...

scort verband met mekaar gehad nie? -- Nee.

Was die gedagte dat die SRC COSAS lede moet bevat? -- Ja, as daar 'n SRC is by 'n skool wat gestig is, het COSAS se lede die reg gehad om by die SRC aan te sluit.

Hoe sluit 'n mens daarby aan? -- Op die volgende manier. Die SRC het byvoorbeeld 'n komitee. Ek sal hierdie voorbeeld maak. Sepothemba Students' Representative Council is die komitee wat daar is namens die SRC. Dan sal die studente wat by SRC wil aansluit by hierdie komitee gaan aansluit as lede van SRC. (10)

En dan sal hulle toegelaat word? -- Ja, dit is so.

Dus 'n SRC is 'n soort vereniging? -- Dit is 'n skool-organisasie by daardie betrokke skool.

Wat die skool bestuur? -- Nee, nie dat hulle die skool bestuur nie, maar as studente byvoorbeeld probleme het daar en klagtes wat hulle wil oordra, dan sal hulle dit doen deur die SRC wat dit sal oordra aan die skoolowerhede.

MNR. JACOBS : Het die SRC's nie geaffilieer by COSAS, die liggaam in Vaal nie, in die Vaal self. Die SRC's is dan geaffilieer by COSAS Vaal? -- Nee, dit was nie geaffilieer (20) nie, maar wat gebeur het was die volgende. Dit het afgehang van 'n persoon of die persoon nou besluit het om 'n lid te word van die SRC en ook as 'n lid aan te sluit by COSAS.

En by die skole waar COSAS Vaal beheer gehad het in jou tyd, is dit nie so dat die SRC's is juis gestig met COSAS lede nie?

MR BIZOS : Beheer oor wat?

HCF : Daar is nog nie getuienis dat daar beheer was nie. Daar is getuienis dat daar takke was. Of dat daar COSAS lede was. (30)

MNR. JACOBS : Eintlik vra ek hom n vraag.

HOF : Nee, maar u vraag veronderstel dat COSAS beheer gehad het. U kan sê dat COSAS bestaan het.

MNR. JACOBS : Die lede van COSAS, .COSAS self waar was hulle gewees? Was almal skoolkinders gewees of was daar lede buitekant? -- Tot en met Mei 1992 was daar lede van COSAS wat nie voltyds op skool is nie.

Waar was die meeste van die lede, die groot meerderheid? Uit die skoolbanke of buite lede? -- Die meerderheid was voltydse skoolkinders. (10)

Was daar n beperking, n ouderdombeperking gewees vir lede, om lede te word van COSAS? -- Nee, COSAS het net in die hoërskole georganiseer. Ek kan nie onthou dat daar n ouderdombeperking was nie.

In jou tyd het die skoolkinders almal in daardie skool wat jy genoem het behoort aan COSAS?

MR BIZOS : The evidence was precisely the contrary.

HOF : Ja, maar u kan dit weer vra. U kan hom nie elke keer in die rede val nie. As sy hoofgetuienis is dat daar net vierhonderd was, is hy seker geregtig om te vra of almal (20) lid was.

MR BIZOS : No, the objection to the question is that the schools were members.

HOF : Nee, al die persone in die skool, al die leerlinge was. Herhaal die vraag.

MNR. JACOBS : Die skole wat jy opgenoem het, al die leerlinge in daardie skole was hulle lede van COSAS gewees? -- Nee.

Was dit die beleid van COSAS gewees dat hulle ook belang het in die gemeenskapsaangeleenthede, soos die hoë huur en dat hulle die gemeenskapsorganisasies wat daar was (30)

moes/...

moes steun in daardie opsig? -- Sover as wat ek kan onthou was daar geen so 'n ooreenkoms gewees by COSAS dat hulle nou deel sal neem aan die gemeenskap se probleme of se doen en late nie. Selfs die ondersteuning van die organisasie van die gemeenskap, maar dit het gebeur af en toe dat daar lede van COSAS hulle self betrokke laat raak het in sekere dinge wat te doene gehad het met die gemeenskap.

Is dit nie so dat die algemene beleid was dat verlang word dat die ouers en lede van die gemeenskap steun moet gee aan die aktiwiteite van COSAS nie en dat CCSAS ter- (10) selfdertyd ook hulle steun sal gee aan die aktiwiteite van ouerverenigings en ander gemeenskapsverenigings nie? -- Daar was nog nie 'n ooreenkoms gewees nie, maar dit was al bespreek gewees dat aangesien die skooloutoriteite ons klagtes as kinders nie ernstig beskou nie, hoe sal dit wees om die gemeenskap, dit wil sê die ouers, te betrek in ons probleme wat ons cordra aan die skoolowerhede om ons te ondersteun vir ons klagtes om dan meer gewig te dra met hulle ondersteuning. Toe my lidmaatskap beëindig is by COSAS het ons nog nie daar uitgekom om die ouers te rooi en (20) dit met die ouers te bespreek nie, dat ons van hulle ondersteuning vra in daardie opsig.

En ek wil dit aan jou stel dat in die Vaal in die besonder het COSAS gedurende 1983 en 1984 deelgeneem aan die vergaderings van die VCA na sy stigting? -- By die vergaderings wat ek in die jaar 1984 bygewoon het van VCA het ek geen rol gesien wat deur COSAS gespeel was daar nie. Ek weet nie of ek dit mag noem nie. Op 'n stadium was daar 'n misverstand gewees tussen Jacob Masangani en Esau Raditsela. Dit het gegaan oor sekere publikasies. As gevolg daarvan (30)

kry/...

kry ek dan die indruk dat die persone nie goed klaargekom het in die jaar 1984 nie.

HOF : Jacob Masangani, wat was hy? -- Ek weet nie wat se amp by COSAS hy beklee het nie. Ek kan onthou dat op 16 Junie 1984 COSAS die toestemming aan VCA geweier het om iets te sê by daardie herdenkingsdiens.

Hoe weet u dit? -- Na aanleiding van die vraag wat ek aan Amos Malindi, my broer, gerig het of daar enige spreker was van VCA by hierdie vergadering, het hy my meegedeel dat COSAS VCA toestemming geweier het om enige toesprake te (10) maak.

ASSESSOR (MNR. KRUGEL) : Is dit nou COSAS wat vir VCA toestemming geweier het of was dit VCA wat vir COSAS toestemming geweier het? -- COSAS het die toestemming geweier, dit wil sê toe VCA gevra het om h toespraak te lewer.

MNR. JACOBS : Na wat se publikasies het jy verwys waaroor die twis was?-- SASPO National papiere.

Wat was die twis oor SASPO National papiere? -- Volgens van wat ek van Esau verneem het het Esau die publikasies gaan kry in Johannesburg, dit is die SASPO National. Hy (20) het al die publikasies weggeneem en toe COSAS Johannesburg toe is om hulle gedeelte van die publikasies te gaan kry, was hulle toe meegedeel dat alles aan Esau gegee was. Dit was die twis gewees, hoe kan COSAS se publikasies ook aan Esau gegee word. Wat dan toe gebeur het is dat Jacob Masangani toe na Esau toe is. Met sy aankoms daar het hy alles wat h publikasies was van SASPO weggeneem en niks vir hulle daar oorgelaat nie.

Kry VCA en COSAS publikasies van Johannesburg af? -- Dit is wat aan my vertel was aangaande die SASPC National(30) publikasies/...

publikasies.

En dan word hierdie publikasies versprei op die vergaderings en verkoop? -- Dit word verkoop.

En op elkeen van hierdie algemene vergaderings?

HOF : Is dit 'n algemene vergadering of 'n openbare vergadering?

MNR. JACOBS : Openbare vergaderings, die massa vergaderings?

-- Nie by almal nie.

By almal dié wat VCA gehou het, is hulle daar verkoop? -- By die herdenkingsdiens van Junie 16, 1984 onthou ek dat ek gesien het dat daar verkoop word. As my geheue my nie (10) in die steek laat nie, ook in 1983.

HOF : By dieselfde herdenkingsdiens? -- Ja. 16 Junie.

MNR. JACOBS : By watter vergaderings het jy gesien is verkoop?

-- In die meeste gevalle het ek opgemerk dat dit verkoop word by die herdenkingsdienste. Byvoorbeeld 16 Junie en 21 Maart.

Is dit verkoop deur beide VCA en COSAS? -- Nee, ek was nog nie teenwoordig by 'n vergadering van VCA waar hierdie publikasies deur VCA verkoop was nie.

Wat het VCA gemaak met dit wat hulle so baie gaan vat het? -- Ek weet nie wat hulle daarmee gedoen het nie. Ek het (20) aanvaar dat hulle dit ook verkoope het.

Was dit ook The Eye en UDF News wat daar versprei was in die Vaal? -- Ek onthou dat ek kopieë van The Eye alreeds in my besit gehad het in die Vaal Triangle. Dit was net een keer en ek kan nie onthou dat dit verkoop word nie. Ek het al 'n UDF News gehad.

En Speak? -- Ek het al 'n Speak gehad maar ek kan nie met sekerheid sê of ek dit nou by vergaderings gekoop en of ek by ander plekke bekom het nie.

Jy sien, ons het bewysstukke hier by jou gekry, onder(30)

andere/...

andere BEWYSSTUK AU6. Dit is n SASPO Focus van Desember 1982, dan n Speak van Januarie 1984, BEWYSSTUK AU7. Dan is BEWYSSTUK AU8 is n SASPO National van November 1983. BEWYSSTUK AU9 is n UDF News van November 1983. Hierdie dokumente, het jy dit nie daar op die vergaderings gekry waar jy dit bygewoon het dat dit daar verkoop was nie? -- Soos ek alreeds gesê het, hierdie publikasies in die meeste gevalle was bekombaar by die herdenkingsdienste waar ek dit gekoop het. Partykeer in Johannesburg spoorwegstasie kry jy miskien wat daar staan en die goed verkoop. As ek daar(10) verbykom, dan koop ek dit daar.

