

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

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SAAKNOMMER: CC 452/55

DELMAS

1986-05-01

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

76

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

FOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

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COURT RESUMES ON 1 MAY 1986.

MATOMANE JOHN DIXHOLE, d.s.s. (Through interpreter)

MR BIZOS : My Lord, Mr Ephraim Ramakgula, accused no. 9, Your Lordship will recall that he is the one who was hospitalised previously, has been taken for the treatment that he requires.

COURT : How long will he be away?

MR BIZOS : Apparantly it would depend on the tests. This is the diabetes man.

COURT : Very well, it is noted that we will continue in his absence. (10)

CROSS-EXAMINATION BY MR BIZOS (continued) : I want to deal with the question of the events that you gave evidence-in-chief about. Do you agree that there were regular increases during the period that the fate of your township was in the balance? -- Yes, I agree.

In 1980 the rent was only R10,70? -- That is so.

And it was increased to R19,22 in 1982? -- That is so, but do I understand you to be saying that there was no rent increase in 1981?

Perhaps you could tell us about that. I have not (20) been informed. I was only informed that it was R19,22 in 1982. Was there an increase in 1981 and then in 1982 as well?

COURT : What counsel is putting to you is that there was an increase in 1982 to R19,22. Do you now put to the witness that it was increased in 1981 to R19,22?

MR BIZOS : No, I am saying that by 1982 it was R19,22? -- That is so.

There were no improvements in the township, because those who really made the decisions expected you to move? -- That is so. (30)

And when the people started comparing the 1980 and the

1982 rental they drew attention to the fact that it almost doubled? -- Yes.

And rightly or wrongly they believed that this money was not being collected for their benefit, but for the benefit for building houses to the places which your community did not want to go to?

COURT : It is only the one place Pudimo?

MR BIZOS : Pudimo. -- That was the feeling in the community.

This was something that people felt very strongly about from 1982 onwards? -- That is true. They were not at all (10) happy about the increased rent because of that.

Do you know whether these increased were published in the Gazette at all? -- It was published in the Gazette before, but later it was decided that they will have to be published in the newspapers on two occasions.

Do you know whether there was any suggestion of the legality or illegality of these increases in your community? -- No, that I do not know.

In your community in view of the threatened removal, you sought help from lawyers? -- That is so. (20)

And also from community service organisations that were against removals in principle? -- Yes, I was in fact the person who was doing those things. I am quite aware of that.

There was also another problem really in this community. You yourself, are you a Tswana? -- Yes, I am.

Did you personally approve of the excising of Bophuthatswana out of the Republic of South Africa? -- No, I was not agreeing with that.

And did you yourself campaign against the excision of Bophuthatswana from the Republic of South Africa? -- Yes, (30) I did.

Were you an active supporter of the political party that opposed the excision?

COURT : What is the name of the party?

MR BIZOS : I have a note. Perhaps it will be easier for the witness to say. What was the name of your party? --  
Siyopo Singwa Party.

Did some of your councillors belong to the other party, the party headed by Mr Lucas Mangope? -- Right at the beginning when we started with the councils, there was none of them in the counsel. (10)

Would you agree that since the middle of 1985 there has been a degree of lawlessness in your community? -- That is so.

I am going to put to you in general terms, I do not want to go into the details unless I have to, would you agree that a substantial portion of your community believes that those who were opposed to the council system are free game for the vigilantes who have burnt their homes, stoned their homes, beaten them up and beaten up members of their families. Do you agree that those things have happened? -- I agree that there were houses that were set alight and attacked with (20) stones and there were people who were beaten up. In fact, it later ended up as a fighting in that community of Huhudi. I am going to put to you something else in general terms. If I have to put the details, I will put the details, that although the people who were opposed to the council systems so to speak, the Civic Association and the Youth Organisation have been arrested and detained from time to time. No arrests have been made of any of the vigilantes? -- What I know is during that period of that confusion, quite a number of people were arrested and detained. I am not in a position to (30) tell this Court as to whether those were the people who were

... / members

members of the Civic Association or Youth Organisation or just people in general. I cannot elaborate.

Well, I am going to put to you that it is clear in your community that even when people are caught on the spot, if they belong to the Vigilante group, they are not brought to trial? -- That I do not know. I am not saying that does not happen.

Well, you see, I am going to put to you that people who think that they cannot, individuals who think that they cannot get justice themselves, sometimes take the law into their (10) own hands? -- I am not disputing that a person can do that as an individual.

I just want to give you two notorious examples in your community, that has really led to the breakdown of law and order. You know that a charge of assault with intent to murder was laid against Mr Matloko by the three people that were run down by his bakkie? -- No, that I do not know.

He has not been brought to trial? -- I do not know about those things.

His damaged vehicle was kept at the police station (20) for a short while and then it was released to him?

COURT : Mr Bizos, the witness does not know about it. So, what is the use of continuing putting all this to him?

MR BIZOS : Did you know that his vehicle had been removed from him? -- Not at any stage that I was aware of the vehicle having been removed from him.

Is Mr Abraham Thupe your brother-in-law?-- That is so.

Was he arrested on the spot where he had been shot by the Bophuthatswana police, attacking a house belonging to a Civic Association member? (30)

COURT : I cannot see how this can work. The Bophuthatswana

... / police

police would not have any jurisdiction in the Huhudi area.

Are we now talking of a different area?

MR BIZOS : Your Lordship is correct. He actually lives in Taung.

COURT : Well, put it to the witness that he was shot in Taung.

MR BIZOS : In Taung.

COURT : And was he attacking a house in Taung?

MR BIZOS : Yes. -- That is not what I know. From information what I know is that he was arrested along the main road between Kimberley and Vryburg by the Bophuthatswana police. (10)

Is the allegation that he attacked this house? -- That was being said in allegation and then he denied that.

Has he ever been brought to trial? -- He was locked up in Taung. After some time he was released. I do not know whether he was brought to court or not.

COURT : Was he shot? -- That is so.

MR BIZOS : Would you agree that the people who are opposed to the Government policies, people who are opposed to the council principles have a feeling in your community that they can get no protection from the police? -- I do not know (20) whether there is such a feeling.

The other matter that I want to deal with is the question of the meetings. Do you remember that you told us that you did not remember anything about the meeting of June, 16th?

COURT : Just put me in the picture. A meeting of his council or of UDF or of Huhudi Youth Organisation or of Huhudi Civic Association? Which one?

MR BIZOS : He did not remember anything about any meeting on the 16th.

COURT : The 16th of what? (30)

MR BIZOS : June.

COURT : Of what year?

MR BIZOS : 1985.

COURT : Right, now we can start. -- That is what I said, yes.

MR BIZOS : Well, you see, you identified EXHIBIT AM(51).

Did it make no impression on you? -- No, it did not make any impression on me, except that on seeing it I recognised this kind of a document as one of the documents which were spread there.

But any way, you found nothing offensive in it, so that you would remember and connect it with any meeting that (10) may have been held? -- Not at all.

The one that you saw was in Tswana? -- No, the one I saw was written in English.

Is that the document before you? -- That is so. ..

And you did not bother to try and find out what happened at that meeting?

COURT : Where is the meeting advertised?

MR BIZOS : Did you know that that was in connection with a meeting?

COURT : Are you putting to the witness that this piece (20) of paper, AM(51) advertises a meeting? I do not find it in it?

MR BIZOS : Yes, Your Lordship is quite correct. I apologise for that, but do you recall whether this document was handed out shortly before 16 June? -- That is so, because the contents of the document, as it is, it draws the attention of the community of Huhudi to the date of the 16th, that they must be aware of that particular date.

Now that I have shown you this document, do you recall whether perhaps there were placards calling people to come (30) to a meeting on the 16th? -- I cannot remember anything about

... / those

those placards referred to.

And you still cannot remember whether any meeting took place and you did not get any report of it? -- Yes, that is what I am saying. I cannot remember anything.

You spoke about a meeting in February 1985. Do you recall that? -- Yes, I do recall that.

Is that a meeting where you said that there was a placard indicating that you did not want to move? -- That is so.

But at that stage the removal was a settled question?  
-- That is so. (10)

Do people walk around usually with irrelevant placards?  
-- I am not saying that is what is happening to people there about placards, but on this particular meeting it is what happened.

Because I am going to put to you that no one we have access to remembers a meeting in February 1985? -- That is true. It is possible that they may not remember that meeting, just as good as myself who cannot remember certain things here.

I want to turn to the meeting that you spoke of in (20)  
October 1984. -- That is so.

You described that as a UDF meeting? -- That is so.

You were not there? -- I was not there, yes.

And perhaps if I remind you of some of the details you can tell us whether you still want to call it a UDF meeting. The newspapers were full of the fact that there would be a decision by the Minister on 15 October. Do you recall that?  
-- That is so.

A night vigil was arranged by the local organisations for the night of 14 to 15 October? -- That is so. (30)

And at that night vigil people got together mainly to pray

... / from



from deliverance, from the possible removal? -- If that is what they are saying it would mean that they were lying to us when they advertised on their placards that before this night vigil there was going to be a meeting which will be called to discuss - which meeting was in fact called by the UDF, a general meeting which was made known on the placards, when they said this meeting will start at 14h00, in the afternoon.

Did the meeting start in the afternoon? -- It was until at 18h00 and the meeting had not yet started, then thereafter they started announcing that the people they had been waiting(10) for have now come.

So, there was in fact no afternoon meeting, whatever the reasons may be? -- According to what was being said there, there was no meeting in the afternoon.

COURT: Was this now announced on a loudspeaker? -- Yes, a loudspeaker was used in announcing it.

On a motor vehicle? -- Yes.

Was a motor vehicle driven through the township saying "The people we have been waiting for, have now come"? -- That is so. (20)

MR BIZOS : Was that after dark? -- No, at 18h00 it was not dark yet.

It was evening? -- Yes.

Do you perhaps call it a UDF meeting because for instance Mrs Albertina Sisulu came along in order to take part in it, whether it was a meeting or a night vigil? Is that why you call it a UDF meeting? -- No, I call it a UDF meeting because it was advertised on the placards itself that it was a UDF meeting which was to be held.

You do not know what was said at this meeting or night vigil? -- No, I do not know. (30)

Can you please tell us with any degree of certainty how many meetings there were after 14 October during 1984? How many meetings? -- I am not in a position to tell with any certainty.

