

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

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DELMAS

1986-06-02

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORE: MNR. W.F. KRUGEL

PROF. W.A. JOUBERT

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

99

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

MNR. HANEKOM : U Edele, die getuie is 'n vrou. Sy was 'n raadslid van die Gemeenskapsraad Tumahole. Sy het uit die Gemeenskapsraad bedank op 26 Maart 1985. Sy sê vir my sy het bedank enkel en alleen vir die rede dat sy aangeval was, haar huis was herhaalde kere aangeval, daar was aanvalle op haar en hierdie aanvalle het aangehou selfs na haar bedanking. Sy vrees vir haar lewe.

MR BIZOS : I submit with respect that this is a woman who was seen on the first day when the previous witness was here. Her position is not distinguishable from those councillors (10) from the Vaal Triangle that Your Lordship heard in open court.

COURT : The question is whether the situation has not changed. I heard a witness here who pleaded with me to be able to give his evidence in camera, I very reluctantly agreed to that and the moment after he had started giving his evidence, his shop was burnt down and that seems to be the situation in Tumahole.

MR BIZOS : I did indicate to Your Lordship that there is information which we have and I think that the State - we have a similar situation that this was not as a result - it was not the only shop, there was trouble in Tumahole on that day, (20) as a result of the breaking down of a park. If need be, evidence can be led, as a result of that there was indiscriminate violence and it cannot be connected with his giving evidence in this court. There was wide newspaper publicity of the other difficulties that were there and the other businesses. I submit with respect that for Your Lordship to draw the conclusion that there was a causal connection, it is just not justified.

COURT : Plus the fact that I have in my possession a letter written to a previous witness who was threatened. It seems to me that the situation has changed, but I would like to hear (30) you.

MR BIZOS : I can take the matter no further, but I submit that where we have a situation that this witness came in on the previous occasions, she was seen by people from Tumahole here, she was seen this morning by persons from Tumahole coming into court, in the very passage and together with two other persons from Tumahole. There must be some purpose ... (Court intervenes)

COURT : There are in fact two sections that I can apply. The first one is the first sub-section which deals with or which says that if it is in the interest of justice, I can close (10) the doors of the court and the question does arise at this stage whether it is not in the interest of justice to close the doors of the court for the public, if the witness will be at ease giving evidence in camera. We have a situation which seems to be out of control, I have leant over backwards which a lot of other judges would not have done to keep this trial open. It does seem to me that my witnesses are still being tampered with and it seems to me that I may have gone too far keeping the trial open, but I will still do so if possible, but if witnesses feel that they are threatened, (20) and that they might be necklaced, then I feel that I cannot take a chance on that possibility.

MR BIZOS : May I just make one point with respect. Let us assume that the inferences that Your Lordship has drawn in relation to this witness is correct, it may be significant that they are two persons who have given evidence in camera. So, that in our respectful submission, what Your Lordship has to weigh up, even on the assumption that Your Lordship operates on the basis that the persons connected with this trial have something to do with it, which I submit is un- (30) warrant ... (Court intervenes)

COURT : I do not necessarily operate on that basis. I operate on the basis that it seems to me that my witnesses who give evidence here are not safe and if I can do anything to make it a bit safer, though it may be ineffectual, I should do so.

MR BIZOS : With the greatest respect, I submit that where a witness has been seen by members of the community coming to court, I would submit that giving evidence in open court so that it can be heard... (Court intervenes)

COURT : Well, it seems to me that a section of the community nowadays thinks that if you give evidence in open court, (10) that you are a traitor to that section of the community and if we have that sort of situation, then it means that evidence cannot be given any longer in open court, if the witnesses are threatened on this basis.

MR BIZOS : But Your Lordship has had almost a platoon of witnesses who have given evidence in open court, who tried to give evidence substantially adverse to the accused in open court, they were councillors, they were called for their resignations according to the evidence, there were threats, their houses were destroyed during the difficulties in the (20) Vaal Triangle. They gave evidence in open court and nothing has happened to them.

COURT : But in the meantime the situation has changed. We have had the first necklace in Tumahole, Mr Bizos, and I have threats to a witness from Tumahole, but I will ask this witness the necessary questions and we will see what she says.

MR BIZOS : I do not recall anyone mentioning a necklace in Tumahole?

COURT : There is a necklace in Tumahole of a Municipal policeman the other day and that I did not get from the paper, I (30) got it from the witness in this witness-box.

MR BIZOS : With the greatest respect, that had nothing to do with any person who was connected with this trial.

COURT : It may or may not be so. It is not my function to determine that.

MR BIZOS : I can take the matter no further other than to urge Your Lordship ... (Court intervenes)

COURT : You can be assured that to me it is very important that this case be kept open, but on the other hand I have this difficulty that I cannot have witness giving evidence in fear of their life if I can do anything about it. Whether they (10) are correct or incorrect in their presumption that they will be attacked, I cannot determine, but this trial has to be conducted in an atmosphere of security as far as I can hold it.

MR BIZOS : I have nothing more to say, except to urge your Lordship to keep the court open.

COURT : I will listen to the witness first.

HOF : Ek begryp van die Staatsaanklaer dat u 'n dame is van Tumahole?

GETUIE : Ja. (20)

HOF : En dat u vantevore 'n raadslid daar was?

GETUIE : Ja.

HOF : En dat u kom getuig oor die manier waarop u opgehou het om raadslid te wees?

GETUIE : Ja.

HOF : Ek verstaan ook van die aanklaer dat u in camera wil getuig?

GETUIE : Ja.

HOF : Kan u my die redes gee waarom u daardie versoek rig?

GETUIE : Dit is vir my eie beskerming. (30)

HOF : Hoekom is dit nodig vir u beskerming?

GETUIE : Dit is omdat ek al verskeie kere opgemerk het dat my lewe in gevaar was.

HOF: Hoe het u dit opgemerk?

GETUIE : Ek was verskeie kere aangeval by die huis deurdat my huis met klippe bestook word en die plek was aan die brand gestee.

HOF : Wanneer was dit?

GETUIE : Maartmaand 1985, 7 Mei 1985, 14 Julie 1985 en 21 Julie 1985.

HOF : Sal dit 'n verskil maak as ek gelas dat u naam nie (10) gepubliseer word nie, maar dat die mense wel kan kom luister?

GETUIE : Nee, ek is nie ten gunste daarvan dat die publiek toegelaat word nie.

HOF : Hoekom nie?

GETUIE : Soos ek alreeds gesê het, ek hou nie daarvan dat die gemeenskap moet weet of die mense in die algemeen moet wees dat ek getuig nie en as daar baie mense is, dan sal die mense dit te hore kom.

HOF : Wat dink u sal gebeur as die mense hoor dat u getuig?