Ek wil afsluit met hierdie punt oor COSAS. Sal jy met my saamstem dat na alle VCA vergaderings en ook vir die opmars is daar n spesiale uitnodiging aan die kinders om ook teenwoordig te wees, vergaderings by te woon of om ander aktiwiteite te steun van VCA? -- Ek herken dat hier voor die Hof dokumente voorgelê was waar mense genooi word. In die uitnodiging word daar spesifiek melding gemaak van die kinders. In die konteks waaronder die woord gebruik word van kinders weet ek van en dit gee n sekere beskrywing van(20) sekere kinders wat ek van weet, soos deur my aan die Hof beskryf is en volgens my kennis van die gebruik van daardie woord in die konteks. Ek stem nie saam met hierdie stelling as u sê dat hulle genooi word met die doel dat hulle sekere take moet uitvoer nie. My antwoord daarop is dat hulle word genooi om teenwoordig te wees met die bespreking van wat ook al bespreek moet word.

En sal jy met my saamstem, is dit reg so dat die resolusies, almal wat geneem was, was met insluiting van die jeug of die kinders? -- Ja, ek erken dat die jeug of kinders ook(30) teenwoordig/...

teenwoordig was met die neem van die resolusies daar.

En dat hulle spesifiek ingesluit is deurdat vir die wegbly-aksie was dit besluit dat skole moet ook daardie dag toe wees? -- Ek erken dat die onderwysers ook genoem was as persone wat deelneem aan die wegbly-aksie, maar ek dra geen kennis daarvan dat daar 'n uitnodiging was spesifiek aan die kinders waar dit aan die kinders duidelik gemaak was dat die kinders nie skool toe moet gaan nie.

Is dit nie nou vir jou 'n baie snaakse antwoord wat jy nou vir ons gee nie? Aan die een kant dan vra julle die (10) kinders moet kom na die vergaderings toe om deel te neem aan die besprekings en nou, wanneer dit by die wegbly-aksie kom en die optog, dan sê jy die kinders is nie uitgenooi nie. Daar sou ook mos nou die klagtes gaan oorgedra word? -- Nee, ons verstaan mekaar nie goed nie. Ek sê ek erken dat die kinders teenwoordig was met die resolusies wat daar geneem was en ek erken dat daar melding gemaak was in hierdie wegbly-aksie van die onderwysers en predikante. Dit was spesifiek gewees. Wat ek sê is dat alhoewel die kinders daar teenwoordig was, was dit nooit spesifiek gesê dat die (20) kinders deel moet neem in die wegbly-aksie nie. Dit is nie dat ek hulle nou uitsluit by die vergadering nie.

En wat meer is, daar is nooit - jy gebruik die woord spesifiek - enige bespreking gevoer of enige resolusie geneem dat kinders nie mag deelneem aan die wegbly-aksie nie en nie mag deelneem aan die optog nie? -- Ek sê ook presies net soos u dit gebruik het dat dit nie spesifiek gesê was dat die kinders moet deelneem aan die wegbly-aksie nie en dat daar ook nie spesifiek vir die kinders gesê was om ook by te wees by hierdie optog nie. (30)

ASSESSOR (MNR. KRUGEL) : Net om dit duidelik te kry. Sou u verwag het dat die kinders behoort eintlik op 3 September 1984 skool toe te gegaan het?-- Soos h persoon wat teenwoordig was by die vergadering en hier word die onderwysers gesê dat hulle ook deel moet neem soos die gedeelte van die gemeenskap in die wegbly-aksie, was dit dus vir my duidelik gewees dat die kinders nie skool toe sal gaan nie.

MNR. JACOBS : En sal deelneem ook aan die wegbly-aksie en sal deelneem aan die optog? -- Ek het nie spesifiek enige aandag daaraan gegee nie om oor te dink nie, maar ek self (19) as h persoon het geen probleme daarmee gehad met die kinders se teenwoordigheid daar nie.

HOF : Waar? -- By deelname van die wegbly-aksie asook die optog.

MNR. JACOBS : Is dit nie so nie, dit sou eintlik baie meer vir die sukses van die optog bygedra het as daarsê ook al die senior skoolkinders teenwoordig was? -- Nee, hierdie optog was eintlik meer direk gemik aan die ouers, persone wat direk geraak word deur die verhoging van die huur. Hulle was die belangrike persone in hierdie optog aangaande die (20) verhoging van huur, protes.

En hulle was nie spesiaal kwytgeskeld soos die mense van die noodsaaklike dienste nie? -- Nee.

En het julle dit ook nie as h noodsaaklike diens beskou dat kinders moet skool toe gaan en dat die onderwysers kwytgeskeld word nie? -- Nee.

Was dit nie vir julle belangrik dat die kinders moet skool toe gaan nie? -- Vir hierdie een dag, naamlik die 3de was dit belangrik gewees dat al die gemeenskap deel moet neem aan hierdie protes. Daarom die wegbly van kinders (30)

vir/...

vir een dag uit die skool het dit nie vir my as 'n groot verlies voorgekom nie.

En belangrik dat almal moet deelneem insluitende die kinders? -- Ja, dit is so. Dit was verwag gewees dat die meerderheid van die gemeenskap deel moet neem aan hierdie protes en soos ek sê, ek het geen probleme gehad met die kinders al was dit nie spesifiek genoem nie. Dat die kinders nou weggebly het van die skool af en wat later uitgekom het, was eintlik nie vir my 'n probleem gewees nie.

ASSESSOR (MNR. KRUGEL) : Dit is nie vir my duidelik wat (10) u bedoel nie. U sê al was die kinders nie spesifiek genoem nie, was hulle deelname vir u geen probleem nie en alles wat daar uitgekom het. Wat bedoel u daarby? -- Ek sê dit maak geen verskil aan my al was daar nie besprekings gewees oor skoolgaande kinders by die vergaderings wat ek bygewoon het nie. My siening was dat dié wat voel hulle wil deelneem kan deelneem en hulle moenie gestop word om by te wees by die deelname nie. Byvoorbeeld, toe ek die studente by Kgotlo Tharu gesien het, het dit my nie verbaas hoekom die kinders nie by die optog gegaan het nie. Selfs toe ek opgemerk het (20) dat die jeug ongeveer 'n vyfde vorm van die optog, was dit nie vir my verbasend gewees hoekom hulle nie daar in 'n groot getal was nie. Wat my beïndruk het daar is dat die ouers is teenwoordig en hierdie probleem is eintlik hulle probleem wat hulle affakteer direk.

MNR. JACOBS : Ek wil met jou gaan na die "million signature" kampanje. Het jy aan dié kampanje deelgeneem? -- Ek het dit geteken deur my handtekening daarop te plaas.

Waar het dit gebeur? In die Vaal? -- Vanwyksrus Fun Valley.

(30)

HOF : Is dit 'n plesieroord? -- Ja, dit is 'n plesieroord.

MNR. JACOBS : Is dit waar UDF 'n groot samekoms gehad het, 'n fees, 'n musiekfees, noem dit so? -- Ja, dit was 'n musiekfees gewees.

Georganiseer deur UDF? -- Ja, dit is so.

En het jy dit toe gaan bywoon, hierdie fees van UDF?

-- Ja, ek het.

En die doel van hierdie fees was dit nou gewees om hierdie "million signature" kampanje van stapel te stuur daar?--

Nee.

(10)

Was die kampanje daar duidelik gemaak aan julle en die doel aan julle vertel? -- Nee, dit was nie duidelik gemaak nie.

Wanneer het hierdie fees plaasgevind toe jy die vorm geteken het? -- Februarie 1984.

Is jy saam met mense van die Vaal scoontoe? -- Ja, ek was in die geselskap van my vier vriende.

Was julle nie met 'n bus scoontoe van die Vaal wat georganiseer was nie? -- Nee, ek het met 'n motorkar gery, nie 'n bus nie.

(20)

Wie was saam met jou? -- Themba Mazibuko, Gladys Modise, Zakhe Hlengwa en Madala.

Weet jy of daar uit die Vaal georganiseerde toere scoontoe gegaan het daardie selfde tyd? -- Ek het navraag gedoen by Edith om te verneem of hulle nou vervoer het vir die mense om na hierdie fees toe te gaan, waarop sy gesê het nee, hulle het nog nie groot vervoer gekry nie, maar hulle probeer nog om vervoer te kry wat meer mense sal kan neem na die fees toe.

Het die Vaal toe gegaan met georganiseerde voertuig? (30)

Die/...

Die mense van VCA in die Vaal het hulle toe gegaan na die fees toe? -- Eers na die fees het ek verneem dat hulle daar met 'n bus aangekom het.

En die uitnodigings het gekom van UDF om hierdie fees by te woon? -- Ek weet nie watter soort uitnodigings praat u van nie, want ek het in die koerante gesien die berig daar dat daar so 'n fees gehou gaan word georganiseer deur UDF.

En dat hulle in die koerant die mense nooi om dit by te woon? -- Dit was daarin geadverteer dat ons dit moet bywoon.

En dat die "million signature" kampanje ook daar gevoer (10) sou word? -- Nee.

In elk geval, het jy vorms bekom en het jy dit rondgeneem vir die mense om dit te teken? -- Ek het nie 'n vorm daar by die fees gekry of geneem nie.

Het jy op enige stadium later vorms verkry en rondgeneem dat die mense teken op hierdie vorms? -- Dit het gebeur, ja, dat ek 'n vorm gekry het met die oog daarop om handtekeninge van persone te verkry maar dit het so gebeur dat ek nie daarin geslaag het om dit uit te voer nie.

Saam met watter organisasie en waar het jy deelgeneem (20) om 'n vorm te kry? -- Op 26 Augustus 1984 het ek 'n vorm gekry van Edith.

Waar was dit? -- Dit was na die oggend se vergadering, dit is na die Evaton Ratepayers Association se vergadering.

Het sy vorms daar gehad by haar op die vergadering? -- Ek het die vorm van haar gekry. Sy het die vorms na die vergadering in haar besit gehad.

Het jy toe onderneem om handtekeninge te versamel? -- Ja, dit is so.

Het sy jou ingelig oor die doel daarvan, wat moet jy (30)

vir/...

vir die mense sê, wat is die doel om handtekeninge te vergader? -- Nee, sy het nie.

Wat sou jy dan vir die mense gesê het? Het jy dit self geweet? -- Ja, ek het al baie gelees in die koerante van hierdie kampanje.

En ook by vergaderings gehoor daarvan? -- Ja, so h bietjie by die vergadering van die oggend van 26 Augustus.

Het jy h vergadering bygewoon wat deur Vali gehou was hieroor, Vali van UDF? -- Nee.

In jou besit was gevind BEWYSSTUKKE AU1, AU2 en AU3. (10) Dit is dokumente van DESCOM. Dit is Detainees Support Committee. Was jy h lid van hierdie organisasie? -- Nee, ek was nie h lid gewees nie.