We already have from you that there were no attacks against the property of any councillor, except that you told us that during this night an attempt was made on your house. Do you recall that? -- That is so.

And the information that has been given to us which you yourself apparently gave, was that a tyre was actually (10) lit in front of your house. Is that correct?

COURT : He told the Court that there was a tyre at the front door and a tyre at the back door, that the one was set alight and that the other one was not set alight.

MR BIZOS : Was it at the front door or in front of your house? -- At the door.

How far is your community from the Botswana border? -- About 180 kilometres.

Do you know what is generally known that during 1984 the South African Government was accusing the Botswana (20) Government of not exercising proper control of its border and they have been in coercion into South Africa? -- I used to read about that in the newspapers.

And from time to time in that area have you had people caught and tried in that area for having received military training outside and having come into the country in possession of hand-grenades, AK 47's and other arms of war? -- Unless I read about it in the newspaper, I would not have known about that.

COURT : So, in Vryburg there was nothing at all? -- (30) About people being arrested having in their possession hand-  
... / grenades

grenades?

People coming in over the border with weapons in their possession to attack South African citizens? -- I remember of some people who were alleged to have been arrested and who were convicted in Vryburg for having had in their possession a hand-grenade and a rifle AK 47.

MR BIZOS : Did you also read that a number of people were caught in the general area and that they were actually tried in Kimberley? -- That is so.

Charged with treason in having these arms ... (Court(10) intervenes)

COURT : Treason or terrorism?

MR BIZOS : I think treason.

COURT : In the Supreme Court?

MR BIZOS : In Kimberley.

COURT : In the Supreme Court in Kimberley?

MR BIZOS : This is my information. -- That is so.

During 1985 will you please tell us what meetings you remember having been called in your community? -- Those were the meetings called by Euhudi Youth Organisation and (20) Euhudi Civic Association and UDF.

Do you remember the dates? -- No, I cannot quite remember what the dates were, except those of course which I attended. Like for instance the Liaison Board meeting, which is a welfare board meeting.

Well, I think we can leave those out for the time being at least, but which meetings of the Civic Organisation, the Youth Organisation or the UDF do you know of during 1985? -- I would not be able to remember the exact dates on which these meetings were held. (30)

During what month or months were such meetings held? --

I remember of a meeting which was held in May which was a Huhudi Civic Organisation meeting.

Let us just pause there for a moment. Do you know who the speakers were, what was said? -- No, I do not know who the speakers were and therefore I do not know what was said.

Could you please tell me of any UDF meeting that you know that was held in your area in 1985? -- I remember of a meeting which was held in October which meeting I think was being addressed by the local members. This was in October 1985. (10)

Do you know of any UDF meeting in 1985? Not the local association ... (Court intervenes)

COURT : No, no, by the local members?

MR BIZOS : Do you know whether the UDF has members? -- As far as I know they do have members. I do not know whether to call it followers, but I know there are people.

Did you know that the members of the local association and their organisation may be affiliated with the UDF? -- That is so.

When you say it was a UDF meeting in October 1985, (20) why do you say it is a UDF meeting and not a meeting of another organisation? -- That is because whenever there is a meeting to be held, they do mention what meeting it is by whom and they put up some placards to make that known.

Is what they put on the placards this, that a meeting will be held of the local civic association and they put their own name on and they also put on on the placard that they are affiliated to the UDF? -- What I know is that on the placards what they write is on such and such a day there is going to be a meeting held, which meeting will be held by (30) this organisation. If it is UDF, then they will say UDF meeting.

... / If

If it is a UDF rally for instance, they will say it is a UDF RALLY .

You told us that in October 1985 the local members held a UDF meeting?

COURT : It was addressed by the local members? -- That is so.

MR BIZOS : Let us confine ourselves to July - up to July 1985. Do you know of any UDF meeting in 1985 up to July? -- There is none of such meetings that I can remember during that period. By so saying I do not mean that there were no meetings held. (10)

You see, because I am going to suggest to you that you cannot really give His Lordship any assurance that the trouble in your community happened after meetings? Because they are so many diffusive forces in your community. Is that not so? -- That is not so.

You see, I am going to put to you that your lack of knowledge as to when the meetings were, what was said at these meetings and what happened there ... -- My ignorance of what was being said at some meetings does not mean that no meeting was held. (20)

Also I am going to put to you there has been a most unfortunate spirit in your community, that the children of the shopkeepers and the children of the have-not, so to speak, have been running stone-throwing fights ... (Court intervenes)

COURT : Are you now talking of a period inside or outside the indictment?

MR BIZOS : Probably outside.

COURT : I am not interested in the period outside the indictment. It is all very interesting, but what or how does it help me? (30)

MR BIZOS : Well, I do not think that this witness was confined

to the period in the indictment.

COURT : Yes, but if we are now going to talk about 1986, how does that help us?

MR BIZOS : Because it may mean that the witness's perceptions have been influenced by it.

COURT : That you can put to him.

MR BIZOS : Are you sure in expressing this opinion you are not taking into consideration what you think the position to be during the latter half of 1985 and the beginning of 1986?

COURT : Do you understand the question? -- Just repeat (10) that question?

What counsel is putting to you, is because of events that have recently in the last year occurred, you are thinking that that also was the position in the beginning of 1985? -- No, some of the things that are happening at present were taking place during the beginning of last year, which is 1985.

MR BIZOS : Well, do you know for instance that on 11 July 1985 there was a meeting and for good measure whilst the meeting was going on ... (Court intervenes)

COURT : The meeting of? (20)

MR BIZOS : Civic Association.

COURT : Huhudi Civic Association.

MR BIZOS : That the home of Mr Hoffman Kgaleng was attacked whilst the meeting was going on? -- No, I do not know about that.

HERONDERVRAGING DEUR MNR. HANEKOM : U het op 'n vraag van My Geleerde Vriend gesê dat daar geen nuwe huise gebou is in Huhudi die laaste sestien jaar nie? -- Ja, dit is so.

Het die Ontwikkelingsraad die rede daarvoor verskaf aan die mense? -- Ja, hulle het die rede verskaf. (30)

Wat was die rede? -- Die rede wat hulle verskaf het was

... / dat

dat die hele woonbuurt verskuif word na Pudimo.

Dan is daar in kruisverhoor verwys na 'n winkel van mnr. Matloko, raadslid Matloko. Is dit sy privaat winkel of wat is die posisie met hierdie winkel? -- Die gebou self behoort aan die Administrasieraad. Hy is 'n huurder van die betrokke winkel.

U het in kruisverhoor gepraat van huise van ondersteuners, van raadslede wat afgebrand is? -- Ja, dit is so.

Kan u net vir die Hof 'n aanduiding gee min of meer hoeveel van die ondersteuners se huise is toe afgebrand? Is dit (10) net een huis of vyf huise of tien huise? -- Ek onthou van ses.

Kan u onthou oor watter periode dit was? -- Ek noem dit maar nie met sekerheid nie, tussen Julie en Augustus. Dit kan aan die einde van Julie wees of die begin van Augustus. Daar was twee van die huise aan die brand gestek.

Van watter jaar was dit? -- 1985. Die ander vier was op 26 November afgebrand.

HCF : Van watter jaar? -- 1985.

MNR. HANBOM : Van die afgevaardigdes wat die nense gekies het om saam met die raad te werk teen die verskuiwing het (20) later die Euhudi Civic Association gevorm? -- Ja, dit is so.

En u het vir ons in u getuienis die bestuur van Euhudi Civic Association gegee? -- Ja, dit is so.

Watter van daardie bestuurslede was vroeër van die afgevaardigdes? -- Hoffman Kgaleng, John Mogasu.

Is dit die enigste twee? -- Dit is die enigste twee.

Dan het u op 'n vraag van My Geleerde Vriend gesê dat daar so 'n suspisie in die gemeenskap van Euhudi kon bestaan dat u raad gemanipuleer sou kon word om toe te stem tot die verskuiwing na Pudimo? -- Ja, dit is wat ek gesê (30) het.

Was daar sulke bewerings? -- Ja, daar was 'n vergadering gewees waar die gemeenskap byvoorbeeld gesê het dat hulle dit betwyfel of ons die regte dinge gaan praat. Dit het my die indruk gegee dat hulle daardie indruk het dat ons maklik ongepraat kan word. Dit is juis die rede hoekom ek besluit het by hierdie vergadering dat daar 'n afvaardiging gekies moet word deur die gemeenskap om saam met ons te gaan.

En toe die bewering gemaak is, het u daarop gereageer? Het u vir die mense gesê wat die posisie sou wees van die Raad? -- Ek verstaan nie die vraag nie. Waaroor gaan die (10) vraag nou?

U sê die mense het so 'n bewering gemaak?

HOF : Hy het dan vir u vertel dat hy toe besluit het dat daar 'n afvaardiging aangestel moet word om saam te gaan, om te kyk wat maak hulle.

Mnr. HANEKON : U het ook getuig dat daar 'n gevoel onder die mense van Huhudi was dat die huurgeld of die verhoogde huurgeld aangewend sou word om huise te bou in Pudimo? -- Ja, dit is so.

Het u of u raad op hierdie bewerings gereageer? -- (20) Ja, ons het aan die gemeenskap verduidelik dat dit nie die posisie is nie, soos hulle dink nie.

Terwyl ons van die huur praat, net om duidelikheid te kry, was daar huurverhogings in 1981? My Geleerde Vriend het vir u gevra oor die posisie in 1982? -- Ja, daar was 'n verhoging van huurgelde in 1981, as ek reg onthou, dit was R14,00 plus, ek kan net nie met sekerheid sê hoeveel dit presies was nie.

Bedoel u die huur is op van R10,00 enige sente na R14,00 enige sente of is dit met R14,00 verhoog? -- Dit is verhoog (30) van R10,00 tot R14,00 enige sente.



Die sogenaamde Vigilante groep wat aktief was in die gemeenskap ... (Hof kom tussenbei)

HOF : Ons het nog nie getuienis dat daar 'n Vigilante groep was wat aktief was in die gemeenskap nie. Ons getuienis is dat daar mense is wat hulleself verdedig het en te buite gegaan het. Of daar 'n amptelike vigilante groep is, weet ons nie.