GETUIE : Dit is juis die punt omdat ek nie weet nie. Nou (20) probeer ek om myself te beskerm.

HOF : Wat vermoed u sal gebeur as die mense weet u getuig hier?

GETUIE : Jy sal nie presies weet wat ander mense dink nie, maar daar is van die mense wat dit so kan opvat dat jy kom hier om te getuig omdat jy wil hê die mense moet onderdruk word of meer dieper ingaan in dit wat hulle is en vergeet een ding, jy kom getuig hier oor wat jy weet en wat eintlik gebeur het in jou teenwoordigheid.

HOF : Wat sê u van die argument dat dit beter is dat die mense presies weet wat u gesê het as dat hulle raai wat u (30) gesê het en tot verkeerde konklusies kom?

... / GETUIE

GETUIE : Want dan sal ek weet ek het die waarheid vertel, al kan hulle daardie waarheid van my omdraai en iets anders daarvan maak, maar dan weet ek ek het die waarheid gepraat.

HOF : Is u probleem nie dat u bang is u sal aangeval word nie?

GETUIE : Deur wie?

HOF : As u getuig, deur slegte mense?

GETUIE : Ek glo nie hulle sal my aanval as ek die waarheid praat nie, want ek praat die waarheid van wat gebeur het.

HOF : Maar is dit dan nie beter dat ons die mense toelaat (10) om te kom hoor wat u sê nie?

GETUIE : Is dit nie toegelaat dat ek kan getuig sonder dat daardie mense in die hof is nie?

HOF : Dit is nou juis waarom ek u vra om te besluit of dit nodig is of nie nodig is nie?

GETUIE : In die eerste plek as dit die geval is hoekom die Hof vir my die vrae vra, is die beskerming teenoor myself my eerste rede. Tweedens, ek sal met vryheid kan praat as hulle nie in die hof is nie.

HOF : Maar wat ek aan u gestel het, as hulle in die hof (20) is, dan kan hulle hoor wat u sê. As hulle nie in die hof is nie, dan raai hulle dat u iets gesê het wat miskien baie meer ongunstig is?

GETUIE : Ek glo dat die mense wat veronderstel is om presies te weet wat ek sê, hier in die hof teenwoordig is, behalwe dat daardie persone nou toegelaat moet word in die hof.

HOF : Ek dink nie ons verstaan mekaar mooi nie. Die mense wat in die hof is, is die beskuldigdes en die regsmense van die beskuldigdes en die aanklaer. Die mense wat dit nou oor gaan is die publiek in die algemeen en ek wil van jou weet (30) of jy sê jou veiligheid is in gevaar as jy in 'n ope hof

... / getuig

getuig?

GETUIE: Ek beskerm myself en ek sal vir u sê hoekom. As mense baie is en hulle luister na iets, hoor van die mense nie dieselfde nie. Met die gevolg dat die mense van die hof af dinge sal begin sê wat eintlik nie die regte ding is wat ek in die hof gesê het nie.

HOF : En as hulle nie luister nie, gaan hulle nie dan nog ander dinge sê wat ook nie die regte ding is nie?

GETUIE : Die verskil gaan wees, hulle sal sê "Ons hoor sy sê so." Hulle sal nie kan sê "Ons was daar, ons het self (10) gehoor sy het dit en dit gesê nie."

HOF : Op watter gronde dink jy dat jy aangeval sal word?

GETUIE : Dit is op grond hiervan dat ek alreeds vir die Hof gesê het dat ek alreeds aangeval was, sonder enige rede waarvan ek geweet het, dat ek vermoed ek sal aangeval word.

HOF : Wat is u gewone werk?

GETUIE : Ek was 'n verpleegster gewees.

HOF : Is u nog 'n verpleegster?

GETUIE : Nee, ek is nou op pensioen.

HOF : Woon u in Tumahole? (20)

GETUIE : Ja.

HOF : Is dit bekend waar u woon?

GETUIE : Ja, baie goed.

... / BEVEL



B E V E L

(GESTUUR VIR NASIEN)

MR BIZOS : Accused no. 1 has gone to the doctor.

COURT : There seems to be a misunderstanding about accused no. 17. So, accused no. 17 is staying and accused no. 1 is gone.

IN CAMERA GETUIE NR. 18, v.o.e. (Deur tolk)

ONDERVRAGING DEUR MNR. HANEKOM : In November 1983 is u verkies tot die Gemeenskapsraad van Tumahole? -- Dit is so, ja.

HOF : Dit was die eerste keer wat u verkies is? -- Ja.

MNR. HANEKOM : Nadat u lid geword het van die Gemeenskapsraad was daar in Tumahole georganiseer teen die Gemeenskapsraad (10) en die hele stelsel van raadslede? -- Wat is georganiseer?

Is daar georganiseer teen die stelsel van die raadslede? -- Dit is eers na die huurgelde bespreek was, dat dit na vore gekom het dat daar mense is wat teen die stelsel is.

Laat ons dit net nader bepaal. Wanneer het dit begin? Wanneer het u agtergekom daar is mense teen die stelsel? -- In die begin van die jaar 1984.

Was dit individue wat die organisasie gedoen het teen die raadstelsel of was dit organisasies? -- Dit was destyds 'n organisasie. (20)

Watter organisasie was dit destyds? -- Tumahole Students Organisation.

Is dit die enigste organisasie of was daar nog ander? -- Daar was toe nog 'n ander een bekend as Prohumanism.

Het u enige persone van hierdie organisasies geken in Tumahole? -- Ja.

Wie was hulle? -- Van die Students Organisation het ek die volgende persone geken: Sezile Dabi en Vuyo Dabi.

HOF : Dit is twee mense? -- Ja, dit is twee mense. En Molo-kwane. Ek kan nie meer onthou wat sy naam is nie. Skosana. (30)

Ken u Skosana se naam? -- Nee, ek het die naam vergeet.

... / MNR. HANEKOM

MNR. HANEKOM : Hulle was heelparty wat van hierdie organisasie was. Hierdie wat ek genoem het, is diegene wat ek nog kan onthou.

HCF : Was hierdie mense leiersfigure of maar net lede? — Ek aanvaar dat hulle leiers was van hierdie organisasie.

MNR. HANEKOM : Hoe het hierdie organisasie te werk gegaan? — Eulle het vergaderings geroep.

Was dit klein vergaderings of was dit wat n mens kan bestempel as massa vergaderings? -- Ek weet nie. Al wat ek vir die Hof kan sê is dat hulle het vir ons n brief geskryf(10) waarin hulle vir ons laat weet het dat hulle graag met ons bymekaar wil kom.

Is dit die Gemeenskapsraad met wie julle bymekaar wou kom? -- Ja, dit is die Gemeenskapsraad wat dit wou gehad het.