Is daar h tak van hierdie organisasie in die Vaal? -- Ek weet van h lid nie h tak nie.

Is daar nie h tak h Vaal-DESCOM nie? -- Nee, ek dra nie kennis daarvan nie.

Wie is die lid wat jy van weet? -- Edith Lethlake.

As jy kyk na AU1 die heel laaste sinnetjie daarvan. -- Ja, ek sien dit. (20)

So, daar was h Vaal DESCOM gewees?-- Volgens wat hier geskryf is is daar h Vaal DESCOM, ja, maar ek sê ek weet van h persoon wat h lid was van DESCOM.

Jy sê dit was Edith? -- Ja, dit is so.

Wat was jou doel, wat wou jy met hierdie vorms maak, hierdie drie bewysstukke? -- Die doel hoekom ek in besit was van AU1 tot 3 was met die oog daarop om dit te versprei by die area waar ek woon.

Waar het jy dit gekry? -- Al is ek nie so seker nie, kan dit moontlik wees dat ek dit by Khotso House gekry het. (30)

Khotso/...

Khotso House is die hoofkwartiere van UDF. Is dit reg?

-- Ja. UDF is ook maar daar gehuisves in daardie gebou.

HOF : As u sê dat u dit by Khotso House gekry het, bedoel u by UDF of bedoel u by 'n ander instansie? -- Dit kan wees dat ek dit by die kantore van die Black Sash bekom het of by die kantore van die SACC of moontlik daar by die ingang. Daar is 'n plek waar hierdie tipe goed gebêre word. Enigeen wat daar verbygaan en so voel, vat soveel as wat hy wil vat daarvan. Om daardie rede is ek dan nie seker hoe ek dit bekom het nie. (10)

MNR. JACOBS : Hoekom wou jy dit versprei? Was dit op enige versoek? Het enigiemand vir jou gevra om dit te doen? -- Ek weet nie of dit met die oog daarop was dat iemand my versoek het om dit te versprei nie, maar al wat ek in gedagte gehad het daar was om dit te versprei sodat mense dit kan kry en lees wat die inhoud daarvan was sodat hulle dan later hierdie organisasies in kennis kan stel van mense wat aangehou is wat hulle van weet.

K668

Ondersteun u UDF? -- Ek is nie 'n lid van 'n organisasie wat geaffilieer is aan UDF nie, maar ek stem saam met die (20) UDF.

Maar my vraag is, ondersteun jy UDF? -- Ja, dit is so, ek ondersteun UDF.

En hier is 'n paar dokumente sien ek ook van UDF in jou besit gekry? AU4 is een van die pamflette omtrent die popularisering van UDF. Is dit reg? "UDF unites - apartheid divides." Dan "United Democratic Front". Wat is hierdie? Is dit 'n pamflet of 'n plakkaat? -- As 'n mens die twee stukkies bymekaar bring, lyk dit asof dit 'n poster kan wees.

Wat het jy daarmee gedoen? -- Ek het dit miskien (30)

ontvang met die oog daarop om dit te versprei.

Het jy dit ontvang met die oog daarop om dit te versprei?
Ek wil nie van miskien weet nie. -- Ja, dit is so.

En het jy dit versprei? -- Nee.

Van waar het jy dit ontvang om dit te versprei? -- Ek
sê dit nie met sekerheid of ek dit van Edith, Esau of Dorcas
gekry het nie.

En die doel om dit te versprei was gewees om UDF te
populariseer in die Vaal? -- Nee, wat ek eintlik wou gepopu-
lariseer het is die vereniging onder die vlerk van UDF. (10)

Watter vereniging? -- Dat die organisasies moet affilieer.

HOF : Maar u self het nie aan 'n organisasie behoort wat
geaffilieer was nie? -- Ja, dit is so.

MNR. JACOBS : Is die enigste rede hoekom jy nie daardie
tyd aan VCA behoort het nie, omdat jy 'n spesiale opdrag
gehad het dat jy die jeug moes organiseer? -- Nee, dit is
nie so nie.

Was dit dan nie so nie, op daardie aksiekomiteevergade-
ring dat jy sal nie staan vir VCA nie, omdat jy die jeug
wat uit die skool uit is ... (Mnr. Bizos kom tussenbei) (20)

MR BIZOS : This matter has been dealt with at least twice
and a clear answer has been given.

HOF : Die vrae word toegelaat.

MNR. JACOBS : Is dit nie so nie dat op daardie stadium was
jy lid van die aksiekomitee wat besluit het dat jy sou nie
op die bestuur dien van VCA nie, maar jy sou die jeug wat
uit die skool uit gegaan het moes organiseer? -- Ek het
verskeie kere aan u gesê dat daar geen so 'n opdrag aan
my gegee was nie.

Was dit nie so besluit dan nie? -- Toe ek gesê het (30)

nee/...

nee, was dit nee op u woord wat u gebruik het van opdrag, maar wat ek wel sê is dat ek het dit oorgedra aan die mense dat ek nie in staat sal wees om te staan vir die verkiesing nie en dus was dit goedgekeur deur die mense daar en ek is toe toestemming verleen om nie te gaan staan nie.

Kyk na BEWYSSTUK AU10. Dit is nog 'n pamflet van UDF van "Don't vote. UDF unites - apartheid divides" en dan die tweede een "A vote for community councils is a vote against the people." Dit was in jou besit gekry ook?

HOF : Is dit een dokument of twee dokumente? Ek dink (10)
dit is een dokument wat in twee dele hier gereproduseer is.

MNR. JACOBS : Dit is reg.

HOF : Is dit so? -- Ja, dit lyk vir my na 'n poster as 'n mens die twee stukkies bymekaar bring.

MNR. JACOBS : Waar het jy hierdie dokument gekry? -- Ek kan ook nie onthou hoe ek dit bekom het nie, maar dit kan wees dat ek dit by een van die lede van VCA gekry het.

Met watter doel het jy dit gekry en waarvoor het jy dit geneem? -- Met die doel om dit te versprei.

Was dit miskien gebruik die dag van die verkiesing? (20)
Het jy daar gestaan met so 'n plakkaat? -- Ek kan nie onthou of ek met so 'n plakkaat gestaan het nie, maar dit kan wees dat ek dit bekom het voor die dag van die verkiesing, want dit was in daardie tyd om en by nie ver voor die verkiesings nie.

Daardie verkiesing, 30 November 1983, het jy deelgeneem aan die protes dat die mense nie moes deelneem aan die verkiesing nie en het jy daar gestaan met 'n plakkaat? -- Nie op die dag van die verkiesing nie. Ek het nie met 'n plakkaat gaan staan nie.

(30)

Het/...

Het jy op enige ander dag gestaan daar die dag om en by die verkiesing? -- Nee, ek onthou nie.

Jy onthou nie? -- Ja.

Dan die volgende een is BEWYSSTUK AU11. Dit is ook 'n plakkaat van UDF wat handel oor die verkiesing.

HOF : Ek dink nie dit is 'n plakkaat nie.

MNR. JACOBS : 'n Pamflet, ekskuus tog. Dit was ook in jou besit gewees? -- Ja, dit is so.

Het jy dit gekry vir verspreiding en is dit hoe dit in jou besit gekom het? -- As ek reg onthou het ek hierdie (10) een op 27 November gekry en dit was die enigste dokument wat ek gekry het.

Het jy van hulle versprei? -- Nee.

En dan die laaste dokument daar is BEWYSSTUK AU12. Dit is die Freedom Charter wat by jou gekry is. Is dit reg? -- Ja, dit is so.

Waar het jy hierdie eksemplaar van die Freedom Charter gekry? -- Ek kan nie meer onthou hoe ek dit bekom het nie.

Het jy eksemplare gekry van hulle om te versprei en het jy dit versprei? -- Nee, ek het net hierdie een gehad. (20)

Jy ondersteun die Freedom Charter, nê? -- Ja, dit is so.

Ek wil hê jy moet ook kyk na BEWYSSTUK AW5. Jy het vir ons gesê dat die besluit om hierdie jeugorganisasies op 'n landswye basis te stig, was 'n besluit van die mense wat toe "uitgesit" is (ek gebruik die woord uitsit uit CCSAS in aanhalingstekens dat ons nie mekaar verkeerd verstaan nie) maar wat nie meer lede van COSAS sou wees nie, omdat hulle nie meer skoolgaande was nie. Is dit reg? -- Ja.

Jy sê daardie besluit was geneem deur die mense wat dan uitgeskuif is, laat ek dit liewers so gebruik. Is (30)

dit/...

dit reg? -- Ja, dit is so.

Was dit nie h resoluksie van COSAS gewees dat ondersoek ingestel word na die stigting van jeugorganisasies landswyd van mense wat nie meer in COSAS kan dien nie? -- Nee.

Jy sien, die indruk wat ek kry is dat dit juis die teenoorgestelde is van wat jy sê, as jy kyk na BEWYSSTUK AW34. Dit is blykbaar h brief wat opgetrek is deur die Algemene Sekretaris van COSAS Nasionaal, om dit so te noem. Die brief was gerig aan "The Secretary Congress of South African Students." -- Ja, ek sien die NEC. (Getuie lees deur (10) brief)

Stem jy saam dit is h skrywe van COSAS wat blykbaar h rondskrywe is aan die verskillende geaffilieerde of die verskillende takke van COSAS? -- Ja, dit lyk so.

En dat dit geskryf is onder die briefhoof van COSAS en die logo van COSAS? -- Ja, dit is so.

En dat die persoon wat daardie brief blykbaar geskryf het is die algemene sekretaris van COSAS? -- Dit is hier ingetik "General Secretary" maar niemand het geteken nie.

Maar die brief - daar is h brief waar dit geteken (20) is, die persoon wat blykbaar moes teken is die Algemene Sekretaris? -- Ja, daar is h plek waar die persoon moes geteken het, maar dit is nie geteken nie.

Aanvaar jy dat daardie brief het uitgegaan van COSAS se kantore? -- Soos ek alreeds gesê het, ek sien die briefhoof van COSAS, maar ek kan nie met sekerheid sê dat dit van COSAS af gekom het nie.

Sal jy saamstem dit handel met aktiwiteite waarmee COSAS gemoeid was? -- Ja, dit is so.

En is dit nie so nie dat dit is h brief wat deur (30)

COSAS se algemene sekretaris opgetrek is? -- Nee, daar is niks wat vir my 'n aanduiding is dat hy die persoon is wat dit opgetrek het nie, want dit is nie geteken deur hom nie.