MNR. HANEKOM : Die groep mense wat hulleself verdedig het, wanneer het hy aktief begin raak in die gemeenskap? -- Tussen Oktober en November. (10)

Van watter jaar? -- 1985.

HOF : Vanaf Oktober/November? -- Dit kan wees dat hulle in Oktobermaand begin het of Novembermaand 1985.

MNR. HANEKOM : Dan net een aspek waaroor ek nie duidelikheid het nie, is u getuienis dat voor 14 Oktober 1984 daar geen aanvalle op enige raadslid se huis was in Euhudi nie? -- Nee, daar was geen.

Dan 'n ander gebeurtenis wat nie duidelik is wanneer dit gebeur het nie. Die persone wat in Vryburg gevang is met handgranate en AK 47 gewere, weet u wanneer dit was? -- (20)  
Ek is nie meer daarvan seker nie. Al wat ek kan sê is dit was in Oktobermaand gewees. Ek is net nie in staat om vir die Hof te sê of dit nou 1984 of 1983 was nie.

ASSESSOR (MNR. KRÜGEL) : Mnr. Dikhole, u het getuig dat die huur in 1980 R10,00 enige sente was en sê maar R19,00 in 1982.-- Ja, dit is so.

Waar staan die huur tans, 1986? -- Die mense wat privaat huise het betaal R30,53.

HOF : En die huurhuise? -- Twee-vertrek huise wat gehuur word is R38,00. Vier-vertrek huise is R40,00. (30)

ASSESSOR (MNR. KRÜGEL) : Kan u ook vir die Hof 'n idee gee

van wat die inflasiekoers gemaak het met mense se salarisse en hulle verdienste in dieselfde tydperk? -- Ek is nie in staat om dit vir die Hof te sê nie.

Behalwe miskien in u eie geval, wat ons miskien nou nie so baie in belang stel nie, sal u nie kan sê of, sê nou maar, 'n motorwerktuigkundige of 'n werker in die boubedryf se salaris in die tydperk verdubbel of verdriedubbel het nie? -- Dit is 'n bietjie moeilik vir my om vir u te sê aangaande die ander persone soos genoem in die hof, dit wil sê die motorwerktuigkundiges en die mense in die boubedryf, maar wat ek vir die (10) Hof kan sê is dat vanaf 1980 tot hierdie jaar, 1986, by my werksplek die salaris verhoog is drie keer.

Geld dit ook vir die mense wat die dienste lewer in die groepsgebied en wat deur die - wat betaal moet word deur die Raad? -- Ja, dit geld vir hulle ook. Byvoorbeeld, die mense wat die emmers verwyder daar in die woonbuurt, in 1980 het hulle R65,00 verdien. In die jaar 1982 was hulle beloning verhoog na R180,00. Dit wil sê dit is 'n persoon wat net kom begin werk. Hy het R180,00 verdien. Na dit het hulle verhogings gekry tot op die huidige salaris wat hulle kry. (20)

Word die ekonomiese realiteite van die mense van die dorpsgebied verduidelik deur die raadslede? -- Ja, dit word.

HOF : Wat is u beroep? -- Personnel officer.

MR BIZOS ASKS PERMISSION TO PUT TWO MATTERS TO THE WITNESS WHICH HE HAS OMITTED TO PUT.

RE-CROSS-EXAMINATION BY MR BIZOS : Were you present at any meeting - were you personally present at any meeting at which any decision was taken or any serious suggestion was made that no rent at all should be paid? -- What I have said here, is what was said in the meeting in February 1984 when Zgaleng(30) made mention of that. Otherwise a meeting which was held later

... / where

where a final decision was taken, I was not present.

At a meeting which you attended was there any complaint about the increase? Are you suggesting that at that meeting there was any suggestion that no rent should be paid at all? -- That is not what I am saying. What I am saying in my evidence is that Kgaleng is the person who came with that suggestion that rent should not be paid or if people were to decide to pay such rent, they must not pay anything more than R15,00.

Which was the rent before the increase? -- Yes, that was the rental which was paid during the year 1981. (10)

So, the suggestion was that they should not pay the increased rent?

COURT : The suggestion was, as this witness says, you do not pay any rent at all and if you want to pay, then only pay R15,00. That was his evidence three times and you had an opportunity to cross-examine him on that. I gave you now an opportunity to put certain other matters to the witness which you forgot to do.

MR BIZOS : What I am going to put to you is that there was no suggestion to anyone not to pay any rent and certainly not (20) in any meeting in February 1984? -- Not at the meeting where I was. At the meeting where I was, this was said, unless you are talking about a meeting where I was not present.

The other thing that I want to put to you is this, that the meetings of the Civic Association in your community were attended by all and sundry, including police officers and you may have felt uncomfortable at going to the meetings after the suspicions arose? But there was nothing to prevent you from going? That was during 1984 and 1985? -- Nobody told me or stopped me from going to those meetings, but I just felt (30) at my own that I am not going to attend these meetings because

... / there

there was something which I felt was not pleasing to me and that is why I decided not to go.

You felt uncomfortable? -- What I felt is that I was not going to be welcome at these meetings.

Do you agree that there were regular announcements that all were welcome and that they particularly called on teachers, other people in the employ of the Government departments to come? Because they formed an important part of the community? -- I am not disputing that.

And the final matter I want to put to you is that (10) you and Mr Hoffman Egaleng were on good visiting terms? -- It was like that before, yes.

Would you say up to the middle of 1985? -- No, I will say up to the end of 1984.

Did you not visit each other during 1985? -- No, we did not.

And I am going to put to you that you actually discussed communal affairs together well into 1985? -- No, only up until 1984, not 1985.

Would you agree that during these meetings you yourself (20) expressed the feeling that the council system was inadequate? -- I quite agree with that. I remember saying to him that certain things are to be done which will enable the council to exercise more duties in order to achieve whatever is expected from the council by the community.

HERONDERVRAGING DEUR MNR. HANEKOM : Wat het gebeur dat die vriendskap tussen u en mnr. Hoffman Egaleng tot einde gekom het? -- Eintlik wat dit tot 'n einde gebring het was as gevolg van wat hy aan my gesê het dat my deelname aan die gemeenskap sal - aan die Raad, sal veroorsaak dat selfs mense of vriende (30) met wie ek 'n goeie vriendskap gehad het, sal my nie meer

... / aanvaar

aanvaar as hulle vriend in die gemeenskap nie, weens die feit dat ek nou in die Raad dien nie.

HOF : Maar julle was goeie vriende gewees al die jare terwyl hy geweet het dat jy op die Raad is? -- Ja, ons was goeie vriende gewees. Eintlik het hy my ook gevra om sekere dinge vir hom te doen terwyl ek in die Raad was.

GEEN VERDERE VRAE.

- - - - -

MNR. HANBKOM : U Edele, die volgende getuie is ook 'n raadslid van Huhudi. Dit is mnr. Okobeng Stephen Matlhoko. Hy gaan oor dieselfde aspekte getuig, nie so volledig nie, net (10) sekere van die aspekte, as die vorige getuie.

OKOBENG STEFFEN MATLHOKO, v.o.e. (Deur tolk)

ONDERVRAGING DEUR MNR. HANBKOM : Mnr. Matlhoko, u is tans onder-voorsitter van die Huhudi Gemeenskapsraad? -- Ja, dit is so.

Wanneer is u tot die Raad verkies? -- Augustus 1982.

U is onbestrede verkies. Is dit reg? -- Ja.

Wat is u beroep? -- Ek is 'n winkelleienaar.

Behoort die winkel aan u of is u 'n bestuurder net of wat is die posisie? -- Die gebou behoort aan die Munisipaliteit(20) en ons het die gebou gehuur. Dus is ek daar as 'n bestuurder van die winkel.

HOF : Dit kan ek nou nie mooi begryp nie. Is dit u besigheid of is dit iemand anders se besigheid? -- Dit is ek en 'n ander persoon in hierdie besigheid wat die gebou gehuur het om besigheid daar te doen.

En die wins wat julle twee maak is julle s'n? -- Ja, dit is so.

MNR. HANBKOM : Ken u vir mnr. Hoffman Egaleng en mnr. Jomo Khasu? -- Ja, ek ken hulle.

(30)

Het die twee persone by u besoek afgelê nadat u tot die Raad verkies is? -- Ja, dit is so.

Wat was die doel van hulle besoek aan u? -- Toe hulle my daar genader het, het Kgaleng vir my gesê dat hulle gehoor het dat ek gaan staan het vir die verkiesing. Ek is gekies in die Gemeenskapsraad. Hy het toe hierdie woord gebruik "decline". Met ander woorde, daarby het hy bedoel dat ek dit moet weier, want die Gemeenskapsrade word nie aanvaar nie.

HOF : Deur wie? -- Hy het gesê dit word nie aanvaar in die hele Suid-Afrika nie, want dit is die boere se ding. (10)  
Hulle is die enigste mense wat daarmee moet voortgaan.

MNR. HANEMOM : As hy praat van boere, verwys hy na die Blankes?  
-- Ja.

HOF : Laat ek net duidelikheid kry. Is boere al die Blankes of is boere Afrikaanssprekende of Engelssprekende of ander taalsprekende Blankes? -- Die woord gebruik verstaan ek om te beteken dat al die Witmense na verwys word.

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MNR. HANEMOM : Het u vir mnr. Kgaleng gevra of hy 'n alternatief het vir die raadstelsel? -- Ja, ek het hom gevra.

Wat het hy gesê? -- Toe ek dit vir Kgaleng gevra het, (20) het Jomo Khasu toe geantwoord.

Wat het hy geantwoord? -- Sy antwoord hierop was dat dit nie help nie, want in die hele land van Suid-Afrika sal die kinders met klippe bestook, want hy wou van my geweet het of ek gehoor het wat dr. Motlana gesê het voor die dag wat ons gepraat het toe hy daarvan melding gemaak het dat in die hele land van Suid-Afrika gaan die kinders met klippe bestook.

HOF : Wie bestook? -- Hy het nie spesifiek gesê wie bestook sal word nie of wat bestook sal word nie, maar toe hy verder gepraat het, het hy gesê as jy in die Raad dien, dit wil (30) sê die Gemeenskapsraad, is daar geen ander manier waarop

... / hulle

hulle jou kan vermy nie. Hulle sal jou ook maar moet bestook.