Wanneer min of meer was dit? -- Dit was in 1984, vroeg in 1984. Ek is net nie seker of dit Mei of Juniemaand was nie.

Het u Raad en die organisasie toe bymekaar gekom? -- Ja, ons het.

Waar het die byeenkoms plaasgevind? -- In die Gemeenskapsaal. (20)

En wat is daar bespreek? Of laat ek dit net eers so stel, was u teenwoordig? -- Ja, ek was.

Wat is daar bespreek? -- Eintlik wat ons daar bespreek het, was oor die huurgelde.

Wat was die Gemeenskapsraad se houding oor die huurgeld? -- Die Gemeenskapsraad het probeer om aan hulle te verduidelik wat die rede was hoekom die huurgelde verhoog moet word en hoe hierdie geld gespandeer gaan word.

Laat ons net die kwessie van die huurgeld kry. Was daar sprake van n huurverhoging in daardie tyd? -- Ja. (30)

Wanneer sou die huur verhoog word? Kan u nog onthou?

-- Aan die begin van die nuwe jaar, dit wil sê 1 Julie.

1984? -- Ja.

Kan u onthou wat die bedrag van die huurverhoging sou wees? -- Die totale bedrag van die verhoging was omtrent R10,00.

Per maand? -- Ja, per maand.

Wat was die organisasie, die Students Organisation se houding n dat die Gemeenskapsraad dit aan hulle verduidelik het? -- Hulle was nie daarvoor nie. Hulle het glad nie dit(10) aanvaar nie.

Het hulle enigiemand verkwalik vir die huurverhogings? -- Die raadslede.

Wat het hulle gesê van die raadslede? -- Die houding van hulle was hoekom het die Gemeenskapsraad dit aanvaar en die geld verhoog, want dit het al vantevore gebeur dat hulle die geld verhoog het en dit was onwettig gewees.

Het die organisasie enige eise gestel? -- Ja, later het hulle toe gesê hoeveel moet die huurgelde wees.

Kan u onthou wat dit was? -- Ja, R18,50. (20)

Moes die totale huur R18,50 wees? -- Ja, die totale huurgeld R18,50.

Wat was die huur op daardie stadium? -- R26,25.

Afgesien van die huurgeld se eise, het hulle enige eise gehad met betrekking tot die raadslede of die Gemeenskapsraad self? -- Nie in hierdie vergadering nie, maar in 'n ander vergadering het hulle geëis dat ons moet bedank.

HOF : Is dit nou 'n latere vergadering? -- 'n Latere vergadering op 'n ander dag.

Wat was hulle houding by hierdie eerste vergadering (30) wat u nou oor praat oor die raadslede? Was hulle vriendelik

... / teenoor

teenoor die raadslede? -- Ek sal dit beskryf as 'n vergadering wat nie lekker was nie, want hulle wou eintlik nie eers geluister het wat die raadslede sê of die Gemeenskapsraad mense sê nie.

MNR. HANEKOM : By die latere vergadering waar hulle geëis het dat raadslede bedank, was u daar teenwoordig of nie? -- Ja, ek was teenwoordig.

Was u daar in u persoonlike hoedanigheid of was dit weer 'n byeenkoms van die Raad met die organisasie? -- Die tweede vergadering was gehou deur die Gemeenskapsraad en die nuwe (10) organisasie wat alreeds bestaan het daar.

Watter organisasie was dit? -- Hulle het dit genoem as 'n komitee wat vir die inwoners daar staan, dit wil sê wat die inwoners verteenwoordig.

Het die komitee enige naam gehad? -- Toe ons by hierdie vergadering was, het hierdie komitee nie 'n spesifieke naam gehad nie.

Was dit heeltemal 'n nuwe komitee of was dit 'n komitee wat maar voortgestam het uit die organisasie? -- Ek sal sê dit was 'n komitee van die vorige organisasie, want die (20) mense van die komitee was mense wat reeds teenwoordig was by die vorige vergadering met die organisasie, alhoewel hierdie keer daar nog ander mense by gekom het.

Toe die mense eis dat die raadslede moet bedank, hoe het hulle na die raadslede verwys? Het hulle verwys na die "councillors" of hoe is daar na hulle verwys? -- Hulle het ons as "councillors" genoem.

HOF : Maar is dit nou die eerste vergadering of die tweede vergadering of albei? -- Dit is die tweede vergadering.

Wanneer omtrent was die tweede vergadering? -- Ek kan (30) nie presies onthou wanneer dit was nie, maar dit was na

Juliemaand.

MNR. HANEKOM : 1984? -- Ja.

Net om duidelikheid te kry, is die huur wel verhoog op 1 Julie 1984 of nie? -- Nee, dit was nie verhoog nie.

Is die huurverhoging uitgestel of is dit heeltemal afgestel? -- Dit was uitgestel gewees, want ons het dit nog bespreek.

By hierdie tweede vergadering toe die komitee versoek dat die raadslede moet bedank, het hulle redes aangevoer vir die eis? -- In hierdie vergadering het hulle gesê ons is (10) nie in staat om ons werk te doen nie. Met die gevolg dat ons uit die Raad moet gaan.

Het hulle gesê wat sal gebeur as die raadslede besluit om nie te bedank nie? -- Nee, nie in hierdie vergadering nie.

Het hulle dit op 'n later stadium gesê? -- Ons het dit net van ander mense gehoor wat gesê word wat met ons gaan gebeur. Dit was nie in 'n vergadering aan ons so gesê nie. Ons het dit van ander mense gehoor.

Dit wat u gehoor het, het u dit privaat gehoor of was die stories maar in omloop in die hele Tumahole? -- Dit was (20) orals gesê.

Wat was gesê? -- Dat ons eiendom aan die brand gesteeek sal word en ons sal doodgemaak word as ons nie bedank uit die Raad nie.

Is daar later van die raadslede se besighede aangeval of aan die brand gesteeek? -- Ja, die besigheid van Hlalele was aangeval.

Wanneer was dit? -- Hy was die heel eerste een in 1984 - as ek nie verkeerd is nie was dit in Juliemaand.

Was daar 'n aanval op u eie huis? -- Ja, daar was. (30)

Wanneer was dit? -- 24 Maart 1985. Weer 'n keer op 7 Mei

1985. Op 14 Julie 1985 en 21 Julie 1985.

Kom ons kom terug na die eerste keer toe, Maartmaand 1985. Watter tyd van die dag of die nag is u huis aangeval? -- Dit was na 24h00 middernag, 00h30.

Hoeveel mense was op daardie stadium in u huis? -- Ons was vyf.

Was dit uself en wie nog? -- Dit was ek, my man, my dogter en twee klein kinders.

Hoe is u huis aangeval? -- Petrolbomme was gegooi.

