

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

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SAAKNOMMER: CC 482/85

DELMAS

1987-01-23

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

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

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COURT RESUMES ON 23 JANUARY 1987.

COURT : Before you start, Mr Bizos, I notice that there is a difference, though slight it is material, between the bail conditions which are annexed to the application for bail, that is the conditions set for the previous - for the accused who were released on bail and the actual conditions agreed upon telephonically between yourself and myself on the day after that, in the sense that accused no. 15 is to report according to the annexure at Moroka, whereas according to my notes on 28 November we agreed that he was (10) to report at Meadowlands.

MR BIZOS : No, I think he was originally at Meadowlands and that the change was or was it the other way round?

COURT : No, he was at Moroka and we agreed that he would report at Meadowlands. So, it is very clear that it is about time that all these bail conditions be formally placed on record. Is your choice Meadowlands or Moroka?

MR BIZOS : I am glad that Your Lordship has raised the matter. The accused have found more or less accommodation nearer to Delmas - in Johannesburg, but along the road to (20) Delmas so to speak and we have handed a document for the approval of the State to the State this morning that they should all report at Jeppe police station and we have a document, they are merely waiting for the investigating officer who is not here this morning to ask whether he has any objection to Jeppe so that - I am indebted that Your Lordship has raised the question, but if this is agreed to and Your Lordship agrees to the ... (Court intervenes)

COURT : Will fall away?

MR BIZOS : Will fall away.

(30)

COURT/...

COURT : Will you raise the matter again after the tea adjournment, because I want to place on record each and every bail condition.

MR BIZOS : As Your Lordship pleases. I think that this will supercede the previous condition as to where has to be reported. We are indebted to Your Lordship for the amendment at the time, also for raising it now so that there is no misunderstanding.

BAVUMILE HERBERT VILAKAZI, d.s.s.

EXAMINATION BY MR BIZOS(continued) : How did it come about(10) that you went to Port Elizabeth in the beginning of 1984? -- 1983.

Do you remember the date when you went? -- Yes.

In December 1983?

COURT : Well, did you go in December 1983? -- That is so.

MR BIZOS : Do you remember the date? -- Yes. The United Democratic Front had sent us a letter of notice on the said conference and as affiliate we were requested to send through two delegates. The conference was to be on the date 17 and 18 December 1983 in Port Elizabeth. (20)

Was it decided who should go? -- Yes. We in the VCA did discuss the issue of the delegates and it was decided that to have more of the executive members participating on matters relating to the VCA, that is outside the VCA, like the particular conference, we should not send among the delegates those people who were regular delegates to the UDF general conference. Having agreed on this point, myself together with Mr Johnny Motete were requested by the executive to represent the Vaal Civic Association at this conference.

COURT : Did you both go? -- We both went. (30)

MR BIZOS/...

Could you tell His Lordship in as few words as possible what was the purpose of this conference? -- Generally the purpose of the conference was to look at the programs of the UDF focusing on the coming year, that was 1984. Amongst this was the question of the million signature campaign and there were also lengthy debates on the question of whether to call on the government to do like we did in 1983 having a White referendum on the new constitution on the tricameral parliament, to have the same with the Coloured and Indian populations in the country. (10)

Had there been any suggestion that the government might call for a referendum among the Coloured and Indian people? -- At that stage I did not know of any.

And at the conference were these matters discussed? -- That is so.

Where there a consensus at the conference about this issue or not? -- This particular issue took up about three-quarters of the day's proceedings. The delegates were divided into groups to discuss this issue, according to their regions and at report back there was no consensus and a commission(20) was appointed to look in to this issue and such commission came up with a proposal to the conference, which is accepted, that the matter to be referred back to the individual affiliates who would then in turn send their position on this question through to the general secretary of the UDF at UDF Headoffice.

The fact that there was no consensus it perhaps may speak for itself but just for the sake of clarity. Were any dictates or orders issued to anybody what the view should be on this tactic, what any affiliate should decide? Or was it left to democratic decision? -- The groups that (30) worked/....

worked on this question were divided on regional basis and it was the delegates from a particular region who came up with what their standpoint is with regard to the question of referendum or participation.

COURT : So, actually there was a difference between the regions on whether there should be participation or not? -- That is so. Not only that, but also amongst the regions themselves there was division.

Amonst the individual delegates of a specific region?

-- That is so.

(10)

MR BIZOS : Then ... -- I am sorry, I think the end of the question was that there was also some indication of instructions on the ... (Mr Bizos intervenes)

Yes. -- I am sorry, I missed that point. There was no instruction whatsoever on the standpoint of the delegates of any particular region. No form of influence was seen to prevail and I may also add that those people who were in fulltime employ of the UDF were not part of the discussions. They did not participate as they had not gone there on the basis of their being delegates, but there were there as full-(20) time officials. This question was strictly to be handled by the delegates.

At whose expense did you go to Port Elizabeth? -- Yesterday in my evidence I indicated the financial problems that we had in the Vaal Civic Association. It was decided that we should try to pay for ourselves. That is the R30,00 per person for the trip to and from Port Elizabeth and I paid for myself. Mr Motete who was at the time unemployed, I was made to understand, was paid for by his father-in-law.