MR. HANDEMAN : Het u geweet wie is die dr. Motlana waarna verwys word? -- Nee, ek weet nie wie dr. Motlana is nie.

EOF : Nou wanneer sou hy dit gesê het? -- Al wat hy gesê het, het hy gesê in die verlede. Hy het nie 'n spesifieke dag gencem wanneer dit gesê was nie.

Wat het jy nou afgelei van die gesprek? -- Toe het hy voortgegaan en gesê die gooiery met klippe is een van die maniere - verskoning, ek het hom toe gevra "Wil jy my laat verstaan dat die klipgooiery is een van die maniere (10) waarop ons ons probleme kan oplos?" Ek het toe verder aan hom gesê "Een ding wat ons moet besef is dat ons probleme in die dorpsgebied nie dieselfde is nie, omrede byvoorbeeld wat vir ons van belang was in Huhudi is dat ons besig was om te baklei teen die verskuiwing van Huhudi. Die dr. Motlana waarvan jy praat, ek glo nie hy het dieselfde probleem as ons hier wat nou verskuif moet word nie."

Wat was die twee here se reaksie? Het u hulle kortuig of is u uiteen? -- Na aanleiding van die woorde wat ek daar gebesig het met hulle aangaande hierdie aangeleentheid, (20) het Egaleng toe vir my gesê - hy noem my op my ander naam Bastiff "Ons is op die oomblik besig met iets anders. Ons het nie genoeg tyd om hierdie dinge te bespreek nie. Ons sal maar 'n dag en tyd moet bepaal wanneer ek met die boeke na u toe sal kom, sodat ons die hele aangeleentheid kan bespreek. Daardie dag sal ons vir jou kan wys dat die Gemeenskapsraad eintlik geen hulp vir die Swartgemeenskap nie."

Het volledigheidshalwe, is daar toe later samesprekings gevoer tussen julle of nie? -- Nee, toe ons daar uitmekaar is daardie dag, het ons nooit weer bymekaar uitgekóm nie. (30)

GETUIE STAAN AF.

... / EOF

HOF VERDAAG.HOF HERVAT.GEORGE STEPHEN MATLECKO, nog onder eed

HOF : Ek sien nrr. Tip is in die hof. Ek het gewonder of hy nie een of ander tyd vir ons 'n rapport gaan gee nie. Ons kan dit maar na ete doen as u nie nou gereed is nie.

MRR. TIP : Ek is eintlik nou gereed om kortliks te rapporteer.

HOF : Ek sou graag 'n rapport van u wou hoor.

MRR. TIP : Daar is nog van die erkennings in verband met die dokumente wat nog voorberei word. Ek het tevore dit gesê, maar dieselfde probleem is nog teenwoordig en dit is dat (10) dit nodig is om met van die beskuldigdes te konsulteer in dié verband en h mens kry ongelukkig net kans op 'n Saterdagoggend om dit klaar te kry.

HOF : Wel, ons gaan nou 'n langnaweek tegemoet. U sal seker daardie langnaweek baie goed gebruik.

MRR. TIP : Ek hoop eintlik dat dit voor die langnaweek alles klaar sal wees.

HOF : Daar was 'n ander aspek wat ek met u geopper het en dit is die opheldering van sekere aspekte wat onduidelik was in die vorige erkennings. Het u al daarby uitgekom? (20)

MRR. TIP : Ek het, ja en dit sal in 'n dokument saam met die ander uitgelees word en dan ingehandig word.

HOF : So, kan ek dan teen Maandag en Dinsdag 'n verdere vorderingsverslag kry?

MRR. TIP : Daarvan is ek seker.

MRR. HANEKOM : Dan terwyl ons op daardie punt is, die Staat het ook op die Hof se versoek die lys voorberei van watter dele in die dokumente van belang is. Die lys is handgeskrewe klaar. Hy is nog net nie klaar getik nie.

HOF : Ons sal miskien, afgesien van die lys, dit oorweeg of (30) dit nie fisies ook aangedui moet word op die dokumentasie nie.



U kan dit maar as 'n tydvuller gebruik as u die dag vasbrand tussen getuies deur.

ONDERVRAGING DEUR MNR. HANEMOM (vervolg) : Mnr. Matlhoko, ons het getuienis gehoor oor drie organisasies wat gefunksioneer het in u gebied, naamlik die Euhudi Civic Association, Euhudi Youth Organisation en die United Democratic Front. Het u sedert die totstandkoming van hierdie organisasies pamflette van hulle gesien wat versprei is in die gebied? -- Ja, ek het.

Sonder om na 'n spesifieke pamflet te verwys, was daar van die pamflette wat melding gemaak het van raadslede in (10) raadstelsel? -- Ek kan nie so goed onthou nie.

Is daar in van die pamflette verwys na raadslede? -- Ja, ek onthou van een.

En hoe is verwys na die raadslede? -- Die pamflet wat ek na verwys was in Engels geskryf. Hulle het gepraat van die raadslede as puppets en hulle help niks nie, "sellouts". Iewers was in Tswana geskryf (getuie haal woorde in Tswana aan)

Wat beteken dit? -- Wat ek verstaan het van hierdie woorde wat ek nou net in Tswana aangehaal het, beteken dat dit onno-sele mense is. (20)

Verwysende na watter mense? -- Na die Gemeenskapsraad mense.

Het hierdie mense, Euhudi Civic Association en Euhudi Youth Organisation vergaderings gehou in Euhudi, asook die UDF? -- Ja, hulle het.

Het u enige van die vergaderings van enige van die organisasies bygewoon? -- Nee, ek het nie eers een van hulle bygewoon nie.

Is daar 'n spesifieke rede voor? -- Ja.

Wat was die rede? -- Ons het verneem dat die raadslede nie welkom is by hierdie vergaderings nie. Indien hulle (30) sou besluit om teenwoordig te wees daar, bestaan daar 'n

... / moontlikheid

noctlikheid dat hulle beseer kan word of gedood kan word.

Ons het getuienis dat daar op 14 Oktober 1984 'n vergadering was in Mhudi. Weet u daarvan? -- Ja.

Weet u wie die vergadering aangebied het en watter vorm die vergadering aangeneem het? -- Op die plakkate wat daar was, was dit geskryf dat dit 'n vergadering is van die UDF.

Watter vorm het die vergadering aangeneem, het die plakkate gesê? -- Volgens die plakkate sou hulle die vergadering gehou het om ons probleme daar te gaan bespreek. Dit is die probleme in die gemeenskap. (10)

Sou daar iets gebeur na die vergadering? -- Ja, daar sou 'n biduur gehou gewees het.

Sedert daardie datum ongeveer, Oktober 1984, het daar iets gebeur na vergaderings wat hierdie organisasies gehou het?

HCF : U praat van die drie organisasies se vergaderings?

MIR, HANEMOH : Soos die Hof behaag. -- Ja, die oggend van die 15de was Dikhole, die vorige getuie, se huis aan die brand gesteeek met buitebande.

Afgesien van daardie spesifieke voorval, van daardie (20) tydperk af aan, het daar iets gebeur na vergaderings? -- Ja, elke keer as een van hierdie organisasies 'n vergadering gehad het, na die vergadering sou die mense my huis met klippe aan-geval het of die huis van ene Makobi.

Is hy ook 'n raadslid? -- Ja.

Is u huis net een keer so aangeval of meer as een keer? -- Van daardie tyd af was daar geen vergadering wat uiteen gegaan het sonder dat hulle nie klippe gooi nie.

Na u huis? -- Meeste van die tyd het hulle my winkel aan-geval. (30)

HCF : Is u huis en u winkel naby die plek waar die vergaderings

gehou is? -- Nee.

Hoe ver is dit? -- Dit is vyf strate vanaf die plek waar die vergadering gehou was na hierdie plekke toe.

Waar word die vergaderings gehou? -- By die gemeenskapsaal.

Woon u naby die winkel? -- Nee, nie baie naby nie.

Wat is vyf strate weg? Die winkel of die huis? -- Dit is die winkel.

En die huis? -- Dit is vyf strate vanaf die plek waar die vergadering gehou word na my winkel toe en dan 'n verdere vier strate vanaf die winkel na die straat waar my huis geleë (10) is.

U Edele, ek sien beskuldigde nr. 9 is terug.

HOF : Dit word so genotuleer.

MNR. HANEKOM : Was u by geleentheid by u huis of u winkel teenwoordig as dit so met klippe aangeval is? -- Ja.

Kan u sê in watter ouderdomsgroep die aanvallers was? -- Weens die feit dat die meeste van die aanvalle in die nag plaasgevind het, is dit vir my moeilik om vir die Hof te sê wat die ouderdomme is, maar as 'n mens nou kyk na die hoogte van die mense daar, skat ek hulle tussen 16 jaar en ouer. (20)

As die mense die winkel of die huis so aangeval het, was hulle stil of het hulle geraas? -- Hulle het gesing terwyl hulle aangekom het.

Kan u vir die Hof sê wat se liedjies gesing is? -- Ek onthou van een lied wat hulle gesing het waar hulle sê "Botha is 'n jojo."

Wat beteken dit? -- In die eerste plek weet ek nie in daardie taal wat dit is as 'n mens praat van 'n jojo nie, maar wat ek afgelei het op die wyse wat hulle dit gestel het in hierdie lied, dat Botha 'n onnosele persoon is. Die rede hoekom ek (30) so sê is omdat in dieselfde lied het hulle melding gemaak van

Dikhole. Dan het hulle ook gesê hy is 'n jojo.

Is dit die vorige getuie? -- Ja.

Die voorsitter van die Raad? -- Ja.

Was daar ander liedjies gesing? -- Die ander een wat hulle gesing het, was "Boere kak."

En ander liedjies? -- Die een se bewoording was "Mandela soek soldate."

Is daar nog liedjies of is dit al? -- Dit is nie al nie. Daar is een wat hulle gesing het en dan sê hulle net "jy, jy." Dit is die geluid wat hulle maak. Ek weet nie wat dit (10) beteken nie. Ek weet ook eintlik nie waaroor gaan die lied nie.