Het van die petrolbomme binne-in die huis geval? -- (10)  
Ja, dit het.

Hoeveel? -- Drie.

Hoe weet u dit was petrolbomme? -- Ek het petrol in die huis geruik. Die deskundiges wat daar gekom het, het ook gesê dit was petrolbomme.

Het die petrolbomme aan die brand geslaan? -- Nie die in die huis nie. Dit het nie aan die brand geslaan nie.

Het daar wel iets gebrand by die huis? -- Ja, buite die huis by die deur.

Wat het daar gebeur? -- Die deur het gebrand. (20)

Het u gaan kyk wat die brand veroorsaak het by die deur? -- Ons het nie gaan kyk nie, maar ons het probeer om die vuur te blus, want die vlamme was hoog.

Het u toe die vuur geblus? -- Ja.

Het u toe die vlamme geblus was gesien wat die vuur veroorsaak het? -- Ja, wat daar gebeur het, is, buite die deur - teen die deur - was daar 'n buiteband gewees. In die buiteband was daar olie gewees. Die olie was gemeng met petrol soortgelyk aan die vloeistof wat in die bottels was wat ek vroeër na verwys het wat in die huis gevind was. Dit is (30) die vloeistof wat ek na verwys het as petrolbomme.

... / Die

Die band het gebrand? -- Ja, die band het gebrand as gevolg waarvan die deur ook vlam gevat het.

Dit was die nag. Die volgende dag, die namiddag, was u by die huis gewees? -- Ja, ek was.

Het daar weer iets by die huis gebeur? -- Ja, die huis is toe met klippe bestook.

Hoe laat was dit? -- Om 14h30.

Is die huis se ruite stukkend gegooi? -- Ja, baie.

Is dit reg dat u bewoon 'n dubbelverdieping huis? -- Ja.

Terwyl die klipgooiery aan die gang was, was u in die (10) boonste verdieping? -- Ja, ek was op die boonste verdieping om te sien wat gebeur.

Wat het u buite gesien? -- Ek sien toe dat hulle besig was om die huis met klippe te bestook. Ek wou gekyk het om te sien of ek een van die persone ken.

Het u van die persone geken? -- Ja, daar is van hulle wat ek geken het.

Wie was dit? -- Ace Magashule, Vuyo Dabi en Skosana.

Die Vuyo Dabi en Skosana is dit die persone waarna u reeds verwys het as lede van die organisasie? -- Ja. (20)

En Ace Magashule, was hy ook aan 'n organisasie verbonde? -- Ek vermoed so, al was hy nie by die eerste vergadering teenwoordig was ons in die Gemeenskapsaal gehou het nie, dit wil sê vroeër voor hierdie voorval.

Hierdie drie persone wat u herken het, wat was hulle besig om te doen? -- Hulle was heel agter, dit wil sê agter die kinders of die persone wat die klippe gegooi het.

Was daar tussen die mense wat die klippe gegooi het enige plakkate of baniere? -- Op die stadium wat hulle opgekom het het hulle plakkate gehad, maar weens die afstandie waar ek (30) hulle kon sien, kon ek nie lees wat daarop geskryf staan nie.



HOF : Kan u net vir my 'n idee gee, die Ace Magashule, Vuyo Dabi en Skosana, is dit nou volwasse mans of is dit kinders? Wat is dit? — Ek kan na hulle verwys as "youths".

Tot hoe oud is 'n mens 'n "youth"? — Tussen 18 en 25.

MNR. HANEKOM : Die drie persone, het hulle die klipgooiers probeer keer of wat het hulle gemaak? — Ek het hulle nie gesien keer nie.

Was hulle maar toevallig op die toneel of het u die indruk gekry dat hulle deel van die groep was? — Dit het vir my voorgekom asof hulle saam met die aanvallers gekom het. (10)

Is dit reg, van die vorige nag se insident af was daar 'n polisiebeampte by u huis geplaas? — Ja, dit is reg.

Wat het hy gedoen toe die mense hierdie huis met klippe gooi? — Hy het hulle laat skrik sodat hulle gevlug het.

Hoe? — Hy het geskiet. Hy is van die "law enforcement." Hulle dra nie regte vuurwapens nie. Hulle dra hierdie tipe vuurwapens wat gebruik word om voëls mee te skiet.

HOF : Skiet mense van die "law enforcement" voëls? — Ek weet nie.

Is dit nie 'n kettie wat u van praat nie? — Nee, dit (20) is nie 'n kettie wat hy gehad het nie.

MNR. HANEKOM : 19h00 daardie selfde aand, was u en u familie nog steeds by u huis? — Ja.

Wat het toe daar gebeur? — Hulle is toe weer terug en van agter af kom breek, dit wil sê die agterkant.

Wat het hulle gebreek? — Die vensters was gebreek en nog van die goed binne-in die vertrekke was ook gebreek.

HOF : Was dit nou met klippe aangeval? — Ja.

MNR. HANEKOM : Kon u toe enige persoon identifiseer? — Nee, ek kon nie, dit was al donker gewees. (30)

Het die wag wat by die huis was die mense weer verwilder?

... / Ja

— Ja, die persoon was nog daar gewees.

HOF : Het hy hulle weer verwilder? — Ja, hy het dit weer gedoen.

MNR. HANEKOM : Op 7 Mei 1985 was daar 'n vergadering gehou in Tumahole? — Ja, dit is so.

Wat se vergadering was dit?— Dit was 'n unievergadering, Garments Unie.

HOF : Noem hulle dit die Garments Union? -- Ek het net gehoor dit is die unie se vergadering . Die meeste van die mense wat soontoe was, is die wat vir die fabriek werk. (10)

MNR. HANEKOM : Het u man daardie nag by die huis geslaap? -- Hy het later gekom na die plek gebreek was. Hy was nie tuis nie.

Was u tuis? — Ek was ook nie tuis nie. Net die kinders was tuis.

Wanneer het u en u man weer tuis gekom? — My man het dieselfde nag teruggekeer. Ek het later teruggekom.

Die volgende dag? — Ja, ek het die volgende dag teruggekeer, want ek was nie in kennis gestel van wat gebeur het nie. Hulle het my eers die volgende dag daarvan laat weet.(20)

Wat vind u toe u by die huis kom? — Die vensters van die huis was gebreek gewees, die vensterruite en die meubels binne-in die huis was ook beskadig met klippe.

Op 14 Julie 1985 was u by die huis gewees? — Ja, ek was.

HOF : Spring u nou by 'n vergadering verby, by 'n aanval verby op 27 Mei 1985?

MNR. HANEKOM : Ek was onder die indruk dit was 7 Mei, tensy ek verkeerd gehoor het.