Was there any understanding or arrangement as to whether(30)

or/...

or not either you or Mr Motete's father-in-law would be paid back by anybody? -- Yes. The understanding was that when we could be in a position to raise enough funds, then we would be paid back by the Vaal Civic Association.

Did that happy day ever come for your R30,00 you paid? -- Unfortunately not.

ASSESSOR (MR KRÜGEL) : How did you travel? -- We were to travel by bus, but I was not on the bus on the day of the departure. I used the bus coming back only. On the day that we had to travel to PE, that was on the 15th, the afternoon(10) of the 15th, that was my last working day and I was starting off from Johannesburg, I had to go back home and I made arrangements that I should be picked up on the line, on the Parys road to Port Elizabeth and I could not see the bus. So, I travelled back into Johannesburg where I grabbed a lift up to Kroonstad and we thought that we would meet the bus on the way but unfortunately as I got to learn later that the bus had a breakdown and had to go to Lenasia for some minor repairs. So, from Kroonstad I was on the train up to Bloemfontein, where I changed to Springfontein. From Springfontein(20) I hiked to Port Elizabeth.

MR BIZOS : The ANC did not make any generous contribution for the holding of this conference to send you down by plane or any sort of luxury? -- I definitely did not go by plane and I would not know whether it was possible for the ANC to finance this trip.

Please have a look at EXHIBIT O4. Have you seen the document? -- That is so.

What do you know about that? -- What I see here is that it refers to the Vaal Civic Association's mandate on the (30)

Coloured/...

Coloured and Indian referendum.

Did you make a decision? -- We did make a decision.

Did you mandate anybody to communicate your decision to the UDF? -- That is so. The Reverend Lord McCamel who was the chairman of the Vaal Civic Association was one of the people who had been elected to be the permanent representatives of the Vaal Civic Association at UDF general conferences. He held the position practically of the permanent representative and we had two people who were to alternate depending on their availability and that would be Mr Esau Raditsela(10) and Mr Mike Kgaka. The simple reason on the choice of Mr Raditsela and Mr Kgaka was because both of them had motor-cars. So, it was quite possible that they could be in a position to take the chairman of the organisation along to such meetings. On this basis the chairman of Vaal Civic Association, the Reverend Lord McCamel was mandated to forward our response to the question of the Coloured and Indian referendum to the UDF general conference.

I want to turn to the topic of meetings called by the councillors in the beginning of 1984 of residents. Do you(20) know of any such meetings? -- Yes, I know of such meetings.

Can you give us the month and the year during which - of the meeting that you know of? -- Some time in January 1984 after arriving home from work there was a loudhailer announcement of a residents meeting that was to be held the same evening at a school opposite my home. That is Kitso Lower Primary School.

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

Whose meeting was it and what was its purpose? -- The purpose of the meeting was mentioned by the person who (30) acted/...

acted as a chairman. This person I did not know, but he informed the gathering that the purpose of this meeting was to introduce Mr Jan Mokoena as a councillor for Ward 20, whose residents we were. Also to see if there can be any close working relations between the people who had supported a rival candidate in this ward the previous elections with the people who supported Mr Mokoena. The third purpose was for Mr Mokoena to receive residents complaints and grievances.

Could you very briefly, as briefly as you possibly can enumerate the grievances that were mentioned by the (10) people at this meeting? -- The very first grievance that came was when a resident mentioned to Mr Mokoena that the rents were already high, but the authorities do not seem to take notice of the high unemployment rate in the Vaal complex and as such residents who were still subjected to lock-ups and evictions. The second complaint was that residents wanted to know why were they required to pay for the general maintenance and repairs to their houses if they were paying services charges every month. The third one was the flooding of some houses in the zone during rainy seasons, the bad conditions (20) of the roads, some of them were or could not be used during rainy seasons, because they were practically turned into mud pools. The other was the leaking of roofs and there was an appeal for Mr Mokoena to attend to these matters.

Did Mr Jan Mokoena respond in any way to the matters that had been mentioned? -- Yes.

How? -- He asked those people who had responded to this request of informing him of the grievances to forward their names and addresses so that these matters could be easily followed up through them and he also said, he was still (30)

committed/...

committed to his pledge as a candidate before being elected that he would use every possible means to fight for the lowering of rents in Sebokeng. He said he would still do his best to see to it that if he cannot manage to lower rents, at least the rents should not be increased and also there should not be evictions and lock-ups.

How many people were there at this meeting? -- I can estimate about two hundred present at this meeting.

Was anything said at this meeting to prepare the people there present for any possible increase of the rent during (10) 1984? -- Not that I know of.

You told us of this activity, the having of the rally in 1983 against the council elections. How did 1984 start? Would you say that the VCA was a particularly active organisation in the first few months of 1984? -- At the beginning of 1984 yes, there was still much activity as there was in the last three months of 1983, but after the dismissal of Reverend Lord Mc Camel from his employ as a teacher in Sophelong, there was a decline of the activities of the VCA. That would also go for the meetings of the executives. (20)

When the Reverend Lord Mc Camel had these troubles, who would take the meetings or the initiative for the calling of the meetings? -- We would at times converge at Reverence McCamel's house to meet there, to find that he is not there, but to go on with the meeting on our own. The person who became much more active, that is taking up the position that formally was held by the chairman, was his vice Mr Esau Raditsela.