Afgesien van liedjies wat gesing is, het hulle slagspreuke geskreeu? -- Ja en dan lig hulle die vuur op net soos ek nou demonstreer.

HOF : Regtervuur in die lug.

MNR. HANEKOM : Wat is die slagspreuke wat geskreeu is? -- As hulle dit doen, dan sê hulle "Majibuye Africa". Dan sê hulle ook in dieselfde slagspreuk "Masetathe Amazondi" of "Amazondi sibamore." Ek kan nie goed uitmaak wat hulle (20) bedoel het nie.

Wat beteken dit? -- Ek verstaan van die woorde dat dit beteken dat ons klippe vat en die mense daarmee gooi of beseer.

'n Spesifieke groep mense of net mense in die algemeen? -- Na hulle dit gesê het, partykeer sal 'n mens opgemerk het dat hulle rondspring en die geluid mondelings maak "ta - ta". Dan spring hulle rond tot hulle by 'n plek kom waar hulle voor die plek gaan staan, byvoorbeeld en dan sal hulle eers sing want die ander het aanhoudend gesing en dan hoor 'n mens later van die groep wat sing 'n fluitjie. Onmiddellik na die (30) fluit begin hulle klippe gooi.

Het hulle ander slagspreuke ook geskreeu? -- Daar is, maar ek vergeet net wat dit ander was.

Tot wanneer het hierdie klipgooi-aanvalle voortgeduur? Tot watter tydperk? -- Laat ek 'n bietjie dink. Die laaste aanval op my was op 24 November.

Van watter jaar? -- 1985.

HOF : Het u skade opgedoen met die klipgooiery? -- Baie skade.

MNR. HANEKOM : U Edele, dan gaan ek nou na sekere pamflette verwys. Dit is almal pamflette wat erken is.

Ek gaan aan u pamflette toon. Dit is BEWYSSTUK AM(53). (10)  
-- Ja, ek het al hierdie pamflet gesien.

Waar het u dit gesien? -- Te Vryburg.

Is hy versprei daar? -- Ja, dit was daar by ons versprei. Ek onthou want die vorige aand het ons 'n vergadering gehad met die konsul van Bophuthatswana waar hy ons kom toespreek het aangaande ons kinders. Die volgende môre het ek hierdie pamflet gesien.

Drie-kwart na onder toe op die pamflet word drie voorbeelde genoem. Dan staan daar "Hulle stem saam met die boere om ons huishuur te verhoog." Verwysende na die Raad? -- Ja. (20)

Dan die derde voorbeeld is "Hulle stem saam met die boere om ons woestyne toe te vat ensovoorts na Pudimo toe"? -- Ja.

Is dit die waarheid? -- Wat die Raad betref is dit nie die waarheid nie.

Dan verwys ek na AM(55). Ek toon aan u nog 'n dokument. Het u die pamflet tevore gesien? -- Ja.

Waar het u dit gesien? -- Te Huhudi.

Is dit daar versprei? -- Ja.

HOF : Is dit 'n korrekte vertaling van AM(55)? As u kyk na die eerste gedeelte onder "lodgers permits mantle pass" (30) punt 4, dan word daar 'n verwysing gemaak na Sondag, datum

6 November 1983. As u op die verklaring kyk, vind u daar niks van nie. Nee, miskien is dit tog reg. Ja, gaan maar voort.

Mnr. HANEKOM: Ek dink dit is reg, met respek. Onder die opskrif "Loseerderspermit" punt 4 sê hulle "Die loseerderspermit is om geld vir die Gemeenskapsraad in te samel." Is dit heeltemal korrek? -- Dit is nie korrek nie.

Dan die vorige punt sê "As ons die loseerderspermit betaal help dit om die huise wat te Pudimo gebou word te betaal." Is dit korrek? -- Nee, dit is nie.

Dan onder die tweede opskrif "Gemeenskapsraad" staan (10) punt 1 "Dit is 'n Raad wat deur die boere gestig is om voort te gaan om die mense te onderdruk terwyl die boere van diens is." -- Ja, ek sien dit.

Is dit heeltemal korrek? -- Volgens my gevoelens is dit nie korrek nie, want ons doel daar was om daarteen te veg dat ons nie verskuif moet word nie.

Wat sê u dan van punt 3 wat sê "Die Gemeenskapsraad is net daar om huishuur te verhoog"? -- Nee, dit is nie die waarheid nie.

En punt 4 "Die Gemeenskapsraad is die oorsaak dat die (20) loseerderspermit weer ingestel en betaal moet word?" -- Ek weet nie of ek breedvoerig daarop moet antwoord oor wat gebeur het daar in Huhudi nie.

Kan u kortliks daarop antwoord? -- Wat ek daarop kan sê is, 'n vergadering was geroep deur die Raad met die gemeenskap. Die kwessie van die loseerderspermitte is daar bespreek omdat ons daar gepraat het van die projekte wat aangepak moet word vir die gemeenskap in hierdie woonbuurt. Byvoorbeeld om genoegsame water te kry en ander projekte wat aangepak moet word. Weens die tekort van gelde het ons dit oorgedra aan die (30) gemeenskap, as gevolg waarvan die gemeenskap toe in die

vergadering besluit het dat die loseerderspermit maar weer betaal moet word om die nodige fooie te kry vir die aanpak van die projekte.

HOF : Die loseerderspermit, is dit wat iemand moet betaal wat nie huurder van die huis is nie en ook nie lid is van die gesin van die huurder van die huis nie? -- Dit is korrek. Dit word betaal deur 'n persoon wat nie 'n lid is van die familie nie, wat net kom loseer het by die mense wat geregistreer is op die perseel as die inwoners van die perseel. Dan moet daardie persoon die loseerderspermit betaal. (10)

Weet u wat 'n loseerderspermit gekos het op daardie stadium in November 1983? -- Ek het skoon vergeet. Ek wil nie lieg nie.

MNR. HANEKOM : Die tweede punt daar sê "Ons ouers word gebruik teen die ontwikkeling van die Swartwoudbuurt." Weet u wat die bewering beteken? Wat dit eintlik wil oordra? -- Wat ek verstaan het daar is dat hulle wil nie hê dat die senior inwoners van die gebied van Huhudi vergaderings moet bywoon met die Gemeenskapsraad nie.

Ek toon aan u nog 'n dokument, dit is AM(56). Het u (20) die pamflet tevore gesien? -- Ja, ek het.

Waar het u dit gesien? -- Dit was opgesit te Huhudi.

Was daar meer as een van die pamflette in Huhudi? -- Dit was nie net een wat ek gesien het wat opgesit was daar nie. As ek reg onthou het ek dit by drie verskillende plekke gesien.

HOF : Daardie dokument wat u het, het dit 'n voorkant wat geskrewe is en agterook? -- Ja.

En was hy opgeplak dat jy net die een kant kon sien? -- Waar ek dit gesien het, was dit 'n groot plakkaat gewees. Al die geskrewe werk was aan die een kant gewees. Dit wil sê (30) wat agter op was, was ook op die voorkant van daardie plakkaat.

MR. HANEKOM : Het u 'n soortgelyke plakkaat as hierdie een in die vorm wat dit nou voor u is ooit gesien? -- Nee.

Dan verwys ek na AL(100). Het u die pamflet gesien? -- Ja, ek het dit gesien.

Waar? -- Te Huhudi.

Was dit versprei of nie? -- Dit was versprei gewees.

Ek toon aan u nog 'n dokument AL(130). Dit blyk 'n advertensie van 'n vergadering te wees? -- Ja.

Maar die tyd en die plek van die vergadering word nie op die pamflet aangedui nie? -- Ja. (10)

Weet u miskien of daar so 'n vergadering gehou was, as u kyk na die voorsitter wat aangedui word as Jomo Khasu en die sprekers? -- Ek het hierdie pamflet gesien en ek het bewus geword van die vergadering wat gehou was vir daardie naweek. Dit is hierdie vergadering.

Weet u watter naweek dit was? -- Ek kan nie meer onthou watter naweek dit was nie.

Kan u onthou watter jaar dit was? -- Nee, ek kan nie onthou nie.

CROSS-EXAMINATION BY MR BIZOS : You recall 16 June 1985? (20)  
-- Yes, I recall that.

Were you driving a bakkie? That is on 16 Junie 1985? --  
Do you mean when I was driving in a van?

Yes. Were you driving in a bakkie in June 1985?

COURT : A van or a bakkie?

MR BIZOS : A bakkie. Is it the same?

COURT : It might not be.

MR BIZOS : Well, either a bakkie or a van? -- Yes, I did drive a van.

And the registration number of that vehicle was? -- I am (30)  
trying to remember which one I was driving in.

... / You



You do not remember the registration number? -- Not that I do not know what the registration number of the bakkie was. The position is, that day a report was made to me by a child about an attack to my house. I first left in the company of Ramakgobe on foot. Halfway we decided to go back and get a vehicle. There were two vans at the time parked at this shop. So, we took a van from there. I cannot remember which one.

Did you strike three young people with this van or bakkie? -- No, I did not strike anybody on the road.

You did not injure anybody possibly by accident on (10) that day? -- No, nobody.

16 June, was that the first time that your house was attacked? -- No. It was not the first time.

When do you say your house was attacked the first time? -- I cannot remember the date exactly or the date, but what I can say is, this day we are talking about was the second time that my house was being attacked.

Can you not give us any idea at all when it was? After all, it must have been the most traumatic occasion of all? -- What makes it difficult for me to remember is, that they (20) first attacked the shop many times, before attacking the house for the first time and the second time which was this day I am talking about.

Is your identity number 16305969/7? -- 16? No.

16305969/7? -- No.

Do you know what it is and how does it differ from the number I gave you? -- Yes, I do remember what my number is.

Is that the number of one of your children possibly? -- I do not know, because I do not know their reference book numbers. (30)

Did you have possibly a relative Matlhoko who is 27 years

old in 1985? -- Are you saying Matlhoko or ... (Mr Bizos intervenes)

M-a-t-l-h-o-k-o? -- Yes, it could be because my younger brothers' ages are about that age.

Were you not in the vehicle that the 27 year old Matlhoko was driving on 16 June? -- At what time? I will tell you why I ask you that. That is because that is referred to as to have taken place during the course of the day. I would not be able to tell, but if this is in relation with the period of the incident, then the two vans were parked at the shop.(10)

Did it never come to your notice that a 27 year old Matlhoko run down a person called T. Mdukaza? -- No.