Stem jy saam dat COSAS 'n resoluëie geneem het op daardie algemene vergadering omtrent die stigting van 'n jeugorganisasie?

MR BIZOS : On the evidence so far given, can the prosecutor refer to this document?

COURT : Is he still busy so far identifying the document or is he not? (10)

MR BIZOS : I would have thought that he had finished, because he says, it was put was such a resolution (impliedly) such as is referred to in the document passed by COSAS. That is prima facie uses the document to contradict the witness.

HOF : Is u klaar met die ... (Mnr. Jacobs kom tussenbei)

MNR. JACOBS : Ek probeer eintlik op die inhoud van hom gaan of hy saamstem. Dit is op die identifikasie van die dokument. Dit sal deel daarvan vorm, want ... (Hof kom tussenbei)

HOF : Wel, as dit deel is om te poog om die dokument te (20) identifiseer, kan u voortgaan.

MNR. JACOBS : Laat ek dit so stel. Jy het nou-nou vir die Hof gesê jy stem saam die inhoud van daardie brief handel met aangeleenthede waarmee COSAS gehandel het? -- Nee, as ek hierdie brief lees, het ek nie 'n idee of sal ek sê ek het nie self kennis nie. Verder, wat die inhoud by my tuisbring is dat COSAS kan sekere dinge bespreek waarvan ek nie weet nie.

Ek sal dit daar laat. Ek sien ek kan hom eintlik nie verder kry as dit nie. Ek het netnou verwys na AW5. (30)

Dit/...

Dit is 'n dokument wat blykbaar uitgegee is deur COSAS. Kyk net daarna "Solidarity" is die opskrif. Dit lyk na 'n plakkaat.

HOF : Is dit 'n plakkaat of 'n strooibiljet?

MNR. JACOBS : 'n Strooibiljet. -- Ja, ek sien daar heel onderaan die einde staan daar geskryf "Issued by COSAS."

Ken jy daardie dokument? -- Nee, ek ken nie die dokument nie.

Wat is dit? 'n Pamflet of 'n strooibiljet? -- Ek weet nie wat noem 'n mens dit nie. (10)

Ek wil vir jou vra wat is "peoples' education"? -- Hierdie konsep van "peoples' education" het ek eers van begin hoor na my arrestasie. Ek het nog nie 'n vergadering bygewoon of 'n samespreking bygewoon waar dit bespreek was nie. Om daardie rede sal ek dit nie aan u kan verduidelik nie.

Het COSAS nie gestrewe in sy beleid om die onderwys te verander, om dit te verander na "peoples' education" toe nie? -- Nee.

Want in hierdie dokument verwys COSAS na "COSAS fully (20) support the students' struggle in South Africa. We hereby reiterate our commitment to the abolishment of Bantu Education and a march to peoples' education."

MR BIZOS : A reference to the statutes and the reading of the first sentence will persuade the prosecutor that this is a '84 or post '84 document. The Bantu Education Act was passed in 1953. It came into operation partly in 1984 and partly in 1980 - I beg your pardon, 1954 and 1955 and the first sentence records that it is 50 years since.

COURT : Since it started?

(30)

MR BIZOS/...

MR BIZOS : Since it started. So, that this is a '84 or post '84 document from the contents and what we all suppose to know, the statutes.

HOF : Wat sê u daarop?

MNR. JACOBS : Ek is nie so seker oor ... (Hof kom tussenbei)

HOF : Wel, u het nou 'n antwoord van die getuie wat sê "Ek weet nie wat is 'peoples' education' nie." Hy ken nie die pamflet nie. Wat help dit om hom daaroor te vra?

MNR. JACOBS : Goed. Hier is 'n paar name wat ek jou oor wil vra. Ene Morakabe Ezekiël Seakgwa, die tweede een (10) is Mokhutle Johannes Marumo, Molefi Thomas Nhlapo, Martin Teboho Mahao, Lazarus Bontsi Lebeloane, Terence Keabetswe Phiri. Hierdie mense was almal lede van die Youth Crusade in die Vaal terwyl jy daarso die president was of die voorsitter was? -- Hierdie name deur u genoem is nie aan my bekend nie en tweedens, ek was nog nooit 'n voorsitter van die Youth Crusade nie.

Wat was jy van die liggaam wat in die Vaal bestaan het, die jeug kerkorganisasie of kultuurorganisasie? -- Ek was net 'n lid gewees. (20)

Ek wil dit aan jou stel dat hierdie mense was ook lede van daardie Youth Crusade? Is dit reg? Vaal Youth Crusade? -- Ja, dit is die Vaal Youth Crusade.

MR BIZOS : There was a double question. The previous question was they are unknown to me. I do not know what the witness is answering to.

HOF : Hy sê hy ken nie die name nie.

MR BIZOS : Yes, then there was a double question, that these people and then there was a faltering about the precise name of the organisation and then the name was given. (30)

I do not want a contradiction that he now knows them as members of that organisation.

HOF : U was n member van die Vaal Youth Crusade? -- Ja, dit is so.

Was hierdie mense lede van die Vaal Youth Crusade? -- Die name aan my gelees is nie aan my bekend nie.

MNR. JACOBS : Jy sien, ek wil dit aan jou stel, jy het vir die Hof gesê die veiligheidspolisie se inmenging het veroorsaak dat die Vaal Youth Crusade moes ontbind? -- Ja, dit is wat ek gesê het. (10)

En ek wil dit aan jou stel dat hierdie name wat ek nou genoem het is mense wat lede was van die Vaal Youth Crusade wat in 1978 gearresteer was omdat hulle n veiligheidspolisie-man se huis afgebrand het met petrolbomme?

MR BIZOS : Is this a proper question?

MNR. JACOBS : Die getuie het gesê hulle moes ontbind omdat die polisie onnodig by hulle ingemeng het. Nou is ek sekerlik geregtig om vir hom daarop te wys dat die polisie het ingemeng miskien by hulle, maar die Vaal Youth Crusade was die oorsaak daarvan gewees. Hy het die stelling gemaak (20) wat My Geleerde Vriend gelei het, dat die polisie sou sommer nou onnodig in n kerkorganisasie hier ingeklim het en hulle ge "harrass" het dat hulle moes ontbind. Ek is dan seker geregtig om die werklike feite aan hom te stel sodat hy daarop kan antwoord.

HOF : Die vraag word toegelaat. Wat sê u op die stelling? -- Geen lid van Vaal Youth Crusade was al ooit gearresteer vir n misdaad soos nou gestel word deur u nie en die name wat u nou net hier gegee het as name van lede van Vaal Youth Crusade is nie aan my bekend as lede van Vaal Youth Crusade (30)

nie/...

nie. Daar is wel lede van ons wat gearresteer was wat weer vrygelaat was sonder om aangekla te word. Hulle was nie daar gearresteer of in hegtenis geneem omdat hulle as verdagtes beskou word aan iets wat hulle sou gedoen het nie.

GETUIE STAAN AF.

HOF VERDAAG.

HOF HERVAT.

GCINUMUZI PETRUS MALINDI, nog onder eed

VERDERE KRUISONDERVRAGING DEUR MNR. JACOBS : Mnr. Malindi, ek wil dit aan jou stel dat die huis van polisiebeampte Jeremiah Matsholo te nr. 467 Gebied 13, Sebokeng was (10) destyds aan die brand gesteeek met petrolbomme, toe hierdie mense gearresteer is? -- Ek sê ek dra geen kennis van die aanval nie. Die persone aan my gencem is almal nie aan my bekend nie.

Jy is self woonagtig in Gebied 13, nê? -- Ja, dit is so. Watter nommer? -- 2176.

Stem jy saam dat 467 is sekerlik nie baie ver van jou huis af dan nie? -- Dit is baie ver apart. Ek is aan die een kant van Gebied 13. Daardie nommer is aan die ander kant van die gebied. (20)

MR BIZOS : Are we talking about 1978?

MNR. JACOBS : Ja. 1979 eintlik nie 1978 nie. Kan jy net vir my sê, die laaste aspek wat ek met jou wil behandel, behalwe dat COSAS hulle beywer het om studenterade op skole te kry, wat was COSAS se onderwysbeleid wat julle nagestreef het in COSAS? -- COSAS wou die tipe onderwys gehad het wat deur al die inwoners, die werkers van die land in Suid-Afrika aanvaar word.

HOF : Maar het hulle dan nog nie 'n idee gehad nie? -- Nie in my tyd nie. (30)

MNR. JACOBS/...

MNR. JACOBS : Wat het hulle voorgestel wat is die onderwysstelsel wat al die burgers van Suid-Afrika sou nastreef? Het dit geraak die vakke of wat bedoel jy? -- Dit was nie breedvoerig bespreek waar ek teenwoordig was om presies te kan sê wat dit is wat hulle daarby bedoel nie, behalwe dat dit net gesê was dat dit onderwys moet wees wat aanvaarbaar is vir alle burgers van die land in Suid-Afrika. Ook dat dit 'n verpligtende onderwys moet wees.

Het jy as voorsitter van die COSAS tak in die Vaal en lateraan toe jy ook net op die bestuur was as sekretaris, (10) het julle COSAS omsendbriewe gekry, COSAS - ander publikasies van COSAS oor die onderwysbeleid? -- Nee.

Stuur COSAS dit nie uit na hulle lede toe nie, takke toe nie? -- Nee, ons het nog nooit sulke dokumente ontvang wat betrekking het op die onderwys van COSAS nie, behalwe dat ons miskien nou uitnodigings gekry het om sekere vergaderings by te woon.

Is dit waar die onderwysbeleid dan bespreek is? -- Nee, ek het nog nooit 'n vergadering bygewoon waar die tipe onderwys wat verlang word spesifiek bespreek was nie. (20)

En die onderwysbeleid? -- Dit was gesê dat ons die Bantoe-onderwys nie wil hê nie.

Maar nooit was daar gesê wat wil julle presies hê in die plek van Bantoe-onderwys nie? -- In my tyd was dit nog nooit gesê watter tipe onderwys moet Bantoe-onderwys vervang nie en dit was nog nooit spesifiek gesê in 'n vergadering waar ek teenwoordig was dat daar 'n tipe onderwys beskryf word wat verlang word nie. Al wat gesê was was dat ons soek die verpligtende onderwys. Dit moet aanvaar word deur al die burgers van die land. (30)

Hoeveel kongresse van COSAS het jy bygewoon? -- Net die een van Mei 1982 het ek bygewoon.