Was the secretary Mr Motete very active? -- No.

What was the problem there? -- Mr Motete, we did not (30) understand/...

understand what his problem is, but apparently he was disagreeable with the area representative in Bophelong, but we never got to understand how this would affect his work as secretary.

COURT : Who is the area representative? -- The area representative was Mr Bonani Mafa.

MR BIZOS : You told us yesterday that Bophelong became non-existent as a result of the dismissal of Lord McCamel as a teacher. Did these differences between Mr Mafa and Mr Motete also contribute to this demise of the area committee of (10) Bophelong? -- It was my suspicions.

What in the main was the committee busy doing during the period say January to June? Did it have any mass meetings or did it hold any rallies or did it do anything of any significant importance? -- The executive meeting did not call any mass meeting or any rally between that period. As I have said that the chairman himself was an irregular person at the executive meetings. So, most of the area representatives were generally involved in building their areas, hence in February 1987 we had seen the establishment of (20) the - 1974, I am sorry, February 1984 we saw the establishment of the zone 7 area committee which was in itself active in its area, but the other area representatives were concentrating on their areas holding house meetings and trying to organise people to the VCA with the possibility of establishing area committees.

IC.8 gave evidence that you were at the funeral of the late Jabu Shabalala. -- I remember that evidence.

Do you remember when that was? -- That I estimate to have happened between May and June in 1984. (30)

During/...

During his lifetime in view of certain evidence by IC.8 in relation to Mr Hlomoka, accused no. 2, I will ask you this, could Mr Shabalala speak freely? -- His speech?

Yes? -- No, Mr Shabalala was a mute.

Despite his being mute, was this a condition from early life or was it an illness ... -- As I understood it it was due to illness at a very young age and at the time of his death he was attending some therapy, some speech therapy and he was trying at the time to really use his speech abilities. (10)

To use his voice. Despite this inability, did he take part in political activities? -- I knew him to be a member of AZAPO.

Would he have been able to deliver a speech himself or not? -- Delivering a speech from the platform, I do not think he would have been able to do it, but I must note that I have not attended any big gathering organised by AZAPO other than the commemoration services at Sharpeville as I have mentioned yesterday.,

My Lord, may I just indicate that I have led this (20) evidence because IC.8 said that a speech of accused no. 2 was read at the meeting. The evidence will be that it was Mr Shabalala's speech that was read, because he could not speak. You say that you knew him as a member of AZAPO. -- That is so.

From what you heard, did he die a natural death? -- No, he died after an attack ... (Mnr. Jacobs kom tussenbei)
MNR. JACOBS : Ek kan nie verstaan dat My Geleerde Vriend hom lei op wat hy gehoor het nie.

COURT : How is this admissible?

(30)

MR BIZOS/...

MR BIZOS : The reason why the witness as a member of the VCA went to his funeral, shows not the truth of the matter but he was actually - the evidence will be - killed by a group of taxi drivers at the time when there was a community dispute. The community took a stand and tried to settle the dispute and this is why the accused went to this funeral. I am not through the hearsay trying to prove the correctness of the allegation, but rather having heard that, why did he come to the funeral. If the evidence had not been led from IC.3 I want to assure Your Lordship that we would not have (10) led the evidence, but the evidence having been led, it must be put in its context.

COURT : What was the evidence that was led?

MR BIZOS : That the accused was there at the funeral.

COURT : Was there any evidence on who killed Shabalala?

MR BIZOS : No, there was no evidence as to who killed Shabalala but as to the reason why the accused went there.

COURT : Well, was it put to IC.8 that this was the situation?

MR BIZOS : I have no independent recollection whether I did so or not. (20)

COURT : I cannot even remember that it was in issue at the time this whole thing. Why do you ask him how did he die. Why do you not ask him why did you go to the funeral?

MR BIZOS : Was there any reason why you should have gone to this funeral? -- Yes.

What was the reason? -- Firstly, Mr Shabalala worked at the same building where my Johannesburg office was. I had known Mr Shabalala as a patient at Vereeniging Hospital whilst I was still working there and Mr Shabalala stayed in my area in Zone 3. So, he was generally known to me. (30)

Was/...

Was this an ordinary family funeral Mr Shabalala was given when you turned up? -- No. Mr Shabalala was a very wellknown person in the Vaal complex, a person who was liked by many, many people and the question that he was killed by taxi drivers was a matter of concern to many people. Particularly because of his disabilities Mr Shabalala really was held very dear by many people in the Vaal complex.

COURT : What was his age? -- At the time of his death he could have been 30.

MR BIZOS : Was he - did any organisation take over the (10) arrangements for his funeral? -- I knew the AZAPO and the Moroka Swallows Limited played a role in the arrangements of the Shabalala funeral.