HOF : Tensy ek verkeerd gehoor het ook. Is dit dieselfde geval wat die getuie van gepraat het. Die aanvalle op u (30) huis het u vir my gesê was op 24 Maart 1985? — Ja.

Die tweede een was dit 27 Mei of 7 Mei 1985? -- Die 7de.

Die derde was 14 Julie? -- Ja.

En die vierde was 21 Julie? -- Ja.

MNR. HANEKOM : Op 14 Julie 1985 ongeveer 19h00 was u tuis  
gewees? -- Ja, ek was tuis.

Wat het daar gebeur? -- Hulle het daar aangekom, hulle  
was baie, besig om te sing en toe die huis met klippe begin  
aanval.

Was dit weer jeugdiges gewees? -- Ja, dit was jeugdiges  
gewees. (10)

Het u na buite gegaan? -- Ek het daar buite gestaan en  
ek het hulle toe gevra om op te hou en hulle het gestop en  
toe nader gekom om te kom hoor.

Ja? -- Ek vra hulle toe "Wat het ek verkeerd gedoen,  
wat so groot is, dat julle vir my kan sê dat ek dit regstel?"  
Hulle het nie daarop geantwoord nie. Hulle het net gesê  
"Sorry, sorry," Toe is hulle weg.

Het u man later daardie selfde maand met persone by u  
huis aangekom? -- Ja, hy het ene Ace Magashule gaan sien en  
Mosepedi. Thabane het ook saam met hulle gekom. (20)

HOF : Na u huis toe? -- Ja.

MNR. HANEKOM : Was Mosepedi en Thabane aan enige organisasie  
verbonde? -- Mosepedi is in die Civic Association.

Is dit die Tumahole Civic Association? -- Ja.

En die ander man? -- Hy het ook. Dit is Thabane.

HOF : Is dit nou jeugdiges of is dit ouer persone? -- Mosepedi  
is 'n ouerige man.

MNR. HANEKOM : En Thabane? -- Thabane is van die jeug.

Het daar 'n gesprek tussen julle plaasgevind? -- Ja, daar  
het. Eintlik het ons vir hulle gevra om vir ons te sê (30)  
wat die moeilikheid is. Wat is dit wat hulle soek.

HOF : Het u vir hulle gevra "Wat kom seek julle hier by my huis?" of het u vir hulle gevra "Hoekom is daar moeilikheid?"  
-- Wat ons gevra het was "Wat is die moeilikheid wat veroorsaak dat ons huis so aangeval moet word. "

MNR. HANEKOM : Net om dit duidelik te stel. Was u op daardie stadium nog 'n raadslid of nie meer nie? -- Nee, ek was nie meer 'n raadslid nie. Ek het in Maartmaand opgehou.

Het u bedank op 26 Maart 1985? -- Ja.

In die gesprek met die drie persone, het u vir hulle gesê u het uit die Raad bedank reeds? -- Dit is eintlik (10)  
presies wat ek hulle gevra het. Ek het dit aan hulle gestel "Kyk, julle het gesê ons moet bedank as raadslede. Ek het bedank. Wat is dit eintlik wat julle nou seek nadat ek bedank het?"

Het enigeen van hulle geantwoord? -- Ja, hulle het daarop geantwoord en gesê hulle weet regtig nie wat die kinders nou seek nie, want hulle het vir die kinders gesê om ons nou weer terug te aanvaar in die gemeenskap, want ek het nou bedank uit die Gemeenskapsraad.

Wie het as spreker opgetree? Kan u onthou? -- Maga- (20)  
shule het gepraat asook Mosepedi. Aan die einde het hulle toe vir my gesê dat die skade, dit wil sê die gebreekte vensterruite sal hulle regmaak.

Het hulle dit reggemaak? -- Ja, hulle het.

Wie het dit reggemaak? -- Hulle het die reëlings getref. Die mense wat die ruite kom vervang het was Vaal Glass volgens wat hulle gereël het.

Weet u wie het betaal vir die regmaak? -- Hulle het gesê hulle sal betaal. Wie betaal het, weet ek nie.

Op 21 Julie 1985 was u weer tuis? -- Ja, ek was. (30)

Wat het daar gebeur by die huis? -- Die huis is weer met

klippe gebreek. Een vertrek was aan die brand gesteeek.

Het dit in die dag of in die nag plaasgevind? -- Dit was in die dag gewees, om en by 14h00 of 14h30 se kant.

Het net een vertrek in die huis gebrand? -- Ja.

Watter vertrek was dit? -- Dit was 'n slaapkamer.

Hoe is die slaapkamer aan die brand gesteeek? -- Ek vermoed hulle het petrol gebruik om die plek aan die brand te steek, want in die nabyheid van die venster was daar 'n plastiese houër gewees bevattende petrol. In 'n ander slaapkamer het ons 'n tennisbal gevind wat ook petrol binne-in gehad het. (10)

Het u enige van u aanvallers geëien of nie? -- Ja, dit was in die dag gewees.

Wie was dit? -- 'n Dogtertjie met die naam van Minosi en Magashule se seun. Sy naam is Sifolaro.

Nog mense of net hierdie twee? -- Dit is al mense wat ek daar geken het.

Wat het hulle twee gedoen? -- Minosi het die klippe gegooi.

En die seun? -- Sifolaro is die persoon wat die tennisbal in die kamer ingegooi het. (20)

U het na Minosi verwys as 'n dogtertjie. Sou u sê sy is hoërskoolouderdom of laerskool? -- Nee, sy kan in die sekondêre skool wees.

HOF: Hoe oud is sy? -- Ek weet nie wat is haar ouderdom nie.

Skat? Ek wil net 'n idee kry? -- Tussen 17 en 18 is my skatting.

MNR. HANekom : En die seun van Magashule? -- Hy is ook in daardie ouderdom.

Weet u of enige van hulle aan enige organisasie verbonde is? -- Nee, ek weet nie van hulle organisasies nie. (30)

Waarom het u as raadslid bedank? -- In die eerste plek

... / nadat

nadat ek besef het dat my lewe nie meer so goed is nie en tweedens, as gevolg van wat vroeër gebeur het en derdens, het ek gevoel ek kan nie dinge gaan doen en gaan werk vir mense wat my nie aanvaar as 'n persoon wat in staat is om dit vir hulle te doen nie.

Die tweede rede wat u genoem het, u sê as gevolg van dinge wat vroeër gebeur het. Verwys u na die aanvalle op u huis? -- Ja, dit is na die aanval op die huis.

HOF : Minosi, ken u haar van? -- Nee, ek het vergeet. Ek weet wat haar van is, maar ek het net vergeet. (10)

CROSS-EXAMINATION BY MR BIZOS : I just want to get something out of the way before we get down to some details. The three persons that you mentioned as having attacked your house on the first occasion, that is Ace, Vuyo and Skosana, were they charged with any offence? -- I do not know.