Hoeveel van die ander vergaderings wat COSAS belê het spesiaal, COSAS hoofkantoor en waarna takke uitgenooi was het jy bygewoon? -- Ek onthou net van een.

Is dit nie so dat die takke se voorsitters en mense is half verplig om die kongresse by te woon nie? -- Dit was my verwagting gewees dat die voorsitter en die sekretaris teenwoordig moet wees by vergaderings. Hulle was nie verplig om altyd teenwoordig te wees nie. (10)

En nadat die kongresse gehou was of nadat sulke vergaderings waar die mense uitgenooi was, was die notules en stukke wat daar gelewer is dan versprei aan al die takke? -- Die enigste verslag wat ek gesien het is die een van 1982. Dit het ek ook gesien nadat ek my lidmaatskap beëindig het by CCSAS.

Sê jy dat daardie verslae word nie versprei na die takke toe nie? -- Dit is verwag dat dit versend word, maar daar is van die verslae wat ons verwag het om te kry en dit nie gekry het nie. (20)

Dan net die laaste vraag wat ek jou wil vra, die COSAS is ook ondersteuners van die Freedom Charter of voorstanders van die Freedom Charter en h Regering volgens die Freedom Charter? -- Nee, ek het nie sulke kennis nie.

RE-EXAMINATION BY MR BIZOS : Mr Malindi, I want to go back to November 1983 when you took part in this placard carrying demonstration - 27 November 1983. Did you think that you were doing anything wrong when you were doing that at that time? -- No, not at all. I did not see anything wrong in my doing that. (30)

We know that you were arrested and the charge was withdrawn attending an unlawful gathering. Can you recall what the gist of the charge was? What were you supposed to have done according to the State, made you guilty of attending an unlawful gathering? -- Holding a meeting with them.

Were you in fact holding a meeting there? -- I was holding no meeting there.

I want to stay there in October/November 1983 at the time of the launch of VCA on 9 October and the attempt to persuade the residents of the Vaal not to vote for the (10) councils. Did you think that it was an offence to call on people not to vote? -- No, I never thought it was an offence. Indeed, what I had in mind was that I have the right when I do not agree with something, to express my views.

Including by abstaining and including telling others to abstain from voting? -- Yes, that as well.

You told His Lordship that you read newspapers. I want to show you The Star of 26 October 1983. Please have a look at it and tell us whether you recall reading this (20) main article or editorial written by The Star on 26 October 1983. You do not have to read the whole of it, unless you want to, but I want to ask you whether you have read sufficient - it is over three columns on two different pages, whether you recall whether or not you read that at the time? -- I would not say with certainty that I read this particular report or comment in this newspaper, but what I can say is this. What is contained from what I have just read in this report is not new to me to read about.

What is not new to you? -- That what I read about (30)

here/...

here to which I referred as not being new, that there was a lot of debate about how people must vote, pertaining to the new referendum.

Are you a reader of the The Star?

COURT : Were you.

MR BIZOS : Were you a reader of The Star? -- Yes, that is correct.

COURT : Were you a reader of the editorials of The Star? -- In fact sometimes I used to start there reading a newspaper. (10)

MR BIZOS : Please have a look at the last page, the conclusion whether any advice is given to readers and tell us whether or not you remember reading this particular article or a similar article in The Star?

MNR. JACOBS : Ek maak beswaar teen die getuienis, veral dat die getuie sê hy kan nie sê of hy ooit hierdie ding gelees het nie. So, hy kan nie dit kom bevestig nou nie. Die tweede is, dit is heeltemal nou nuwe getuienis wat hier gelei word. Dit is nie op grond van herondervraging wat dit nou gevra word nie. Nou word stukke ingesit wat in die (20) eerste instansie sekerlik in die hof moes gewees het as die getuie dit gelees het.

MR BIZOS : I did not anticipate the questioning of the witness to the extent that he was questioned with the obvious suggestion that it was an act of treason to stand there with a placard calling for an abstention to vote. I am entitled with respect to prove through the witness, if I can, whether there was a debate at the time that people should abstain and whether anyone suggested that abstention was something that may be thought of as unlawful. I submit that it very (30) often/...

often happens that cross-examination makes new material available or admissible. That has happened in this case before and if the State is entitled to it, I am sure that Your Lordship will not deprive them of their right to ask more questions, but I submit that it is an important part of our case ... (Court intervenes)

COURT : Is the procedure proper if the witness cannot identify the document, then to put the document before him and say "Look at the last paragraph. What do you say to this?" This is a leading question. (10)

MR BIZOS : I appreciate that and I will change my question.

COURT : Can he not in general tell the Court what the debate was about that he knows of?

MR BIZOS : Do you know whether The Star gave any advice to its readers as to what they should do in relation to the referendum? -- Yes, I do.

What was the advice of The Star in relation to participation in the referendum? -- The Star was advising its readers not to vote yes to this referendum and The Star was saying to its readers not to associate themselves with the people (20) who are racists.

COURT : There are two possibilities of course, not voting yes means you do not vote or it means that you vote no, because there was a choice between yes and no in that referendum? -- I remember further about what was said in The Star, The Star had a problem whether to advise people to vote no, but at the same time, indicating that whoever will take part in voting must not vote in confirmation of the racists and at the same time not reject the reformists. It was that kind of a debate, but if my memory serves me well, The Star (30) ending/...

ending up advising people not to vote for this referendum - not to vote yes.

Not to vote or not to vote yes? -- Not to vote yes.

MR BIZOS : Do you recall whether there was any debate that people should not vote at all? -- Yes, there was a debate which was saying people must not take part in voting to this referendum.

Do you know whether any people were advising people not to vote? - Yes, I do know about people advising others not to vote because the reason being that that referendum(10) was not going to bring us good results, because it is a racist referendum.

We will prove the document in due course through other witnesses, My Lord. Do you recall whether or not there was any suggestion that people should spoil their papers in the referendum? -- Yes, I do recall that being said that people must spoil their papers while voting.

Are you possibly familiar with a magazine called Front-line? -- I do know about it, but I did not read a lot of it.

Do you recall whether you read anything in it in (20) relation to the spoiling of papers? -- No, I cannot recall that.

You were asked questions about the use of the word "sell-out" and "puppet" and also you appear to have been holding a placard with the word "oppressors" on. In relation to "sell-out" - My Lord, I am going to read this out on the same basis as these placards, because there was a debate in relation to the proper use of the word "sell-out".

COURT : No, there was not a debate. I merely asked the witness what he understood by that word. How is it going(30)

to/...

to help anybody if you read something else out? Another witness may come and tell me that he understands it differently.

MR BIZOS : No, the reason why I want to read this out is the following. I led the witness in chief as to whether he considered this parliamentary language or not. I do believe that Your Lordship was surprised that I should use that expression as parliamentary language, the use of those words.

COURT : I did not know what you understood under parliamentary language and I remember wondering at the time whether the witness understood what you meant by parliamentary language.

MR BIZOS : What I want to read out is from a pamphlet issued by a party which has parliamentary representation in which the word "sell-out" is used liberally in a number of times in order to show that it is acceptable political language and not what the State alleges that it is really belittling or I do not know how to translate it.

COURT : No doubt you can put the pamphlet in by agreement on it or prove it if there is no agreement on it, but to (20) read out a piece of a pamphlet now in re-examination which may support the witness or may contradict the witness I do not think that is proper. I do not think there is any objection to handing it in eventually. If the word "sell-out" is to be interpreted in this case, but is this the proper time to do it?

MR BIZOS : It is, with respect, because the implied suggestion in the questioning of the witness is that by calling them "sell-outs" you incited people to act against them.

COURT : No, but you led that word in saying it is an (30)
innocent/...

innocent word in chief. I had occasion to look at the dictionary because I wanted a precise definition and I put a dictionary definition not of sell-out but of sell to the witness. He gave me an explanation what he meant. That is the end as far as this witness is concerned. It may well be that others have a different meaning for that word and then we interpret the word at the end of the case, but as far as the re-examination on that word is concerned, I do not think that what you are putting to the witness - want to read out to court is irrelevant. (10)

MR BIZOS : I just want to make a submission as simply as I possibly can. There is an implied suggestion in cross-examination of the witness that on a charge of treason and certain statutory charges, it is wrong to use the word "sell-out". That is the implied suggestion in the cross-examination. I am entitled to put material before the witness on my respectful submission, issued by a party having political representation in parliament which really distributes pamphlets in the vicinity of the court in which the very word is used that the State suggests is an incitement to an (20) offence.

COURT : First of all, you are giving evidence what you are telling me now, first of all that there is a party, secondly it is freely distributed. Prove the pamphlet if it is relevant if it is relevant in a proper way. You are overruled, Mr Bizos.

MR BIZOS : You going away from your home - I am sorry, I will come back to that. You also told the Court that you hoped to gain something by this suggestion of staying away from the poles? -- Yes, that is so. (30)

Did you have any knowledge of whether or not the tactic of not co-operating with a particular system or a particular (what is "stelsel"?)

COURT : System.

MR BIZOS : With a particular system where they had brought any beneficial results to any group of people in South Africa? -- What I know is, there was an organisation called Coloured Representative Council. The Coloureds indicated that they do not accept that RCR and therefore made it clear that they were not going to participate in that, as a result of which (10) the functioning of that body stopped as a result of which then there was a tri-cameral parliament which was introduced whereby the Coloureds had a representative in parliament.

Did this knowledge have any effect on your thinking as to what the right thing to do was at the time of these elections in November 1983? -- Yes, in the sense that as a result of my knowledge then I came to a conclusion of saying well, if we were to indicate the central government as soon as possible, before even it is introduced to come and operate, that is the local government that can easily change the (20) structure and the system of the government of introducing this kind of a local government.

The holding of the placard with the word "oppressor" on it, did you think that there was anything wrong in referring to councillors as oppressors? -- There is nothing wrong in that.

Was the word used in newspapers or other publications to refer to people in authority in South Africa? -- Yes, that is so. It was used.

In daily newspapers or weekly or monthly organisational (30) sheets/...

sheets? -- In all the documents referred to by the defence if was used.

Your departure of your home to go and live with your aunt or grandmother, I do not remember? -- My aunt, yes.

COURT : When was this? -- 4 September 1984.