Did you play any part in it? -- Yes, I played some part.

What part?-- Having gone to pay my respect to the family I found that there were some forms for collecting money to assist in the funeral costs. As a further contribution to the family I undertook to take one form and to assist in collecting these donations.

In your personal capacity or in your representative (20) capacity? -- In my personal capacity.

At the time of or during the preparations for the funeral was any talk about the unfortunate circumstances that led to Mr Shabalala's death? -- That is so.

Were there any plans made to try and avoid future events of this nature?

MNR. JACOBS : My Geleerde Vriend stel elke keer sy vrae so leidend aan die getuie dat die getuie net hoef te antwoord ja of nee. Hy kon nou net gevra het "Were there any plans made?" en dan gevra het wat se "plans", maar dan gee hy (30)

hom/...

hom elke keer die antwoord "Plans were made" en wat se "plans" gemaak is. Ek vra dat My Geleerde Vriend nie elke keer vir die getuie die antwoorde sommer in sy vrae opgee nie.

MR BIZOS : I do not think I am guilty this time. I cannot say that I have never been guilty of it, but I will try my best not to ... (Court intervenes)

COURT : Well, may be one should admonish you for a previous time.

MR BIZOS : As Your Lordship please.

COURT : Please, I have an uneasy feeling when you asked (10) the questions that the answers may not relate necessarily to the personal knowledge of the witness. Will you just confine your questions to what the witness personally knows.

MR BIZOS : As Your Lordship pleases. I will try to do that. I think you have already told us that certain discussions took place. Was anything done or was there anything to be done as a result of those discussions? -- I learned from the family that the deceased's younger brother who I was in constant touch with whenever I came to drop the amounts I had collected, that the family had been invited to discuss (20) the circumstances of Mr Shabalala's death with the taxi association. Mr Shabalala junior then asked me to accompany him as he was the only member of the family available and this was to be in the company of two other people, Mr Hlomoka who is accused no. 2 in this matter and a certain Mr Modise Lehoko.

COURT : And the younger brother was? -- I do not know what his name was. I cannot remember what his name was.

MR BIZOS : To who were you supposed to go? -- I learned later that we were to go to the public relations office (30)

of/...

of the taxi association's house, that was Mr Josiah Matjila.

Did he hold any office other than the public relations office of the taxi association? -- I knew him also to be a councillor.

Did you in fact become part of this negotiation? Did these negotiations take place? -- The negotiations did take place, but I did not take part in the negotiations.

Was there any reason for that? -- Yes. On the evening when we were to meet with the taxi association, when I arrived at the Shabalala home I found there members of the (10) executive, people whom I knew to be members of the executive of AZAPO and I was told by the younger brother to Jabu that AZAPO was going to assist the family in all funeral arrangements. So, as such AZAPO were to be part of this delegation. I discussed together with accused no. 2 and Mr Shabalala and Mr Modise Lehoko exactly how the discussions are going to be handled between AZAPO on behalf of the family or with the taxi association or between the taxi association and people who just came as representatives of the family. What I was told was that that would be an AZAPO delegation on behalf(20) of the family. It then became clear to me that I had no role to play there.

Whose decision was it that you had no role to play? Yours or the representatives of AZAPO? -- Seeing that this was being an AZAPO thing, the executive members of AZAPO were very strong about the fact that they are going to represent the family on that issue, I sought to be not part of the delegation and accused no. 2 then asked me to come along, but to take up an observer position.

Did you do that? -- Yes, I went as an observer to this(30) meeting/...

meeting eventually.

Did you say anything as an observer? -- No, I was just introduced at Mr Vilakazi at the meeting without even the links whether I am a member of the VCA or AZAPO, or anything, just as Mr Vilakazi and it was said that I will be an observer in the meeting. I will take part in the deliberations of this meeting.

In view of this perhaps small incident, what do you say to the allegation made by the State there was co-operation between AZAPO and the VCA in the Vaal? Did you know of (10) any basis of any co-operation on any part? -- There was at no stage where there was co-operation between the Vaal Civic Association of which I was a member and AZAPO both in the Vaal complex and at national level. If there was to be any operation, at least the events of the funeral of Jabu Shabalala, the arrangements and everything, could have set the basis for such co-operation. Since I participated there on my individual basis and also the events when the executive members of AZAPO came up, was enough proof that there was no basis for co-operation between the organisations. (20)

Were these AZAPO executives that came, AZAPO Vaal or AZAPO something else? -- I knew at least one of them to be holding an AZAPO national office. He was from Johannesburg.

Who was that? -- It was Mr Libon Mabaso.

COURT : What was he? -- I think at the time he was the president. I must say he has held quite a number of very senior positions in AZAPO from time to time but I would not know exactly what the position is.

MR BIZOS : When did you hear for the first time that there might be an increase of the rental - may I say, My Lord, (30) that/...

that I am using it as a shorthand for all the increases as the witness does - in 1984? When did you hear about that for the first time? -- After having heard rumours round July I also read in the press about such an increase.

I want you to please have a look at EXHIBIT AAQ 21 and tell us whether you saw that report? Just to make absolutely sure, is that of 10 March 1984? -- That is so. This is a copy of the report that I saw.