COURT : While we are talking of Ace Magashule, is Ace Magashule related to Sifolaro Magashule? -- I believe that they must be related.

In what sense? -- I do not know in what sense. All I can tell you is that the Magashules and Magashules are (20) related. They are not staying in the same house.

MR BIZOS: Have you been called upon to give evidence against them in the last year? -- No.

Do you know whether they were arrested as a result of any statement that you may have made? -- I do not know.

Did any police officer or any prosecutor take any statement from you in relation to this activity before you came to Delmas? -- I have not spoken to any prosecutor about that, but each time, that means after each and every incident I was making a statement. (30)

Did you make a statement that you actually recognised

three people that attacked your house? -- In my statement I mentioned everything as I have been telling this Court now.

Immediately after the event? -- I do not know whether to say immediately after the incident, in the sense that immediately after the happening on the same day, but what I can say is, it may be a day after the incident or just not very long after the incident.

Almost immediately? -- Yes.

You see, because I am going to put to you that the persons that you mentioned were in fact arrested, but the charges (10) against them were dropped. Do you know anything about that?

-- No, I do not know that. I hear that for the first time.

You never heard anything to the contrary? You were never subpoenaed to come and give evidence or informed what happened to the case or anything like that? -- No, I was never called.

I am instructed that these three persons did not have anything to do with any attack on your house and that there was no evidence of it and the charges were withdrawn? My Lord, I do not know what the State's attitude is in this regard, whether I am going to convert this into a cross- (20) examination in the public violence trial before Your Lordship or not.

COURT : It depends on whose behalf you are briefed. Those three persons or the twenty-two accused?

MR BIZOS : Obviously I am briefed on behalf of the twenty-two accused, but I am assuming that the State has led this evidence for some purpose and if it is left untested, I do not know whether Your Lordship is going to make a finding about this sort of thing or not.

COURT : Very well. Now why then did you put the question (30) to me? I cannot dictate to you how you must cross-examine?

MR BIZOS : No, but Your Lordship's statement both now and previously as to who we appear for, may suggest to us that we do not know from the State, in the absence of any further particulars, in the absence of any opening what the State intends doing with this and this is why I am asking, not so much as a direction from Your Lordship ... (Court intervenes)

COURT : It seems to me, if I read between the lines, that these people are said to be connected with the TSO and I cannot recall, but it may well be that TSO is one of the organisations that is affiliated to the UDF and that in (10) that way this evidence is led. I do not know.

MR BIZOS : Is the UDF going to be held responsible for the act of any particular individual throughout the country, in the absence of particularity or a specific allegation?

COURT : That you can address me on later. I do not know why the evidence was led, but in any event, she was asked to identify people who attacked her. It may well be that that is to preclude you from later on saying "Well, you did not even tell us who your attackers were. How can we believe you"? I do not know what the purpose of the evidence is. (20)

MR BIZOS : I do not know either.

COURT : I place on record that accused no. 1 is returning to the fold.

MR BIZOS : How far away were you from the people that attacked your house on the night in question when you say the three people were there? How far away were they from your house?

COURT : She did not identify anybody at night. This is the first attack, 24 March 1985. The day before she resigned.

MR BIZOS : How far away were you? My Lord, according to my notes the march was after midnight. (30)

COURT : There were two incidents. At 19h00 they came again, ... / they



they returned. Previously they had been there at about - yes, you are quite right, it was just after midnight. Between 24h00 and 00h30. This was the next afternoon. I am sorry. So, the evidence is that at midnight there was an attack with petrol bombs. The next afternoon there was an attack, stones were used. The identification was that afternoon.

MR BIZOS : According to my notes - any way, I will accept Your Lordship's ... (Court intervenes)

COURT : The words were "Die volgende middag was ek tuis. Die huis was met klippe bestook om 14h30 die middag." (10)  
Then we came to the double storey.

MR BIZOS : How far were you from the place where these people were when your house was attacked? -- They were not very far really.

How far? -- They were in the next street from my street coming in the direction of my house.

How far was that? -- I do not know what to say in metres how far that is.

Is it a block away, half a block away, a quarter of a block away? -- My house is at a corner stand and therefore (20) from my house there was another house which is at the corner of the other street.

How far away were they? How many houses away? -- There is a house facing my house at this corner and then there is another house next to that house. They were between the two houses. That is the house facing mine and the house next to me in the direction of my house.

COURT : So, they were just across the street actually?-- Yes.

MR BIZOS : And were they the people who were actually throwing stones? -- There were many people throwing stones there. (30)  
They were present while this was happening at the back, that

is in the background of the people who were throwing stones.

Did you see anyone of them throwing a stone? -- No, I did not see them throwing stones.

Could you identify anybody that was throwing stones? -- I saw them, but they are not known to me.

How large was the crowd that was throwing stones at you? -- They were quite many. I am not in a position to tell in any number as to how many were there, but they were quite many.

Hundreds? -- Hundreds, yes. (10)

As many as a thousand? -- No, that I do not know.

And how many persons would you say of the crowd actually threw stones at your house? -- I do not know that.

Did this group stop at your house or did they just walk or marched past and that some people, as they were doing this, were throwing stones at your house? -- They did not pass there. They came up to my house and started throwing stones. A policeman is in fact the person who caused their disperse there.

Do you know of anybody that was injured as a result (20) of the shooting by the police? -- I did not hear about that.

Do you know how many, if any, people were arrested as a result of this incident? -- I do not know.

Let us just come to the question of holding office. Were you not a councillor before the end of 1983 at all? -- No, I was not.

COURT : Did your term of office start on 1 January 1984? -- 1 December 1983.

MR BIZOS : Had you taken any part at all in the civic affairs before that day? -- There were no civic affairs at all there. (30)

Was there not a community council? -- Yes, this was ...

... / (mechanical

(mechanical defect)

Had you not taken part in its activities during 1983 or before that? -- That is true, I was not, because it is before my becoming a member of the community council.

And when you became a community councillor, do you remember during what month in 1984 the question of the increase of the rental was first raised? -- Do you mean within the council or with the community?

Within the council? -- As far as the council is concerned we started by discussing the budget and this was my very (10) first year in the council. This was my first meeting in the council.

Can you remember during what month the question of the rental was first raised? -- I cannot quite recall that. It could be January or February.

Do you recall when the previous increase was? -- No, I cannot recall that.

Do you recall whether there was any discussion by the council as to whether or not the promises that had been made to the community in relation to the previous increase had (20) been fulfilled or not? -- That mentioned at the time when we had a meeting with the Students Organisation when they were saying "Certain promises were made that some things were going to be done and those things had never been done."

Did the students come there with documents explaining the previous increases and pointing out that things had not been done that had been promised before? -- Yes, they came with some documents.