Were you not in the van at approximately 19h00? -- I cannot talk about time, because when I got into the van, that was the time when my house was being attacked with stones.

Was it at dusk? -- Yes.

Why did you never hear from any relative of yours that a scholar by the name that I gave you was run down? -- What I know happened is this. The day of the incident, that is the day when my house was being attacked, we proceeded to my (20) house. On arrival there we found a man by the name of Khata London, who was busy stopping the people who were attacking my house and this person came the following day, he is the person who first told me about the incident, that it is being alleged that I knocked some children at the time when I arrived at my house. That is at the stage when he was at my house, on which I said to him "Look, on arrival at my house to investigate the attack, I found you there busy stopping the attackers and which then means you were present? If ever I knocked anybody at the time of my arrival there, you were there, you (30) can witness or say whatever you have seen happening there on

my arrival" on which he said he did not see my knocking any person. He only came to me to ask me if there was such a thing that happened.

Was the vehicle that was being driven on 16 June CCS 28970?

-- It can be.

Is that the vehicle that you were using that night? --  
Yes.

And you say that that vehicle did not knock anybody down?  
-- Not on this day in question we are talking about, no.

Or any other day? -- May be on other days which days (10)  
I do not know what day it could have been.

On any other day on which your house was attacked? -- No.

You told us about your house being attacked and your shop being attacked. Was this vehicle that I have told you about stoned in any way on 16 June or any other day? -- Both of them were stoned. I cannot distinguish as to when the other one was attacked.

On this second occasion when you were rushing to your house which was being attacked, was your vehicle attacked? -- No, it was not attacked, because at the time of our arrival (20) there London was driving them away from the scene. When we passed there in fact there was nobody in the street.

And you are absolutely sure that on 16 June no vehicle of yours was attacked and no vehicle of yours was involved in an accident? -- No vehicle of mine was involved in any accident, except on return to the shop, the other vehicle which I had left at the shop, I found it damaged because of the attack with stones while it was in the yard. The registration number thereof is CCS 28970.

Yes, but that was damaged whilst it was stationary? (30)  
-- Yes, in the yard.

... / And

And not whilst it was moving and could injure someone?

-- That is so.

If anyone told the police that your vehicle, registration number 28970 was involved in an accident on 16 June 1985 and that this vehicle was attacked whilst it was being driven by one Matlhoko and that this person had to drive away whilst the vehicle was being attacked and in the process it knocked down a 14 year old child called T. Mdukaza, would that report have been an incorrect report? -- Just repeat the registration number of the vehicle? (10)

COURT : CCS 28970? -- Then that report is false.

MR BIZOS : And do you know of any 27 year old Matlhoko living at 2003 Eli Mabusela Street? -- That is my house.

Would you please tell us the name of one of your shops that - what is the name of one of your shops in Vryburg? -- Mish Pay and Take is the name of the shop.

Mish Pay and Take in Vryburg, is that your shop? -- Yes, that is so.

You see, I am going to put to you that what you call - what is called an accident in this report was at least a (20) reckless running down ... (Court intervenes)

COURT : How can you put that to the witness, because we have got to the stage where he knows nothing about the accident.

MR BIZOS : Well, I am putting to him that he does know, that he was in the vehicle and that he knows everything about it. That he is falsely denying it.

COURT : Do you have evidence to that extent?

MR BIZOS : Yes, we have statements from the people involved.

COURT : Go ahead and put it to him.

MR BIZOS : I am going to put to you that you were in this (30) vehicle which if not deliberately at least recklessly drove

... / into

into a crowd of people, of young people and that you were in this vehicle? -- There is no truth at all in what is being put to me.

COURT : Two things are put to you. The one is that you were in the vehicle. Is that correct or incorrect? That is when it was involved in a collision? -- There is no truth in that.

The second thing is that this vehicle was being driven recklessly at least into a crowd? -- There is no truth in that either.

MR BIZOS : And I am going to put to you that the report that(10) I read out to you or referred to which has the number - it looks like 107/6/85 - that is the reference number, was given by this 27 year old Matlhoko? -- I am not going to account for what that Matlhoko said there. All I am going to say is if he said that I was in the vehicle, he was not telling the truth, I was not there.

And also that the report that I referred you to is partly true and partly false. The partly true is that someone was run down and the partly false is that the accident happened because the vehicle being attacked with stones by youths? --(20) Well, what I can say on that is, it is probably that you are talking about something that is still coming in future, but up to now so far whilst I am standing here, I was never involved in an accident where I knocked someone with my vehicle.

The other part of the report you already told us is incorrect, because you know of no attack on any vehicle of yours on this day or any other day whilst it was in motion? -- I never said the vehicles were not attacked. What I said is, this vehicle CCS 28970 was attacked while it was stationary(30) in the yard of the shop when it was hit with stones.

What you told us was that you have no knowledge whatsoever of this vehicle having been attacked by youths with stones whilst it was in motion? -- Do you mean with reference to this day we are talking about or are you talking about other days?

I am talking about this day and other days and I was very careful to ask you whether any of your vehicles were ever attacked whilst they were in motion by youths and you told us no. This vehicle was attacked whilst it was parked in the yard? -- I was giving an answer bearing in mind that we are discussing 16 June pertaining to 16 June. In fact I was (10) not talking about the other days as well. My answer was exactly pertaining to the 16th and not any other day.

Do you agree that on 16 June this vehicle or any other vehicle was not attacked by stones, with stones by youths? -- This vehicle CCS 28970 was attacked with stones while it was stationary in the yard.

Not whilst it was - to use the words of the report "riding on the Eli Mabusela Street on 16 June? -- Are we talking about CCS 28970?

Yes? -- Yes, it was not in Eli Mabusela at that time. (20)

So, if anybody asked any of the drivers of any of your vehicles if he was involved in any accident on 16 June 1985 to your knowledge he should have said no? -- I do not understand the question. Do you mean that being asked from me or from my drivers?

From the person called Matlhoko who was driving your vehicle and who was 27 years old, who lives with you and works in your business? -- Your question is not clear to me. Are you saying that if anybody was to ask that person or if anybody was to ask me what my reply would be pertaining to this? (30)

Let us try and cut across all this little verbal dual

... / that

that we are having. I am going to put to you that this person who was driving your vehicle and you were in it hit at least one person according to his admission and made up a story for the hitting. It was really an act of despair, necessity to get away from stone throwing youths? -- I am not going to answer on behalf of the person who made that statement. I am sorry. I am going to answer on my behalf. I have never been in a vehicle where I was a passenger and that vehicle was involved in an accident where it knocked anybody.

Who is this 27 year old person that was driving your (10) vehicle on 16 June 1985 when your house was being attacked?

-- I do not know.

You do not know? -- No.

Please try to be of some assistance to us. We would like to identify this person. He is 27 years old, he lives with you, he works in your shop and was driving your vehicle on 16 June. Please be of assistance to us. I have given you the identity number, and whose name is the same as yours? -- I do not know who was driving the vehicle at that time of the incident. I cannot tell. During the course of the day (20) different people are driving the vehicles. Therefore I am not in a position to tell who was driving the vehicle during the course of the day.

I will try again. Who is 27 years old, who stays with you, has the same surname as you, who gives his business address your shop and who admitted to a police officer that he was involved in an accident ... (Court intervenes)

COURT : Why do you go that far? Because the witness will now argue with you on that score. Let us stick to facts.

MR. BIZOS : Let us stick to the admitted facts. Will you (30) please tell us who is this person? -- I do not know who that

... / can

can be, the reason being that I am living with my two younger brothers who are at about that age and a son of mine who is also at about that age.

COURT : So, it can be one of three? -- I would not like to say that, because they have not reported anything to me.

Do they all work in the same business? -- My son is only helping at this business after working hours. Then the other two, one of them is running a shop outside the township. He stays with me as well. The third one also stays with me. What happened in fact is, all three of them do come and (10) assist in this business, this is in the shop in the township.

MR EIZOS : How old is your son? -- If I am not mistaken he was born during 1961.

And what is the age of the one brother? -- I cannot remember that, as to when they were born.

Are they older than your son or younger than your son? -- They are both older than him.

Are they in their thirties already? --(No reply)

You see, we have an identity number. I only want to get clarity quickly. Please, if you know who he is, please (20) let us know. Unfortunately the police officer did not put the first name or any initials here or a photograph? Please be of assistance, who was involved? -- Because of the fact that I do not know a thing about the incident referred to here, I do not know who knocked the person down and who not.

Who was with you when Mr Francis London spoke to you? -- Johnson Makobi was present. He was the person who was in my company when we arrived at my house. In fact he is the one who spoke to London on our arrival at the house.

ASSESSOR (MR KRÜGEL) : That is the name you gave right (30) at the start of the cross-examination? -- Do you mean Johnson

... / Makobi



Makobi? -- Yes.

MR BIZOS : And what did Mr Francis London say to you? -- All he said was "I am just trying to stop what is happening here. I do not know why these children are doing this and they are stubborn.

Did you come there by car? -- No, we were driving in a van.

What was the registration number of the vehicle you came there with? -- I cannot quite remember exactly what the registration number was of this vehicle, because it was still (10) a new vehicle, but what I can remember is, CCS and the first two digits were 26.

Not 28? -- No.

You see, I want to put to you that this child, this 14 year old child whose name I mentioned, was seriously injured and two other children were also injured on the 16th with your vehicle or by your vehicle? -- Which one?

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CCS 28970? -- That is not true.

This angered the young companions of the people and that your house was attacked as a result of that? -- That is devoid (20) of any truth, the reason being this place was attacked with stones prior to the 16th. Unless of course they knew before the 16th that something will happen which will cause anger to them and justify the attack to my house again.

Yes, that is an interested argument if you are telling us the truth that your house was attacked before the 16th? -- I said so right at the beginning.

Tell me this, did you when I first raised this question of the car and the 16th, do you remember saying that London agreed with you that you could not have driven the children (30) over. Did you say that? -- What I said is, on arrival there

... / when

when this was discussed I said to London "You were there at the time when I arrived. If ever I knocked anybody, you are the person who can witness that and say whether I knocked anybody or not. I did not knock anybody." Then London also said "You did not knock anybody there."