Did you react to this report in any way? -- Yes. My first reaction was to try to approach Mr Jan Mokoena as I (10) related to the Court yesterday.

You do not have to repeat those details. You have told us yesterday that you did not succeed in actually discussing it despite your attempt to do so. Were you the only one that was disturbed by this report or can you tell His Lordship what the reaction of your friends and neighbours and the people you travelled on the train with was?

COURT : Well, were you disturbed by this report? -- I was disturbed by this report.

About what portion of the report were you disturbed? (20)
-- About the possible increase.

Is it stated here that the rent will be increased? Yes, it is in the last paragraph.

MR BIZOS : Were you alone being disturbed about this? -- I was not alone. As my work demanded me to be away from home over the weekends on my coming back home on Sunday afternoons usually, I would find most of my neighbours on my premises watching a football match just across the road adjacent - the football fields are just adjacent to the school I have just mentioned now Kitso. (30)

ASSESSOR (MR KRÜGEL) : They used to use your premises to watch/...

watch the match? -- Yes, for the shade of the house. And it would be during moments like these where I could be in the position to learn a lot about the feelings of the people in my community.

MR BIZOS : Did these rumours or statements or the thing that the rent would be increased - was this rent increase discussed by any councillor in your community as far as you know before you saw AAQ 21? -- I do not know of any such meeting, any such discussions between any councillor and the people in my community. (10)

We have heard evidence in this court that certain councillors held meetings on 5 August after the notices increasing the rent were printed by the board. Did you become aware of any meeting of 5 August in your ward or in your community? -- I did not know anything of such a meeting.

Are you able to recall whether you were during that weekend in Sebokeng or not during 5 August? -- On the weekend of the 5th I was home. I was working on the weekend of the 12th.

COURT : Are you saying that no meeting was held or are you just saying that you are not aware of a meeting? -- What (20) I am saying is that I am not aware of such a meeting.

MR BIZOS : You told us that you were away during the weekend of the 12th. Did you learn of any meeting that had taken place in the Vaal Triangle during the weekend of the 12th?

COURT : That is now 12 August 1984?

MR BIZOS : 1984. -- It was on I think Tuesday or Wednesday - it was on Tuesday that I read in the press that there had been a meeting in Sharpeville on Sunday.

My Lord, I am going to ask leave to hand in that newspaper report. I would like Your Lordship's direction in (30)

relation/...

relation to the numbering. Should we perhaps start a new series as part of the defence case.

COURT : I think that would be advisable. Let us start with DA 1.

MR BIZOS : It is from the Rand Daily Mail of 14 August 1984.

We will again seek an admission for the correctness of the this from the State as getting a full page represents considerable difficulty from the State Library on microfilm, but if there is a dispute in relation to any one of them, we will ... Report of 14 August 1984 in the Rand Daily Mail which reads "The Lekoa Town Council was urged at the weekend(10) to resign after being roundly condemned of the recent house rental and service charges increases to become effective from September the 1st. This resolution was taken at an emotion charged meeting held at St Cyprians Anglican Church Sharpeville at the weekend and attended by two hundred residents. The meeting also resolved not to pay the new rent increase of R5,90 a month, but to only pay the present rent which is R62,00 a month. It was a tensed meeting and all speakers unanimously condemned the new rents. The Reverend Tebogo Moselane who chaired the meeting was appointed the(20) chairman of the committee which would launch the campaign against the new rents. People at the meeting were told that a similar gathering would be held next Sunday at the same venue at 2 p.m. Reverend Moselane appealed to residents to spread the announcement of the next meeting. If we unite and fight against the new rents we will succeed. Let us not pay the new rents because people have no money to pay it. We must be steadfast and not be divided. Even people who are evicted from their houses for not being the new rent should not dispair as it will not be possible to evict (30) everybody/...

everybody in the township, he said to cheers from the residents. He said many people were unemployed and many firms were not paying their workers increases to cover high rents. These employers hid behind the drought and prevailing economical climate of the country, he said. Speakers allege that council was doing nothing for them. Councillors had agreed to the increase in order to get higher allowances for themselves, it was claimed. The council was also accused of not calling public meetings before making recommendations to the government for new rents. The residents were told that a (10) petition would be signed and submitted to the council before September, the 1st. The speakers also attacked the councillors for not having sympathy for pensioners who were struggling to survive on their pension money which they received every two months. It was also suggested pensioners should be exempt from paying the same rents as others as was the case with tuberculosis patients who were allowed remissions of rent." Did you read this report? -- That report I saw in the press.

Did you know anything about the meeting of the 12th (20) held at St Cyprians Anglican Church before you read this report? -- Other than reading this report there is nothing I knew about that meeting.