Would you recognise those documents if they were shown to you or will you not recognise them, because you were not (30) on the council previously? -- No. All I know is, they had

... / documents

documents from the Orange-Vaal. I would not be able to identify a particular document and say this is the kind of document that they had.

But you can remember the nature of the document, that it was issued by the Orange-Vaal Development Board or Administration Board, which dealt with rent increases and promises? -- Yes, that I do remember.

You know, your community has really been torn and sunder and I want to assure you that I do not want to add to your pain as a result of what has happened to your community. (10) Did it not appear to you and to the other councillors that these young people actually appeared to know what they were talking about when they came to your meeting? -- It was quite apparent that they knew exactly what they were talking about, because they even had evidence with them namely the documents that they had with them, basing their argument on.

Did some of the old hand councillors, you know, the senior councillors, resent the fact that these young people were now becoming so clever? -- What I can say is, the councillors did not show a bad feeling about what the youth had brought (20) there or revealed in this meeting pertaining to this.

The revelations that were made by the young people by presenting these documents and saying things had not been done, was that news to you as a new councillor? -- It was news to me, because I did not know about it before.

And this meeting with TSO, the Students Organisation was held after a decision had been made to increase the rental by about R10,00? -- Yes.

Whether things that appeared on the document had been done or had not been done, were there for everybody to see (30) or not to see? -- Yes, that is true.

Were the young people at least in some instances quite correct that things that had been promised in relation to previous increases had not been done? — It was explained to the youth there in that meeting as to what happened and what projects were followed and what was happening which caused that.

You mean explanations were given as to why things had not been done? — No, that I do not mean. What I mean is, it was explained according to the documents there, whatever the origin, as to why it is there and how it is to be worked out. (10)

I do not think that we are understanding each other. Let me try again. Do you agree that some of the things that had been promised in the past had not happened? — I cannot quite remember those things, unless I am given time to go and check them and remember as to what was it all about.

About one other thing that these people appeared to be knowledgeable about, were they knowledgeable about the procedure that the council had to follow before agreeing to an increase? — They were mentioning a lot of things that they knew and (20) which things I cannot just remember now off-hand here.

Well, let me just ask you this. Had the rent increase been advertised before this meeting? — I am not quite certain, but I believe it must have been advertised by them, because the meeting was in June.

Advertised by who? — It was supposed to have been advertised by the Administration Board and us, the councillors, that is the community councillors.

Do you recall whether they asked "Where is the advertisement?" — I cannot recall that. (30)

Do you remember whether they asked whether the increase

... / had

had been gazetted? -- Yes, they did speak about the Government Gazette.

Do you remember whether they were told whether or not the increase had been gazetted or not? -- I cannot remember. I do not remember everything what was said there.

Do you recall these young people that came to the meeting said "Well, the increase is invalid and the people are not obliged to pay it"? -- Yes, that is what they said.

That the increase that the council had already agreed to the young people said that they had legal information that (10) the people were not obliged to pay it? -- I remember them making mention of the Government Gazette.

Do you recall that some of the councillors were upset that there was an attempt to show them up by such young people? -- That I cannot recall.

Do you recall that the councillors' attitude or some of the councillors' attitude was that they would not be guided by children? -- I cannot recall that being said at the meeting.

Do you recall that one or other of these young people said that is not a question of age, but that it is a question (20) of what is right and what is wrong? -- I cannot quite remember exactly what is it all that was said in this meeting, the reason being that at some stage it was not pleasing at all to be in that meeting, because there was some exchange of words to an extent that I would describe it as a meeting that was not nice.

COURT : Was it a shouting match? -- No, it was not a shouting match.

Did anybody make any derogatory remarks? -- I cannot remember exactly who was saying what to who, but all I can (30) tell the Court is at a stage it was not nice to be in that

... / meeting

meeting at all and the words used there, whether to describe it as derogatory words or not, I am not in a position to say that.

Not fit for the ears of a lady?

MR. BIZOS: You do not suggest that there were any swear words or anything like that? -- No, there were no swear words.

Would you agree that what was being contended for at that meeting was that the proposed increase was not valid and that people would be advised that because the proposed increase was not valid, they should pay the old rent? -- (10)  
Yes, it was said in this meeting.

There was no question of R18,00 at that stage, because the previous rent was R26,00 and not the current rent was being R26,00? -- That is true.

COURT : What is true? There was no question of R18,00 or that the previous rent was R26,00 or both? -- Both. In this particular meeting both mention was made of R18,00 and the current rent then was R26,00.

MR BIZOS : The question of R18,00 came in much later when communication had already been broken down completely? -- (20)  
Yes, that is true.

In February 1985? -- Yes, it was quite late. It is possible. It can be correct that it was February 1985.

Do you recall that at the stage of this first meeting there was no civic association in your community? -- Yes, that is true.

And would you agree that the idea of a civic association being formed came after this meeting that you had with the young people because some councillors did not feel particularly happy to negotiate with youths? Some of them even called (30) them children? -- As to how it came to be that there was a

... / civic

civic association to be formed, that I do not know. In this meeting we only had TSO and Prohumanism.

And this Prohumanism was that a sort of cultural organisation? What did its name imply to you? What did they do other than come to your meeting? — From my judgment they were also there about this question of rent.

Before the question of the rent arose, what was their field of activity? — I would not know exactly what they were doing prior to that except that they would time and again prior to this question of the rent being discussed, address(10) the youth.

Do you know whether an ad hoc committee of the civic association was formed? — No, I do not know.

If any other organisation had been represented at this meeting, would you have known about it? — I would, because these people wrote a letter asking for a meeting.

Did you know about the UDF at the time of the first meeting? — No, I did not know.

Was the UDF represented at this first meeting? — I would not know, because I did not even know who the people are (20) who were involved with the UDF.

Was the UDF mentioned at all at your first meeting? — No, nothing was said about UDF.

Did you know Mr Lister Skosana?— Yes, I do.

Who was he representing? — He was representing TSO. He came there to ask as a person representing TSO.

And you have always been clear about that? About Mr Lister Skosana representing TSO? — I did not have any other information about him, except that I accepted him to have been there like the other people for TSO like the others (30) who were there for Prohumanism.



Do you recall that you attended a meeting on 10 September 1984 at which you, Mr Phule, Mr Matsi and Mr Letsoenyo - Your Lordship will see the names on AAQ(41) - represented the council? -- Was that a council meeting?

No, it was not a council meeting. It was a meeting at which Mr Ganz was present, Mr Leverink, Mr Roets, Mr Lombard, Mr Ströb and a number of community representatives? -- Yes, I was present at that meeting.