MR BIZOS : As a result of the report that you receive from Edith and what you read in the newspapers? -- That is so.

Was that out of any feeling of guilt that you had done something wrong or for some other reason? -- It was not as a result of the feeling that I felt I might have done some-(10) thing wrong that I went to stay with my aunt.

Did you fear being arrested or detained? -- My fear was that I may be detained because of my experience that I know that people partaking in some protest at times get arrested and kept in detention for some time and then later be released and some being charged - without being charged. Not some being charged, without being charged.

Were you anxious to avoid that sort of detention? -- Yes, that is so.

COURT : Where did this aunt live? -- Zone 3. (20)

What is the number of her house?-- 572037.

On the night of 2 September, did you also sleep there? -- Yes.

Why? -- The reason then was that I wanted to be nearer to the place, that is the starting point of the march. The convenient place for me to be nearer there was my aunt's place. Therefore I decided to spend the night there.

MR BIZOS : Do you recall whether the early morning of the 3rd was a smokefilled day in Sebokeng or not? -- I recall that that morning it had some wind which was a bit cold (30)

and/...

and one could see that there was some smoke, light smoke just above the roof height of the houses.

When there is a cold wind, what effect does that have on the habits of the people? -- They put on warm things. I therefore had to put on a lumberjacket.

In relation to their houses, how do they make their breakfast if they remain at home? -- By making fire.

COURT : Actually there is always smoke in Evaton and in Sebokeng, is there not? -- Yes, especially in the morning and in the evening or the late afternoon, because people (10) make fire.

MR BIZOS : I am taking it more or less in the order in which you were being cross-examined and I want to come back to the meeting of the 27th. Were you there representing any organisation at the meeting of 27 November where you were holding the placard. Was your brother representing any organisation? -- No.

You told the Court that you did not see the words Bophelong Youth Congress on the banner which was produced here and held by the two investigating officers behind the (20) prosecutor? -- Yes, I did not see those words.

Was this banner outside the hall all the time whilst you were there? -- I remember it having been disappeared from outside which I take it that it was taken inside.

You told the Court that you did not know the existence of the Bophelong Youth Congress.-- Yes, that is so.

And I want you to please have a look at the envelope attached to EXHIBIT AN4. -- Yes, I see that.

This envelope was addressed to the Bophelong Youth Association, -- Yes, that is the writing on it. (30)

If/...

If you knew that there was an organisation in Bophelong called the Bophelong Youth Congress, would that envelope have been addressed in that manner?

COURT : Did he address the envelope.

MR BIZOS : I will clarify that. Did your group, working group in Zone 13 work together in sending out the envelopes?
-- Yes, we agreed on these letters as to who are they to be addressed to.

We know that the erstwhile accused no. 4, Mophapi Lazarus More lived in Zone 13. -- Yes. (10)

I am informed that there is an admission that this is where the exhibit was found. Do you know how it ever got to Lazarus More's possession? -- I do not have a particular knowledge about it having reached him, but what I can say is Lazie does not live far from Oupa Mariletsi and Lazie had a girlfriend in Bophelong... (Court intervenes)

COURT : Is Lazie the old accused no. 4? -- Yes. He had a girlfriend in Bophelong and therefore it could be that he was asked to deliver this in Bophelong.

MNR. JACOBS : Die getuënis wat die getuë gee is nie (20)
getuënis wat hy kennis van dra nie. Hy sê "it could be". Dit is opinies wat hy hier gee. Ek is verbaas dat hierdie getuënis gelei word en ek maak beswaar daarteen dat hy hier spekulasies aan die Hof voorlê.

MR BIZOS : He has been asked to express opinions on very many issues by the cross-examiner. I concede that my right is more limited, but I did not invite the answer to be given. I expected the answer ... (Court intervenes)

COURT : Well, I will let the answer stand for what it is.

MR BIZOS : You recall that you were given an opportunity (30)

of/...

of giving the names of many people that were in the group in 198 - that were working in your group. The first time you gave a lot of names? -- Yes, I gave names of the people with whom we were working.

Do you recall whether you gave Mamsi's name as one of the persone who was working in the group in 1983?

COURT : Mamsi I recall he said arrived late and joined in 1984. I may be wrong, but I think this is what was said. I may be incorrect in my recollection, but there was a girl that joined later and she joined in 1984. (10)

MR BIZOS : Your Lordship will recall that we finished up saying that I have no answer to the State as to why, but if that is Your Lordship's recollection and if that is what remained with the Court I will not ask any more questions.

COURT : No, my recollection may be incorrect, because the record in the last resort is what is important, not what I recollect at this stage.

MR BIZOS : Let my clarify this, but there was this that there was no answer and I do not want to leave that in the air. When was Mamsi in your group? -- She got involved with(20) the Zone 14 group in 1984.

Was she part of the group that you were working with in 1983? -- No, not in 1983. She had not yet joined the working groups.

You recall that you were asked a question and you said that you had no answer. Did you understand the question ... (Court intervenes)

COURT : Would you repeat the question and then not suggest to him what he might have understood. He might have understood either one or the other that you put to him or(30) something/...

something entirely different. Put the question first, because I cannot recollect what the answer "I have no answer" was an answer to. It is no good beating about the bush. You may mix up your own witness.

MR BIZOS : I am mindful of that because I myself did not properly understand the question, but let me try and get some clarity because I do not want that on record unexplained.

COURT : But have you not got it on record so that you can read the question again to him and say well, you gave that (10) answer to that question, what do you mean by it? Have you not got it in the record? Because that is the proper way of doing it rather than leaving everybody in the air.

MR BIZOS : I will leave it at that. It may lead to further confusion when I read the question on page 10 991. We will leave it at that. Your action committee, was its only purpose to oppose the Black local authorities as was suggested to you by the prosecutor? -- We in the action committee had to do with the formation of an organisation which was going to look into the problems of the residents in the Vaal. When we made the proposals which were to be accepted at the (20) launch of this civic association, we made it clear that we do not accept the councillors in the way they are coming to be introduced. Therefore saying to the people they must not vote with a view of making the central government aware of what the peoples' perception is pertaining to this kind of a town council in order to make it think otherwise in having a council serving us.

The next matter that I want to ask you about relates to the meeting of 25 August 1984. This meeting was in Zone 13, was it? -- Yes, that is so.

(30)

Were/...

Were there only Zone 13 people there or were there people from other areas as well? -- Zone 12 residents were also there.

And if people - were there any people from any other zones? Are you able to say? -- Yes, I did see some people who came from Zone 11.

Was there anything to suggest that you know of that the meeting was confined to people of Zone 13 or could people from any where come along? -- No, according to me it was a meeting open to be attended by anybody. (10)

In the action committee leading up to the formation of the VCA, did you keep minutes? -- Yes, every day or every time when we held a meeting.

And were these secret conspiratorial meetings in dark corners or were they open meetings in which minutes were kept so that the conspiracy could be read about by whoever got the minutes? -- These were not secret meetings at all because we used to come along with friends attending these kind of meetings and friends who are not known in fact by the other people there, but all the same they were still (20) allowed to remain in the meeting. For instance holding a meeting at Esau's or Mike's residence and they happen to get visitors while we are holding a meeting, we would allow those visitors to come and sit in the meeting with us seeing that we are still busy with the person they are visiting.

You told us about the - what you thought about the councillors and the council as a local body and how it would not serve your purposes either as an individual or your community. In answer to a question you made reference to the report of Professor Van der Walt? -- Yes, that is so. (30)

You/...

You were in custody when that report was made? -- Yes, that is so.

Have you read it? -- Yes, I read it while it was exhibited here in court.

I do not want any details from you but when you read it, does it accord or contradict what you knew to be the position in the Vaal Triangle before your arrest? -- It strengthens things that I was doing and which I was saying and my perception with the people of the Vaal Triangle.

Thank you, My Lord, I have no further questions. (10)

ASSESSOR (MNR. KRUGEL) : Die situasie wat in die Vaal Driehoek ontwikkel het en wat op 3 September gemanifesteer het, is een van die vrae in hierdie saak waaroor die Hof sal moet besluit. Hier is getuienis voor die Hof dat op 3 September daar op verskeie plekke optrede was teen die raadslede, teen hulle eiendom en hulle persoon en ook dat verskeie van hulle gedood is. Daar is ook getuienis dat daar op daardie oggend dwarsoor die Vaal Driehoek by plekke so ver uitmekaar as Sharpeville en in Evaton self optrede teen raadslede was. Stem jy daarmee saam? -- As ek u (20) reg verstaan stem ek nie met die eerste gedeelte saam nie.

Waarmee stem u nie saam nie? -- As ek reg verstaan het was die stelling dat daar sekere ontwikkeling was in h verloop van h tydperk wat eintlik op die 3de duidelik geword het wat die uitslae daarvan is. Ek het nie so h ontwikkeling gesien dat daar so h ontwikkeling was nie.

Ek sê die Hof moet besluit oor of daar so h ontwikkeling was. -- As dit die geval is, erken ek dat dit wel so gebeur het soos deur u genoem.

Dan was daar die gebeure op die 3de. -- Ja, dit is so. (30)

U sê u lees die koerante? -- Ja, dit is so.

U lees ook die redaksionele kommentaar? -- Ja, ek lees dit.

Het u kennis geneem daarvan dat die gebeure op 3 September was nie die eerste openbare optrede teen raadslede in die Vaal Driehoek nie, gewelddadige optrede? -- Ek kan nie onthou dat in die Vaal Driehoek 'n raadslid aangeval was nie.

Miskien maak ek die Vaal Driehoek 'n bietjie te groot. Het u gelees van aanvalle op 'n raadslid of raadslede in (10) die nabygeleë Tumahole? -- Ja, ek het daarvan gelees dat die besighede van die raadslede in Tumahole aangeval was.

En die woonhuis van die raadslede? -- Nee, ek onthou nie dat ek daarvan gelees het nie.

K670 HOF : Wanneer u sê gelees, bedoel dit destyds toe dit gebeur het? -- Daarby bedoel ek na die voorval van Tumahole waar besighede aangeval was, dit wil sê ingesluit die besighede van die raadslede, kan ek nie onthou dat ek ooit gelees het dat 'n woonhuis van 'n raadslid ook aangeval was nie.

My vraag aan u is, het u dit in die daaglikse pers (20) gelees, in die dagbladpers gelees? -- Ja, dit is so.