Did you yourself either as a result of this report or even before you read this report have any views as to whether anything should be done about the proposed increase? -- Sunday afternoon on the 12th on my arrival from work as we are discussing this coming increase with some of my neighbours, I discussed the possibility of having an area committee of Zone 3 being established so that it can handle matters like (30) those/...

those. That is after one resident has posed a question what am I doing as VCA. Then my contention was I cannot be VCA in Zone 3 alone, because VCA is an organisation and unless we come together to have a committee in Zone 3, I will not be in the position to do anything about the grievances and the problems of the people in Zone 3. From Sunday we had discussed the possibility of meeting in the evenings during that week to see how possible was it to get a date set for a meeting where all residents of Zone 3 would be called together. so that they would be in a position to elect people of their(10) choice into the committee. It was agreed that Tuesday, the 14th at my house we will come together to discuss this issue more broadly.

Could you identify for His Lordship and the learned assessors who the persons were who had this idea of calling housemeetings and another meeting or a zone committee?

COURT : Just a moment. Was the discussion that you would call a housemeeting or housemeetings to constitute an area committee or was the discussion that you would call a general public meeting to constitute an area committee? -- The (20) discussion was to call housemeetings to work towards holding a mass meeting where the general problems and grievances of the people would be discussed and an area committee would be elected.

MR BIZOS : Could you identify for His Lordship a couple of the people who took the initiative in the calling of the housemeetings besides yourself? -- Some of the people I spoke to on the Sunday were not much active towards that, but I know amongst my neighbours. Reverend and Mrs Mahlatsi were active people. Mrs Mokoena. Not the Mrs Mokoena who was a witness(30)

here/...

here.

COURT : Not Rina Mokoena? -- Not Rina Mokoena. This is one is from Zone 3.

Which is this one? What is her name? -- I do not know her name, but I know her to be Mrs Mokoena and Mrs Olifant.

ASSESSOR (MNR. KRÜGEL) : The Reverend and Mrs Mahlatsi, is that the reverend that we saw in court? -- Reverend Mahlatsi that we saw in court.

MR BIZOS : The indictment in this case deals only with two housemeetings. Will you tell His Lordship how many house-(10) meetings there in fact were? -- All in all the four. We were able eventually to hold a mass meeting. We had four housemeetings.

The indictment alleges against you in particular that you called these meetings in furtherance of the conspiracy amongst the ANC, the SACP, the UDF and a few hundred conspirators, co-conspirators and that is the reason why you called these housemeetings. What do you say to that allegation? -- I deny that allegation.

Did you preside at these meetings? -- Yes, I did. (20)

Was there any special reason why you presided at these meetings? -- I presided at the meetings simply because of the reason that I had called these meetings in my capacity as an area representative for zone 3 in the Vaal Civic Association.

Did you go to the executive of the Vaal Civic Association and say "Hay, let us resolve that I should hold the meeting" or not? -- I was not to seek permission from the executive to hold such a meeting, but to inform the executive of my intentions whenever the opportunity arose that I can hold a meeting, because the Monday that I was to establish an (30)

area/...

area committee from not from the executive but this was one if the broad mandates that I received at the launch of the Vaal Civic Association from the people of Sebokeng in 1983.

COURT : So, in fact the whole thing had been dormant since October 1983 to August 1984 because no area committee had been constituted in that period? -- Since October 1983?

Had there been an area committee? -- Yes, in November 1983 there was an area committee constituted in Bophelong.

And in Zone 3? -- In Zone 3, no. In Zone 7 there was an area committee established in 1984 February and we (10) were able in Zone 3 to establish ours in September - in August 1984.

MR BIZOS :

Was there any reason for the delay in establishing this area committee in Zone 3? -- Yes. Firstly because in Zone 3 as a new area we had only one church building that belonged to the Methodist Church. Through the whole time I tried to negotiate for the use of this church. I have spoken to Reverend Wimbela who was the priest in charge for both Zone 3 and Evaton and also Reverend Lekalaka who was senior to Reverend Wimbela. Both of them were not (20) able to assist me. It was difficult to acquire the use of school halls in the area and there was no community hall in Zone 3. My activities in my area during that period were confined mostly in housemeetings with the people I had known to have had interest in the civic association.

Do you remember the date of the first housemeeting?

-- The first housemeeting was held at my house on 14 August 1984.

Whom did you invite to this meeting? -- I invited my neighbours, also asked them to invite people they thought (30) would/...

would be interested. I believed that participation in an organisation is voluntary and I also notified members of the executive of the Vaal Civic Association by way of mouth or by telephoning them or writing them like I did with the Reverend McCamel, determine who I could not find at home. The purpose of this being that they should also invite people they know staying in Zone 3 who would be interested to come to my house.

How many people turned up at your house? -- At this first meeting at some stage I counted about twenty people. (10)

In view of what we will submit and I do not ask you to comment, the contradictory evidence of the Reverend Mahlatsi, I am not going to ask you to give the detail of what happened at all four meetings in order to try and save some time. Was the question of rent an important or an unimportant issue at the first meeting, the rent increase? -- The question of the rent increase came up at the first meeting and I saw it as an important issue, because one resident had asked me that now that we had not established an area committee, could the trade unions not perhaps be in the position to assist (20) in solving this rent problem, simply because this resident believed that the trade unions were more informed about the problems in the industries at that stage.