Let us just try and get that into proper perspective.

Was this conversation on the evening of the 16th? -- No.

When was your conversation with London? -- The morning of the 17th at about 10h00.

But what was London referring to if you had not heard(10) anything about this?

COURT : London told him that he had heard stories that it was alleged that the witness knocked down some children and that gave rise to the conversation.

MR BIZOS : Are you sure that this was the next day, this conversation and not the 16th? -- I am quite sure, it was during the day, we were sitting in a sitting-room.

Did London tell you where you were supposed to have knocked children down? -- Yes, he did. He said at the intersection of the two streets or in the immediate vicinity of an (20) intersection of the two streets, not far from my house.

Anywhere near Mabusela Street? -- That is so.

COURT : Was it alleged that you had knocked children down in Mabusela Street? -- What he said to me was, he hears a talk, people saying that I knocked a person in the vicinity of the corner of Eli Mabusela and Mdukaza Streets.

MR BIZOS : And did he connect that with the stone-throwing at your house the night before? -- Do you mean connecting the collision or the accident with the stone-throwing?

In his statement did he say "I hear stories that you (30) knocked people down on the corner of Mabusela and some other

street and that is why your house was attacked"? -- No, that is not the way he put it to me. London said to me what he heard being said was that people who did not attend the meetings though being in that area are the people who are using those who do the attacks by giving them directions or instructions as to what to do outside the meeting in carrying out what they want done.

Let us try and get what London said about the accusation against you. Never mind the statement that he made or may have made in relation to others, for the time being. What(10) did he say about the allegations in relation to you and how did he connect it with the attack on your house? -- What London said to me is "I got to know that you were involved in an accident where you knocked people or a person and I, as London, as present at a meeting. It was never said in that meeting that they must attack your house. That is why I was trying to stop then."

Let me ask you this. Did London say "I can confirm you were not there, you did not have an accident"? -- That is so.

So, he was really - he really was a person who could (20) support your story that you were not involved in any accident? -- At the time when he was there, yes.

GGURE : How far is this intersection where the alleged accident occurred from your house? -- My house is the third house from this intersection. That is counting the house right at the corner as one, two and then the third house is mine.

MR BIZOS : Have your brothers have driver's licences for a long time? -- I know of the two that it is long that they have driver's licences. The other one I cannot quite remember as to how long has he had a driver's licence. (30)

Do you recall whether your son got his driver's licence

... / on

on 23 November 1984? -- Who? My son?

Yes? -- No, I do not know him as a licenced driver.

And you do not know who was issued with a licence on 23 November 1984? -- No.

Were you or any member of your family ever approached by the police against this accident number 107/6/85?

COURT : Of your own knowledge?

MR BIECS : Of your own knowledge. -- Not as far as I know pertaining with reference especially to this one referred to by the defence, but a policeman did come to me and asked (10) me if ever there was an occasion where one of my vehicles was involved in a collision.

On 16 June? -- Yes, the same date.

How long after 16 June did the policeman come? -- It was during the same week. What I cannot remember is, whether it was after two days or how many days after the 16th.

Did he ask you who was driving a particular vehicle on 16 June at a time when the matter was still fresh in your memory? -- Yes, he did.

Did you give him the name of any person that was (20) driving that vehicle on 16 June? -- Yes, I gave him the name who or what the name of the person was who was driving the vehicle he referred to.

Did he ask you who was driving the vehicle near your home at about 19h00 on 16 June? -- Yes.

And did you give him a name? -- Exactly what he asked me was, "Who is the person who was driving this vehicle at the time when this vehicle was attacked with stones?" I beg your pardon. I would wish to correct that. What I am saying is, what he wanted to know was "Who was driving a vehicle at (30) the time when my house was being attacked by stones or with

... / stones

stones and not at the time when the vehicle was attacked with stones."

He did not ask you anything about the vehicle which was involved in an accident? -- When I related that to him, he then said to me "It is being alleged that that vehicle was involved in an accident at the time when there was an attack there." On which then I said to him "The only person whom I can refer to who was present there is London, who can testify to that or witnessed what happened there, except for the people who were in my company." That is after denying any(10) knowledge of the accident.

Did he ask you the name of the driver of that vehicle on that day? -- Meaning now during the course of the day or at this particular time?

When this accident might have occurred? -- Yes, he did.

Did you give him the name of anybody, of any driver or possible driver? -- Yes, I gave him my own name as the person who was driving the vehicle he was talking about at the time of the attack on my house with the stones.

And do you agree that you do not look like a 27 year old(20) -- I never ever said to him that I was of that age.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

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OSOBENG STEPHEN MATLHOZO, still under oath

CROSS-EXAMINATION BY MR BIZOS (continued) : Please listen to the question carefully and try and answer it directly so that we can try and speed it up. Do you know that Mr Francis London was and is the publicity secretary of HUCA, Huhudi Civic Association? -- No.

But did you not know him to be associated with the (30) Civic Association? -- I knew him as a member of the Civic

... / Association

Association, but I did not know what his portfolio was.

Just for clarity sake, he is a Coloured person? -- I do not know.

It does not matter. Do you recall how long after you drove of had driven into your yard, did you see Francis London at your home on the evening of the 16th?

COURT : Did he see him after he had driven into his yard?

MR BIZOS : Perhaps I should clarify that. Did you see Francis London on the evening of the 16th at the time that your house was being attacked? -- When the attack took place, he was (10) present. I want to be clear on this. I am not saying when the attack started he was there, but at the time when I came while the attack was going on, he was there.

Do you recall that you were in the company of certain of your relatives when you saw Mr Francis London? -- That is so.

After you got there and for whatever the reason for the stone-throwing was, after you got there, did you and your relatives start throwing stones at the children? Throwing stones back if it will make it easier? -- I cannot recall any relative of mine being there. I was in the company of Makobi(20) who was busy talking there when I was hit by a stone just above the left eye.

Do you recall whether you or anyone else threw stones at the children? I am not saying that you started throwing stones, that you threw stones back? -- I did not throw any stone, nor did I see anybody throwing stones at these people.

Do you recall that Mr Francis London appealed to the people who were throwing stones to stop it? -- Yes, I do.

And do you recall that he appealed to you as well and told you that throwing stones back merely added to the provo-(30) cation and that both sides, so to speak must stop throwing

... / stones

stones at each other and did he stand in the middle and try to stop both sides? -- At the time when Ramakobi was talking to London, the stone throwing had stopped for a while. While I was there when they were talking, the stone-throwing started again. It is only then that I was hit by a stone as a result of which I then had to go and wash.

You see, at the time that the children were throwing stones, were they not shouting that you had hit people with your car, with your vehicle and that you have not stopped? -- No, I did not hear that. (10)

Because I am going to put to you that that is what they were shouting, that is why they were throwing stones? -- That that was said was the reason for their throwing stones?

Yes? -- If that is what you put to me as a reason why stones were thrown on this day, what would have caused them before that to throw stones like they did this day? Did they know prior to this day that they would be angered by something which would justify their throwing stones?

Have you got any other answer? -- I am asking that question? (20)

Yes, but I think you asked it before and I told you that if you are telling the truth that your house was attacked before this, that it may be an argument in your favour? -- Yes, that is in fact why I said that, because what you have been putting to me is not true, because they had been attacking this house even before this day.

Do you know of any other councillor's house that was attacked on 16 June? -- From my place they went to Maropeng's place, which was also attacked.

On 16 June? -- I beg your pardon, they went to his (30) shop and his butchery.

... / which

Which is next to your shop? — They are very far apart.

How far apart? — My shop is in the third street from Maropeng's shop.

COURT : Did they attack the shop and the butchery of Maropeng? — Yes and the butchery is about seven streets away from my shop.

MR BIZOS : Do you know of any other councillor's house that was attacked? — No, I do not quite remember.

COURT : Is this Maropeng a councillor? — He was a councillor before, but at the time of these incidents he had resigned(10) already.

MR BIZOS : How long before had he resigned? — I do not know the exact time as to what period it was after his resignation when this happened, but if my memory serves me well, it is in the vicinity of a month.

If people, if a number of people say that you were the driver of this vehicle that knocked the children down, what would you say? — I say they will be telling lies, because there are people who can also say that at the time when I came back I did not knock anybody. (20)

I do not understand that. — What I am saying is, the people who are saying that I knocked people on arrival there, are not telling the truth, because I also have people who can come and say that I did not knock anybody at the time of my arrival.

I am going to put to you that Mr Francis London did not come to you the next day and that the conversation that you have spoken of did not take place? — If that is what you are saying, then you are not telling the truth, because then you are misleading this court. London was at my place. (30)

His Lordship will decide eventually who is misleading

... / the



the Court, but we will carry on. Were you a member of the Seoposengwa Party? — That is so.

An active member of that party? — Very much so.

You made many speeches from that party's platform? — Yes, that is so.

Let me tell you why you were actually approached to resign as a councillor. Were you for years prior to your becoming a councillor speaking from public platforms saying that the Democratic Party of Bophuthatswana was the party of apartheid? — That is so. (10)

And it was the party that was collaborating with the South African Government to deprive the Tswana's of their South-African birthright? — That is so.

COURT : Birthright or citizenship?

MR BIZOS : Citizenship.

COURT : Let us call it citizenship.

MR BIZOS : The citizenship which was a birthright? — That is so.

That anybody who collaborated with apartheid was a traitor to his people? — That is so. (20)

And that anyone who co-operated with any apartheid structure, was a traitor to his people? — That is so.

And you were not alone in saying that? — No, I was not alone.

Mr Hoffman Kgaleng was of the same view? — That is so.

And Mr Jomo Khasu was of a similar view? — Well, I did not know about him being a member of Seoposengwa.

No, I do not say he was a member, I am saying that the three of you shared similar views in your abhorrence of apartheid? — Yes, that is so. (30)

Do you recall that when it became known that you had

... / become

become a councillor, the similarly minded people to yourself came to you and said "Brother, what have you done?" -- Yes, I do.

"Here you were criticising apartheid with us all these years and now what do we see? That you are taking part in a apartheid struggle?" -- No, not in the way that you are now putting it. They did not come to me in that way.