Before that meeting was held, did you see the previous day or shortly before that meeting, a day or two before that (10) meeting Mr Hlalele, the person who was a councillor but who had already resigned? -- I would not know, because the Hlalele's are my family's friends and we visit each other. So, I cannot remember a particular day about that.

You see, I am not for a moment suggesting that it was a family friendly visit, but did you see him in the company of a number of people who came and they wanted to speak to you in your capacity as councillor? -- Yes, I remember meeting those people. I remember the day. I was on my way to Hlalele's for a visit. We met at the gate of the Hlalele's while (20) I was arriving there. We in fact arrived there almost simultaneously not that they were coming to see me, but we met there.

Yes, that is quite right. Had Mr Hlalele been in the company of these persons when they were approaching this house? -- Yes, they were arriving with him.

And were in friendly conversation with him as they were approaching his house? -- I would not know that, because they were arriving in cars while I was also arriving in my car.

Do you recall in whose car they arrived? -- No, I (30) cannot recall that.

Do you remember how many persons were in the company of Mr Hlalele? -- No, I cannot remember.

Were they members of TSO, as you knew them or leaders of TSO? -- To me they were business men, though some of them in the company of the business men were members of the Civic Association.

Can you remember the members of the Civic Association that were with Mr Hlalele? -- I remember two, Mosepedi and Marumo.

Were they, when you saw them there, in friendly conversation? -- To me nothing was abnormal. It appeared as if everything was normal. They were just in the company. (10)

Did you see Mr Tom Letsoenyo there? -- No, I did not see that.

Is it possible that he was there, but you missed him in the crowd? -- Yes, it is possible that he may have been there in a car and I was not aware of his presence.

Was he a known TSO member? -- Yes.

Did any ad hoc committee member of the Civic Association and/or any TSO member approach you? -- I cannot quite recall. (20)

Do you recall whether you were asked as to what formalities had been undertaken by the council in relation to the increase of the rental other than the ones that you had discussed at the previous meeting? -- Asking me in the street?

Yes or did they ask you any question about the rent or anything that had happened on the council about the rent? -- No, not that I can recall.

Because you see, we have been instructed that they did ask you, but that you said that if they wanted that information from you, they should not ask you there, but that they

... / should

should write a letter to you? -- Who was asking me?

The people from the ad hoc committee of the Civic Association and the member of TSO? Well, let us take the two persons that you remember seeing there, Mr Marumo or Mr Mosepedi?

COURT : Are they different people from the people of the ad hoc committee and the member of TSO?

MR BIZOS : No, I merely wanted to distinguish that Letsoenyó is not Civic Association but TSO. Do you recall them approaching you? (10)

COURT : Mosepedi and Marumo or Letsoenyó?

MR BIZOS : Well, Mr Letsoenyó she does not remember seeing.

COURT : Well, what are you putting to her?

MR BIZOS : I am putting to her that ... (Court intervenes)

COURT : She was approached by Marumo, Mosepedi and Letsoenyó?

MR BIZOS : Yes. -- No, I cannot remember that.

Do you remember what happened at the meeting of 10 September? -- I cannot recall that now.

Were you not sent copies of the minutes that were kept at the meeting of the 10th? -- We used to get copies. In (20) fact after each and every meeting we would get copies of the meeting.

COURT : Does the witness know that you are referring to a meeting with Mr Ganz or to an ordinary council meeting?

MR BIZOS : I will make that clear. Did you get minutes of the meeting at which Mr Ganz and other officials were present, the four councillors and representatives of the community? -- No, I cannot remember.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

(30)

IN CAMERA WITNESS NO. 18, still under oath

CROSS-EXAMINATION BY MR BIZOS (continued) : Do you recall the meeting of 10 September? That is the one that we spoke about earlier where Mr Ganz was present and the four councillors were present and representatives from the community? -- Yes, I do remember that.

You told us you do not remember precisely what happened during the meeting? -- That is true. I cannot quite remember exactly what was being said in that meeting.

But do you recall that the representatives other than (10) the four town councillors from time to time went outside to report? -- I know that they went out from time to time. What they were doing outside, I do not know.

During the course of the negotiations they went out from time to time and came back and made different proposals? -- Yes, there were those who were going out and coming back.

I want to deal with the second last aspect of your evidence. Do you recall that you told us that you asked Mr Adam Mosepedi, Ace Magashule and Mathews Thabane why your house is being attacked, you have already resigned, what else do you have (20) to do in order to stop the attacks? -- Yes, I do.

Did your husband go and call these persons together? -- Yes.

Do you recall that it was Mr Mosepedi's attitude that the Civic Association and the youth organisation are not responsible for the attacks on their house, but it was the responsibility of the very young and irresponsible people in the community? -- Yes, that is what he said.

And that it is impossible for the Civic Association or the youth organisation or the youth congress ... (Court (30) intervenes)

COURT : The Students Organisation, the TSO.

MR BIZOS : It has changed its name.

COURT : The name is changed?

MR BIZOS : The name is changed. Any way, the youth organisation, they could not control these young people? -- Yes, that is what he said.

Do you recall him saying that his Civic Association and the youth congress or the youth organisation are against the council system and not against individuals? -- That is true. I recall that. I even asked him the following question as (10) to why they are now repeating the same thing on me only and not attacking the other councillors.

And do you recall - well, you know that one of the three people that came to see you was Mr Ace Magashule, which is a school teacher? -- Yes.

And do you recall him saying that if the authorities that have prohibited public meetings had given them an opportunity to have public meetings, they would have made this policy very, very clear to the community as a whole? -- Yes, I do. (20)

And do you recall him saying "I am a school teacher, I have access to the young people at the school" and did he invite you to go to the school from classroom to classroom? -- That is true. In fact what he said was I will have to go to the school and in my presence then he will talk to the children.

And that did happen? -- On arrival at the school he then said he is not talking to the children, I better talk to the children myself.

Were you taken from classroom to classroom and did you (30) speak to the children? -- Yes, I was.

... / And

And despite this appeal your house was thereafter attacked yet once again? -- Yes.

Do you recall that in relation to the damage that was done, despite the fact that Mr Mosepedi said that he did not feel responsible, that he believed that peace should come back to your community and that he ordered to persuade you that his association was not behind the attacks on your house, he personally offered to pay for the damage? -- I cannot remember, but what I can remember being said there was Magashule addressing him as Boss, meaning the other man is a boss (10) "Let us give assistance here and help in respect of the damage."

It was not in a spirit of co-operation in order to prove to you that they were not in any way responsible for the damage to your house? -- Yes, that is what they said orally.

Has Mr Mosepedi been the chairman of the Civic Association? -- I do not know.

HERONDERVRAGING DEUR MNR. HANEKOM : 'Geen vrae.

GEEN VERDERE VRAE.

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## **DELMAS TREASON TRIAL 1985-1989**

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