What was your attitude in relation to trade unions becoming involved in this issue? -- There is no way that I could see direct involvement of trade unions in this issue, because basically the unions are there for - to be representatives of the workers in their work situation.

You as a trade union educator, can you tell His Lordship whether this is considered a good or a bad trade union (30)

principle/...

principle that it should not become involved - should or should not become involved in situations other than the work situation? -- It depends on the form of involvement. For instance the trade union cannot take up the position of a local organisation, civic organisation for instance, but the trade union in a work situation be of assistance to the civic association by also taking up grievances that the people are facing in the township mere on supportive basis. Such trade unions and other organisations can co-operate only at that level. (10)

Was there any proposal made as to whether or not a zone committee should be elected? -- Yes.

Who made that proposal? -- I made that proposal.

COURT : Is that committee now something different from an area committee? Or is it the same thing?

MR BIZOS : I meant it as the same thing but I better use the correct name? -- I understood counsel to be referring to an area committee by a zone committee.

COURT : What did you call it? You called it an area committee? -- We called it an area committee. (20)

MR BIZOS : At the time that you were having the first meeting, have you read the report appearing on page DA 1, the newspaper report of the Sharpeville meeting? -- Yes, I had read it on my way home from work that same afternoon.

Did you call the first meeting as a result of this report or had you called it before this report? -- As I said the discussions about this meeting had already started by Sunday, the 12th. It was not as a result of this report.

Did you receive any instructions from anyone in the UDF to hold this meeting? -- Because of the VCA's autonomy there (30) was no way that UDF could give me instructions.

The/...

The person mentioned on EXHIBIT DA 1 by name is the Reverend Moselane, accused no. 3 before His Lordship. Did you know what organisation, if any, was responsible for the calling of that meeting?

COURT : Would the witness know that? He was not there at the meeting. He has got nothing to do with it and he read about in the paper.

MR BIZOS : I will leave it at that. I am sorry. Did any of the accused now before His Lordship attend the first meeting? -- Yes, at the first meeting Mr Naphtali Nkopane, (10) accusedno. 8 was present.

Was the rent the only issue that was discussed at this first meeting? -- There were two issues. The issue of the forthcoming increase in rentals and the question of establishing an area committee.

You have already told His Lordship that the area committee would be established as a result of the calling of a mass meeting. Was there any discussion at the first house meeting in relation to the calling of the first mass meeting or the mass meeting? -- The people who met at my house (20) were keen to have an area committee established as soon as possible so that they could get a clear mandate from the community in zone 3 possibly so that they could be in a position depending on the mandate to deal with the question of the rent appropriately.

Was a date suggested for the mass meeting? -- It was suggested that as it was not possible to get the Methodist Church in Zone 3 to look up at neighbouring areas like Evaton and Residensia for the possibility of getting the church for Sunday, the 19th when we would be in a position(30)

to/...

to hold a mass meeting.

Was there any talk as to who might reside over this mass meeting at which the area committee was to be elected?

-- Yes.

What was the discussion or suggestion? -- The people insisted that I chaired that meeting but I requested that the Reverend Lord McCamel chair the meeting as at that stage there was a possibility of my being going to work for the weekend.

When you suggested that Lord McCamel should reside (10) at this meeting, was there any counter-proposal or any objection to it? -- There was no objection or counter-proposal because everybody knew that the Reverend McCamel was the chairman of Vaal Civic Association.

If any suggestion were made to you that it was decided to side-step Lord McCamel or to ignore him as chairman of the VCA, what would you say, was this a feeling at the meeting of the first housemeeting at your house? -- The people who met at my house did not at that stage - were not in the position really to have any decision regarding membership(20) of the Vaal Civic Association or the executive or to have any feeling towards any particular member of the executive. I personally at that stage and there was no reason that I saw fit for me to side-step Lord McCamel as the chairman of the Vaal Civic Association and at that stage I knew of no attempts to side-step him by anybody in the organisation.

K480

Was anyone mandated to request Lord McCamel to come and preside over that meeting? -- It was only appropriate that I be mandated as I was the area representative.

Was there any particular reason why you suggested that(30)

Lord/...

Lord McCamel should come and preside at this meeting? --
Yes, because he had taken part an active role during the establishment at two previous meetings where area committees were established. That is in Bophelong and Zone 7 and as chairman of the Vaal Civic Association I saw him as the only person fit to chair the meeting where an area committee in Zone 3 was to be established.

Has Lord McCamel any personal following? Is he a good or a bad chairman at meetings? In your view? -- I have always known him to be a good chairman. (10)

Did you communicate with the Reverend Lord McCamel to ask him to preside at the meeting? -- On my way from work I would call on the McCamel home and I did not find Reverend McCamel but left a message for him with his wife, Mrs McCamel. It must be noted that Reverend McCamel has not yet got permanent employment since he has lost his job at the school in Bophelong. At this stage he was involved temporarily with promotions work which took him most of the time away from home.

What is promotions work? -- There was a promotions (20) project that was on in the townships at that stage where there was a circle of people paying in a certain amount and at the end of a circle one gets a certain lump sum of money. I do not really know exactly they operated.