Was it the spirit in which they came to you? Was that their meaning when they came to you? Is that not why they came to you and did they not say to you that you are (10) really not being consistent with yourself? -- No, we did not talk for a long time. We had a very short discussion and then we later decided that we are going to meet later, where they will come and point out certain facts to me.

Listen to the question.

COURT : It is a very vague question. Similarly minded people to yourself. Why do you not call them by their names? Then we will know what you are talking about.

MR BIZOS : The two people who came to you Mr Jomo Khasu and Mr Hoffman Kgaleng, did they not come to you and say - (20) did either of these two persons come along and tell you that you were not being consistent with yourself? -- Yes, Hoffman Kgaleng.

He told you that you were not consistent with yourself? -- Yes, that is what he said.

Yes, you are quite right that Hoffman Kgaleng told you that. When I said that he came together with Jomo Khasu, I want to withdraw that. I was corrected that Khasu was not with him at that stage? -- They were two

You say they were two. Did you - did, on your version, (30) both of them tell you that you were not consistent with

... / yourself

yourself and that you will lose credibility having spoken against apartheid for so long in the past, by now speaking in favour of or rather taking part in an apartheid structure? -- No, we did not discuss it up to that far. What they said to me is "We know that your joining the council here was with the view of stopping the removal, but we will you would not be able to stop the removal while being within the council."

Well, I am going to put to you that Mr Hoffman Kgaleng told you that your taking part in the council will be so inconsistent with what you had publicly said so often before, (10) that you are going to lose credibility? -- Not this day when they were with me, unless of course that was what he had in mind to mention to me at our next meeting, otherwise he did not.

Did he never as a like-minded person tell you that you are not going to be consistent with yourself if you took part in the council? -- If I understood the question proper, I answered this question by saying we did not come as far as that. While we were still talking it happened that it became busy in the shop, as a result of which we had no time to (20) discuss it. That is why we said we are going to set a date on which they will have to come to me for the second time, then go and discuss this at home.

What were his opening words when he mentioned the fact that you stood for the council? -- Immediately when they came in, after greeting, then Hoffman Kgaleng addressed me as "Brastif, I hear that you are also in the council, you have been elected in the council," on which I said yes. He further then said "Look, I know, I understand your reason why you joined the council, that is to resist, but I do not think (30) you will succeed in doing that while you are within the

.. . / council."

council."

Anything else that he said? — I then in reply to that said to him "You know, we must know what we are going to do in order to stop the removal while joining the council in Huhudi." Then Khasu said, also addressing me as "Brastif, I can see that you are now in the council, but what I can suggest to you is that you must decline."

What else was said? — I then said to them "Gentlemen, there is one thing we must know. While we are in the council, at the present moment our priority to attend to is the (10) removal and if we were to leave the council, at least we must know what next are we going to do." Then on that Khasu said I must remember one thing that in the whole country the children are going to use stones. I then asked him on that "Who is that who will be throwing stones at, for what reason?" On which then he asked me "Have you not read about the speech of Dr Motlana when addressing the Civic Association as to what he said in that, that is in the speech itself?" I then asked him "Do you mean to say that Dr Motlana said that the applying of the stones will come first or under what circum-(20) stances did he say that, if that is what he said or do you mean that I should have read what Dr Motlana said in his speech pertaining to that before joining the council?" On what he said "What I am saying is this. The whole country is going to throw stones. Therefore, the councillors would not be let aside." On which I said "Does that now mean that the throwing of the stones is going to solve our problem, even though I did not know where Dr Motlana lives?" I then further said "I do not believe that we are experiencing the same problems as Dr Motlana because as it is right now, we are (30) faced with our major problem, that is the removal, which we

... / are

are fighting, before tackling any other thing which is a problem of the other townships." It is only then that they said they are going to make a day of meeting. Up to date they have not yet told me about the date.

You have told us everything that you wanted to say about this meeting? -- Not unless may be I have forgotten something, otherwise I think that is everything.

Do you say that Mr Hoffman Kgaleng did not tell you that you are going to lose your credibility for taking part in an apartheid structure as regards to what you said (10) before? -- I have already said that on this day in question we never discussed up to that.

But you seemed to have a lot of time to discuss what Dr Motlana has supposed to have said? -- Do you mean myself?

Yes, with the others, as you say that there were two? -- Yes.

Do you recall whether you said that you thought that the community councils were independent bodies? -- I never ever said that.

Is it not in answer to your suggestion that the councils(20) were independent bodies that Mr Hoffman Kgaleng told you that there was a booklet written which really showed that these councils had no powers, and that he would give you that booklet? -- No, that is not so. It is when we were saying we do not have ample time to discuss when they said they will come on another day and upon that day they will bring along some books from which I will have to read for myself.

When did you make a statement in this case for the first ever time? -- I find myself in a very difficult position, because I have made a lot of statements which I cannot (30) exactly remember when it was, but all I can tell the Court is

the last statement I made was on 30 March, though I am not quite certain by mentioning 30 March. What I am saying is, it was roundabout 30 March. I am not certain about exactly what date it was, but towards the end of March.

COURT : What year? -- 1986.

MR BIZOS : A month ago? -- That is so.

And was this the first time that you mentioned Dr Motlana's name in any written statement? -- I cannot quite remember.

What was the last statement that you made, this one of 30 March? What was it all about? -- That is the statement(10) from which Mr Hanekom was questioning me.

Was that the first time that you made mention of Dr Motlana's name in that statement? -- I do not want to commit myself. I am not in a position to tell whether that was the first time or not.

Who took that statement? -- I cannot remember his name, but - I am trying to remember, they are saying captain, but I do not know captain who.

Was it here in the vicinity of the court? -- No, in Vryburg. (20)

When do you say this conversation took place? Not with the captain, with Hoffman Kgaleng?

COURT: And Khasu?

MR BIZOS : Well, there is a dispute, but at least with the two of them. The conversation in which Dr Motlana's name was mentioned? -- That is the same day on which there were elections of the Community Council. The afternoon of that day.

Please give us that date? -- I do not want to tell lies.

COURT : Was it on nomination day or on election day? -- It was on nomination day. (30)

That is on the day when there were no other candidates

... / and

and you were all declared to be elected unopposed? -- That is so.

MR BIZOS : What month and what year was that? -- That was in August 1982.

In your shops? -- That is what I am saying.

How often did you see Hoffman Kgaleng or Jomo Khasu after that? -- Not very often, but what I can say is, we used to meet for instance in our township. It is a small township.

Did your friendship continue? -- Do you mean from that day? (10)

Yes? -- Yes, it continued.

Did you fight the removal scheme together with them? -- Yes.

Did you have joined meetings? Let me put it this way, joined meetings is incorrect. Did you hold meetings at which those two and you and your fellow councillors were present in order to have a joint strategy to avoid the removals? -- No, I cannot remember any single day.

Were they not both delegates elected at a meeting called by the council together with four other delegates in order(20) to worktogether? -- If I may explain that, because the way it is being put to me, it is not exactly the way in which it was done. This is how it happened. They were not just elected. It was in a meeting where the community seemed not to be satisfied about the efforts that are being done by the council in trying to stop the removals as a result of which then the chairman suggested that the community chooses some people who will accompany the council to go and listen on behalf of the community as to what is being said and what efforts are being put across by the council on behalf of the community. (30)  
That is the day on which then people were chosen, six or

seven in number to accompany the Community Council in order to come back and make a report back to these people about they heard being said there.

Were Kgaleng and Khasu of these delegates? -- That is so.

Did you not have meetings with them? -- This happened before I was nominated as a councillor. That is before the discussion between me and the two referred to here.

When do you say that happened that the delegates were elected? -- I cannot quite remember when that was, but what I still can remember is that approximately two weeks there- (10) after, they then came and made a report back.

I think I have the date. The delegates were elected in September. Do you recall?

COURT : Of which year?

MR BIZOS : 1982. The witness was correct in that respect.

-- Yes.

Before the election? -- That is true, before the election.

I am sorry, the election was in August 1982. It was shortly after the election. Do you remember that or would you say it was before? -- What I remember quite well is that (20) it is before I was in the council when this happened.

Whether it happened before or afterwards, did you meet regularly with these two gentlemen in order to discuss joint strategy in order to avoid a removal? -- I am not saying that never happened. I cannot remember that happening, because there were some of the meetings which were held while I was not attending and therefore I am not in a position to say as to whether there were such meetings held with them or not.

Did you welcome the fact that the delegates were side by side with the council in order to fight the removal? (30)

-- This question is not clear in my mind. What I can say on



this question is that at the report back meeting Kgaleng said to the community there that there is nothing they can make mention of to the community that they Community Council did not do in their efforts in trying to stop the removal.

So, can we then just round it off by saying that even after it was suggested to you that you should resign from the council and not become a member of the council, the spirit of co-operation between Kgaleng and Jomo Khasu and you continued on a personal basis and on public affairs basis? -- Yes, that is correct. We are on a good footing, even after (10) that, until during the year 1983 when we attended a meeting pertaining to the Kretch(?) Committee Election where Mr Kgaleng was the chairman of the meeting. He was the chairman at this meeting for the election of the new committee members, whereas he was even before this meeting the chairman of this committee meeting. That is when he, Mr Kgaleng, said, addressing this meeting, that if a member of the council or a relative of the council could be elected into the committee of this Kretch Committee. Then he, as Kgaleng, is not in favour of being elected a chairman of the committee any more, (20) because they have got nothing in common to share with the council. There is no way they meet. I then raised my hand immediately after that remark. He allowed me the floor. That is Mr Kgaleng, the chairman, on which then I said to him as a chairman "Mr Chairman, I think it will be advisable for you as a chairman to let the people elect whoever they want to elect and do not hold them to a certain direction. They must use their own discretion in electing these people."

I do not want to interrupt you, unless you want to tell us the whole story. You can if you want to, if Your Lordship(30) wants to hear it, but do you really feel that you want to

... / finish

finish to give us a complete account of this meeting? -- In fact this was just a background I wanted to give to the Court that that is the day on which I realised that our friendship with Kgaleng is strained.

COURT : When was that in 1983? -- Between June and July, because it was during winter.

WITNESS STANDS DOWN.

COURT ADJOURNS UNTIL 2 MAY 1986.

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

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