ASSESSOR (MNR. KRUGEL) : Hier was getuienis voor die Hof dat dit selfs in Bloemfontein in die pers was. Nietemin, stem u saam dit was in Juliemaand 1984? -- Ja, die voorvalle van Tumahole onthou ek dat dit in Juliemaand plaasgevind het.

Het die gedagte nie by u opgekom nie dat die die propaganda teen die Stadsraad en teen die lede in Sebokeng moontlik tot geweld teen die raadslede kan lei? Toe u besig was om die vergaderings te hou en om die optog te organiseer in Augustusmaand? -- In die eerste plek het ek 'n probleem met (30)

u gebruik van die woord propaganda. Ek weet nie in watter opsig u dit gebruik nie.

Propaganda teen die raadslede, daarmee bedoel ek, ons het getuienis dat daar gesê is dat die raadslede moet bedank. As hulle nie wil bedank nie, moet hulle besighede geboikot word. Daar is ook ander stellings gemaak, maar ons beperk ons net by daardie deel van u getuienis? -- My tweede antwoord dan wat volg op dit waaroor ek nou net navraag gedoen het, is dat ek sê ek het geen vergaderings georganiseer nie. Ek het ook geen optog organiseer nie. Ek het net (10) deelgeneem aan die vergaderings sowel as die optog. In die tyd van hierdie gebeure toe dit genoem was, het ek niks verkeerd daarmee gesien as iets buite die normale loop van sake nie of wat met die gereg bots nie, want my gevoel destyds was dat dit is nou mense wat hulle self hulle probleme wil laat verstaan word in die sin dat dit uitdruklik verstaan moet word wat dit is waarmee hulle nie tevrede is nie.

Nee, ek begryp dit, maar ek wou net geweet het hoe u self - u sê u het niks verkeerd daarmee gesien nie, want (20) u weet hier is getuienis hier voor die Hof dat mnr. Masenya sê dat hy dink dat die gevoel vir hom teen die raadslede was so sterk dat as daar 'n raadslid was, dan was hy in gevaar op die vergadering van die 26ste? -- Ek het nog nie my vorige antwoord aan u volledig gegee nie. Verder op my vorige antwoord wil ek sê dat niks het gebeur wat vir my die indruk sou laat kry het dat daar iets kan gebeur soortgelyk aan dit wat op die 3de plaasgevind het nie. Dit was onverwags. Ek vra nou nog myself wat is dit wat tot daardie gebeure gelei het. Wat masenya se getuienis betref, ek sê (30)

ek/...

ek stem nie saam met hom in daardie gevoelens wat hy beskryf het hier aan die Hof nie, want hy self na hy in die rede geval was en eintlik gestop was, was hy nie aangeval nie.

Ek wil dit nie verder neem as dit nie. Dankie.

HOF : Op h ietwat vroliker noot. Ken u die lid "Siyophinda Singobe?" -- Ek weet van die bestaan van so n lied, maar dit klink vir my die Hof het verkeerde woorde gebruik in die lied.

Gee my die regte woorde? -- Die korrekte bewoording is "Siyophinda Singobe." (10)

En verder? -- Dit is die herhaling van die bewoording in die lied.

Wat beteken dit? -- We shall overcome.

En wat nog? -- Dit is die einde.

FURTHER RE-EXAMINATION BY MR BIZOS : This "We shall overcome", do you know whether it is sung in English? -- Yes, there is a song in that line in English that I know.

COURT : Is it the same tune? -- No, the tunes differ slightly.

MR BIZOS : Do you know the origin of this song "We shall overcome"? (20)

COURT : No, no, no. You may ask him about the English song "We shall overcome", but we have not had that yet. You do not want to ask him about the origin of the Zulu song?

MR BIZOS : Well, I do not know if they are connected.

COURT : You have not asked yet. Am I interested in "We shall overcome"? I have heard no evidence on "We shall overcome". I have heard evidence on "Siyophinda".

MR BIZOS : Do you know whether the one led to the other, whether they are connected in any way or which came first or which influenced first? -- I came to know the one which (30)

is/...

is sung in English first and then the one in Zulu.

Do you know the origins of the one that you came to know in English first? -- According to my knowledge of that it was sung during the demonstrations which were led by Martin Luther the King.

You were asked about the effect of the meetings that you were at and the march that you participated in in relation to the events of the 3rd and were you were one piece of disputed evidence by the Learned Assessor as to the atmosphere that prevailed. I want to give you some other evidence which is not disputed before the Court. Firstly we had evidence that attempts were made to ... (Court intervenes) (10)

COURT : Just a minute. Are you now addressing the Court in order to persuade a perceived conviction on the part of the assessor which may be entirely wrong, because the witness has disagreed with Masenya. He says it was not like that.

MR BIZOS : If one piece of evidence is put to a witness, I want to put to him other pieces of evidence and ask for his comment as to whether he was justified in arriving at the opposite conclusion. (20)

COURT : Why?

MR BIZOS : Because he was asked.

COURT : Why do you want him to comment on evidence? That is the function of the Court to decide on evidence. He has given his evidence and we will decide whether he was justified. It is not for him to decide or to advise me on it.

MR BIZOS : Then perhaps on the same logic then the question should not have been put in relation - he should not have been asked to express an opinion on the evidence of (30)

Masenya/...

Masenya.

COURT : No, he was not. It was put to him that Masenya says this and this and he disagreed and that is the end of the matter. One can accept him or Masenya or some different version of both.

MR BIZOS : If Your Lordship hears me.

COURT : Yes?

MR BIZOS : The issue is what was his state of mind? He is questioned by the assessor having expressed his state of mind by putting to him a piece of disputed evidence. I am(10) entitled to ask him what comments he has to make in relation to other evidence which was led by the State and which was not disputed. For him to comment as to whether that corroborates his state of mind, once it was put to him that his state of mind is contradicted by the evidence of Masenya.

COURT : I do not follow. Why do you want him to, feed him titbits and then ask him whether it corroborates him. Ask him what does he base his state of mind on.

MR BIZOS : Yes, but he was fed one titbit.

COURT : Which he disputed. (20)

MR BIZOS : Yes, but I am entitled in the same way, if the assessor did not put the question did anything happen at the meeting of the 26th which would have led you to a different conclusion, specific evidence was put and similarly I do not think that my rights are any less to put specific evidence.

COURT : I do not think you have got the right, but you can go ahead.

MR BIZOS : Did you hear the evidence that an attempt was made to stop the meetings that were being held by the magistrate and the magistrate refused to do so? -- Yes, I have heard(3
of/...

of that.

Do you find that confirming or rejecting your view of your statement of mind at the time?

COURT : The answer is disallowed. Next question?

MR BIZOS : Did you hear the evidence of Brigadier Viljoen that he was not forewarned of the trouble that was to come by anyone in the Vaal Triangle and he thought that things would be peaceful on the 3rd? -- Yes, I heard him.

Does that confirm or otherwise your impression of it?

COURT : I am not interested in his opinion. It is ruled(10) irrelevant. Next question?

MR BIZOS : I think that I have made the point that I wanted to make.

NO FURTHER QUESTIONS.

COURT ADJOURNS.

COURT RESUMES.

K671

MNR. JACOBS : U Edele, net voor mnr. Tip begin, ek het nou die foto's gekry van daardie stukke, die baniera en die plakkate. Hierdie sou CA9 gewees het die een van die banier.

HOF : Laat ek net seker maak. CA9 is die groot banier. (20)

MNR. JACOBS : CA10 was as ek reg is die UDF plakkaat.

Dan CA11 was die geskrewe plakkaat met die klein plakkertjie op.

MR TIP CALLS ACCUSED NO. 11, MR MOKOENA:

SEKWATI JOHN MOKOENA, d.s.s. (Through interpreter)

EXAMINATION BY MR TIP : Mr Mokoena, you are accused no. 11 in this case? -- That is so.

I would like to begin by just getting some personal particulars of yours before His Lordship. When were you(30)

born/...

born? -- 17 December 1952.

And where were you born? -- Sharpeville.

Did you live in Sharpeville for some time or did you move elsewhere? -- I think I was about three years of age when we moved from Sharpeville to Evaton. The reason why we left from Sharpeville is because my father did not have permission to live in an urban area, as a result of which he was endorsed out of Vereeniging, which then made us bound to go and live in Evaton.

COURT : Could I just get clarity here. Is Evaton not (10) regarded as an urban area? -- As far as I know Evaton is one place where people have the right of owning the land. My parents moved to Evaton because of their getting away from being raided by the authorities for permit to live in Sharpeville.

MR TIP : And from Evaton, we know that you now live in Boipatong? -- That is so.

Do you recall when you moved from Evaton to Boipatong? -- It was in 1956.

Has your family name always been Mokoena? -- No, that (20) is not so. My real surname is Ranklai. What happened is this. As a result of my father having been endorsed out of Vereeniging which resulted in his leaving Sharpeville for Evaton, on arrival in Evaton, he had to change from the real surname to a clan name Mokoena.

COURT : Why is that? -- He was bound to get him another permit in order to stay in Evaton and therefore he had to acquire another identity book.

But now, how do you get an identity book in a different name? -- I am just trying to ascertain what the witness is (30) describing/...

describing by talking about an identity document I understood him to be saying "pasa" which may mean a document to produce whenever you are asked to produce an identity. I understand him now to be talking about "pasa" meaning a reference book. May I just get some clarity?

Yes? -- By that I mean the ordinary document one uses to produce, not a reference book, to identify himself which only bears your name and your surname.

MR TIP : Do you remember when you completed your primary schooling? (10)

COURT : You grew up in Boipatong I take it? -- That is so.

MR TIP : And when did you complete your higher primary schooling? -- In 1969.

Did you then proceed to the Lebohang Secondary School?
-- That is so.

And what standard of education did you complete there?
-- Standard 8.

Do you recall the year? -- In 1972.

Did you in 1973 remain at school? -- No, I could not go on with my education. (20)

What was the reason for that? -- Because of my parents not having enough money to afford my education.

What did you do in 1973? -- I was bound to go and look for employment. I got employment with Iscor where I was employed for a period of two years. That is during the years 1973 and 1974.

And what did you do thereafter in 1975?

COURT : And you were employed as a clerk I take it? -- Yes, that is so.

ASSESSOR (MR KRUGEL) : Did you say Iscor or Usco? -- (30)

Iscor/...

Iscor in Vanderbijlpark. At the end of the year 1974 I applied to different schools with a view of carrying on with my education. I was accepted at a school called Bensonvale in Hershel.

COURT : Hershel in the Cape? -- That is so.

MR TIP : May I place on record that accused nos. 13 and 20 are back in court, have been since the resumption after the lunch adjournment.

COURT : Thank you.

MR TIP : Were you able to complete your schooling there?(10)
-- Unfortunately not. In 1976 I again could not go on with my education because of not having enough fees. I could only pay for the first quarter. Then thereafter I did not have funds for furthering my education.

Did you towards the end of 1977 leave the Vaal Triangle for any purpose? -- That is so. After having returned home due to the fact that I could not go on with my education in 1976, I stayed in the Vaal and could not find employment as a result of which then I later left.

Where did you go and find employment? -- I went to (20)
Qua-Qua.

Did you find employment there? -- That is so.

With whom? -- With the Qua-Qua Government works department.

Until when did you remain employed there? -- Until during the year 1982 when I moved from Qua-Qua to Welkom.

Whilst you were in Qua-Qua did you marry? -- That is correct.

Did you have any children? -- Yes, one child who unfortunately passed away at nine months. This child died (30)

after/...

after having suffered from measles for a period of one week. When I took the child to the doctor, the child passed away.

I would like you very shortly to describe to His Lordship some of your observations concerning the living condition of yourself and others in Qua-Qua with reference in inter alia to medical services and the like?

COURT : Where did you stay in Qua-Qua ? -- I stayed in Mputhalichaba which is the town in Qua-Qua . After the death of my child and after I came to know that this child died as a result of having suffered from measles, I made (10) enquiries from some nurses there about whether children were being vaccinated for measles. As a result of which I came to know that during that time Qua-Qua did not have that kind of vaccination against measles, because they did not have somebody who was capable of doing that. Because of the fact that my child died without having had vaccination for measles. Beyond that about living in Qua-Qua , what I can say is that there is no employment there. The firms that are there, if there are any farms, are firms that can only employ people who could be about fifteen to twenty in (20) number and with a very low remuneration and the most of the firms there used to employ women. I remember of one for instance which was a manufacturing firm for glasses and printing flowers on these.

MR TIP : I am not concerned for too many details. Perhaps I could just ask you this whether the impression you formed of the living conditions there was that they were good or less than good? -- It was a very low living condition.

Let us leave it there for the moment. You mentioned to His Lordship that you went to work in Welkom for some (30) time/...

time. What did you do thereafter? -- I returned to Vanderbijlpark, that is Boipatong.

COURT : When was that? -- During the year 1983.

MR TIP : And did you find employment there? -- I stayed for about a month or two without finding employment. I then got employment with a contractor Harrison and White.

What was your work there? -- We were laying electrical cables.

Until when were you employed with them? -- It was about until October. (10)

1983? -- That is so.

And why did your employment come to an end?-- The contract there was about to finish the kind of job they were doing there as a result of which then they effected a retrenchment.

Once you were retrenched, what did you do from October 1983?

COURT : Do you differentiate between retrenchment and dismissal? -- Yes, I do.

What do you understand by retrenchment? -- People (20) get retrenched because of the lack of work for instance if there are too many for the work that is still there, then they will be retrenched. A person who is being discharged is because of a mistake that person has done or a misunderstanding with the employer which justifies a discharge. Then such a person can be discharged by the employer.

MR TIP : What did you do after your retrenchment from October 1983? -- I applied to different firms for employment and to some of these places I went there personally to go and apply for employment by going to stand at the entrance (30) gates/...

gates like other people were doing with others.

Were you successful in finding employment at any time?

-- Yes, that was in September. I could not go and start working there because I got arrested.

In September 1984? -- That is so.

And before then were you able to find temporary work at all? -- Yes, I had a temporary job with Acro Engineers. I was employed there for about two months.

You mentioned that at times you would find yourself at the gates with others. What can you tell His Lordship(10) about the job market if I can put it in that way in Vanderbijlpark, your area at that time? -- There was just no employment at all because during that period most of the firms were retrenching people.

I want to turn now to the Kcornhof bills, and to ask you whether you heard of them at some stage and if so, when? -- It was during the year 1982 when I heard of the bills. That was still when I was in Qua-Qua.

And what was your understanding at the time what those bills were about? -- I understood it to be in fact setting(20) out the apartheid and further understood it to mean that no Black person is permitted to live in the urban areas.

Do you mean no Black person at all? -- No, not that. I understood it to mean that those who are living in towns which is urban areas, will lose their rights of stay in the urban areas.

Did you form an attitude to these bills on the basis of your understanding? --Yes, that is I felt I did not agree with these bills.

Had you at that time heard of the United Democratic(30)

Front/...

Front at all? -- I think I started hearing about the United Democratic Front during the year 1983.

After you had lost your employment at Harrison and White, did you at any time come to meet persons connected with the youth association in Bophelong? -- Yes, that is during the visits to my relatives.

Would you describe the circumstances and the result of your meetings? -- I met the person Johnny Motete who then told me - who then introduced me to this association which has just been mentioned. (10)

COURT : What is the name? -- Bophelong Youth Association.

MR TIP : Was this a formal or an informal introduction? -- It was formal in the sense that he took me along with him to introduce me to these people whom I met there.

Did you come to learn anything about the program of the Bophelong Youth Association? -- Yes, in the sense that I came to know that they were making preparations for extra studies.

COURT : How do you mean extra studies? -- By that I mean they were organising some studies in the evenings at (20) different schools and during holidays and they were also giving assistance wherever they were able to do so.

Yes, but what was studied? -- Assisting those who were preparing for examinations.

For school examinations? -- That is so. They were also organising in preparation for games or plays for the youth. At times they used to hold discussions with problems if ever there were problems within the residential area in which they lived. Those were the things that I came to know which things they had to do with. (30)

MR TIP/...

MR TIP : During that period which is after October 1983 what were your perceptions of the position of the youth in Boipatong in your area? -- I firstly discovered that they are not employed, that is the majority of them is not employed. Secondly I came to a conclusion that their behaviour was not a pleasing one. As a result of which then I formed an opinion of starting an organisation which could be beneficiary to the youth.

COURT : A youth organisation? -- Yes.

Could you just give me some background on Boipatong.(10) Is it a big place? How many schools has it got? -- There are five schools.

High schools, secondary schools? -- There is only one high school.

One of the five is a high school? -- Yes. Which serves children from Boipatong, Bophelong and some children from outside the two areas I have just mentioned.

Has it got a shopping centre? -- There are two of them.

Has it got cinemas and that sort of thing? -- No, only a hall is available there, which hall at times is being (20) used for showing films.

How many people live in Boipatong? If you do not know just tell me you do not know? -- If I were to estimate I would say 5,000 plus.

People? -- Yes.

That includes the children? -- Yes, including the children.

These people, where do they work mainly? -- Boipatong is a place not far from the firms or next to the firms industrial area. Therefore the majority of the people are (30) employed/...

employee' at those firms nearby.

What is the name of the industrial area? -- It does not have a special name of the industrial area. It is just called, say for instance a firm has got its name, then it keeps it area for firms.

Is this an industrial area next to Vanderbijlpark? -- It is a firms' area in the jurisdiction of Vanderbijlpark.

and the means of transport utilised by these people? What transport do they use? -- They go on foot, otherwise on (10)

So, there is no bus service? -- No, not to the firms. The only buses available there are those taking people to town.

The town being? -- Vanderbijlpark of which the majority are women employed as domestic servants or in the suburbs. The same applies to Bophelong. The firms are just near the living area itself namely Bophelong.

And I take it there are taxi's available? -- Yes, there are taxi's but mainly which are being used for going to town which is Vanderbijlpark or for people coming to Boipatong (20) from Bophelong. Then they would make use of the taxi's. And a few of the people because employed on the side on the town which is nearer Boipatong.

MR. JIP : You had begun giving His Lordship your perceptions of the youth in Boipatong. What I would like you to clarify before we go any further is what you mean when you refer to

When I talk about the youth I was referring to between the ages of 18 to 30 years of age.

were these people who were at school or had left school? -- I was in fact paying more particular attention (30) to/...

to those who are not at school any more and at the same time unemployed.

You had used the word I think that their behaviour was not pleasing. Perhaps you could just detail that briefly for His Lordship. What did you mean by that? What was their behaviour? -- By that I mean tsotsism was increasing, mal-behaviour and consuming liquor was also involved there. Generally not behaving well of a young person. That is drunkards, drunkenness taking place there.

As a result of what you learnt in Bophelong and your(10) observations in your own area Boipatong, did you decide to do anything? -- I found it necessary to form an organisation for the youth in trying to prevent the youth from the kind of behaviour which I have just described.

Did you discuss this thought with anyone? -- Yes, a person by the name of Ace Blaai.

Who is he? -- He is a youth who happens to be well-known in that residential area.

Did the two of you come to any conclusions? -- Yes, that is so. We decided to call a meeting at which meeting (20) we were going to form a youth organisation. We found accommodation for that at NG Kerk.

Before you deal with that meeting, I would like to ask you at the place where you and Ace Blaai were discussing this idea, what did the two of you had in mind would be the sorts of activities that a youth organisation might undertake? -- The main idea was to encourage the youth to take part in sports and to discuss whatever problems are being experienced in the residential area.

Problems being experienced by who? -- By the residents(30)
of/...

of that area. Including the youth of course wherever they may come across some problems which needed attention, this would be discussed as well.

What was your attitude - when I say your I mean your own and that of Ace Blaai to school children at that stage? in relation to this proposed youth organisation? -- No, we were not in fact paying any particular attention to school children about that. Although of course my understanding of the whole thing was that if there were some of the school children who had some interest in taking part to (10) what was happening in the youth group which had been formed we would not turn them away.

You had mentioned that you married whilst in Qua-Qua. Are you still married? --No. My marriage was dissolved in 1982.

WITNESS STANDS DOWN.

COURT ADJOURNS UNTIL 7 MAY 1987.

DELMAS TREASON TRIAL 1985-1989

PUBLISHER:

Publisher:- Historical Papers, The University of the Witwatersrand

Location:- Johannesburg

©2009

LEGAL NOTICES:

Copyright Notice: All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

Disclaimer and Terms of Use: Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of paper documents and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

DOCUMENT DETAILS:

Document ID:- AK2117-I2-8-212

Document Title:- Vol 212 p 11168-11229. Witness: GP Malindi, SJ Mokoena