COURT : Is it a chain letter operation? -- Something on those lines. You did not actually write any letters to anybody, but you had to get members and as they joined up your name was pushed up and at the end of the list you will get a certain lump sum of money. So, it was an operation, a project that was there round the PWV area. (30)

Call/...

Call it a scheme. -- I will call it a scheme.

MR BIZOS : I am informed it is called a rotating credit association. It is a compulsory saving in fact like people pooling together and say at the end of this month it will be you and at the end of next month it will be you. You put in each month a certain amount. This is what I am told it means. If Your Lordship wants more details, I am sure that the witness will be able to give that.

Did the message that you left - did Lord McCamel respond in any way? -- That week I did not receive any response (10) from Reverend McCamel.

Did you have any feeling from anything that you saw or heard by the middle of August that Esau Raditsela had hijacked the VCA away from McCamel? -- There was no feeling like that. I must point out that after Reverend Mc Camel's employment problems and his inactivity in the Vaal Civic Association, Esau Raditsela took up a more active role simply because Esau had no problems like Reverend McCamel had and Esau Raditsela was the only person who could be active as he was the vice-chairman, thirdly Esau Raditsela had a (20) car, so he could co-ordinate the affairs of the Vaal Civic much easier as Reverend McCamel could.

Were any attempts made to find a venue? -- For the meeting of the 19th?

Yes? -- Yes.

What attempts were made? -- One of the venues earmarked for this occasion was the very McCamel's Church of God building and Reverend Mahlatsi who said to the meeting that he was a member of the executive committee at SATCIC, that is a Theological College in Evaton which rent is paid at (30)

the/...

the AME Church Wilberforce complex. It is actually called South African Theological College for Independent Churches. Reverend Mahlatsi then said that he was in the position to get us a venue there. All the same, as we were searching for a venue we also mandated Mr Nkopane, accused no. 8.

To do what? -- To speak to a priest, another priest in Evaton, the Reverend Rameopodi of the St Paul's Morning Star Apostle Church.

Was a venue ever found for the 19th? -- No. The McCamel Church was not available because Mrs McCamel told me then (10) that it would be impossible to get the church as the church council would not be sitting any time during that period and the church council was responsible for the church itself, so it would not be available. Reverend Mahlatsi could not get us the SATCIC venue and the report we got from the St Paul's Morning Star Apostolic Church was that the priest Reverend Rameopodi had approached Mr Nkopane after their discussions and when he was still to consider giving us the church and warned - he said to Mr Nkopane that he had got a telephone call which he said he believed was from the (20) security police and he had been warned not to give out his church.

MNR. JACOBS : 'n Mens wil nie elke keer opspring nie, maar dit is - die hele storie wat die getuie nou weergee is hoorsê getuienis. Kan My Geleerde Vriend nie kyk dat ons die getuie-nis reg kry nie?

MR BIZOS : I will try.

COURT : Why could this whole last quarter of an hour not been dealt with on the basis that he attempted to get a church at various places but did not succeed? Fullstop. (30)

MR BIZOS/...

MR BIZOS : I will try and put it on that basis. Did any members of the executive of the VCA come to the first meeting?

-- Yes. AS I have indicated earlier in my evidence that I had spoken to various members of the executive committee of the Vaal Civic Association. Towards the end of the meeting the vice-chairman of the VCA Mr Esau Raditsela together with the area representative for Zone 7 Mrs Edith Lethlake and a member of the Zone 7 area committee, Mr Sam Matlole made an appearance at this meeting.

COURT : Accused no. 17? -- Accused no. 17. (10)

MR BIZOS : Did they participate in the deliberations of the housemeeting or not? -- They did not. When they arrived I was chairing the meeting and I asked to be excused to be able to talk to these people and they mentioned that they had come by just to check that the people they had directed to my house for the meeting who were residents of Zone 3 had found the place.

Have you agreed as to when you would meet again at the first housemeeting? -- To meet between myself and the Zone 7 people? (20)

No, I am sorry, when the next houemeeting would be. -- Yes. Well, there was no arrangement with the Zone 7 people. At the end of this first housemeeting it was agreed that we would meet again on a Thursday, 16th for the second housemeeting.

Had there been any question of pamphlets at this meeting. -- At the first meeting, yes.

Very briefly, was there any decision to have pamphlets calling for the meeting? -- It was decided that we were to announce the meeting by means of the distribution of pamphlets. (3

It/...

It was agreed that this would be printed but leaving the venue space and the space of the date of the meeting blank so that these could be filled in as soon as an appropriate date was found with a venue.

Did anyone take or undertake responsibility for these?

-- Yes, a resident by the name of Mr Lukas Ndlovu volunteered to do the printing of the pamphlets.

When was the last executive meeting of the VCA prior to the first housemeeting? When have you met as VCA executive?

-- I cannot say when was the last executive meeting, but (10) the one that I was able to attend, the last that I attended was in the first week of July.

At the executive meeting that you had attended, had the rent increase question come up, was it discussed or any decision taken at the executive meeting of the VCA? -- No, it was not on the agenda of that meeting.

And do you know of any decision of the executive of the VCA prior to the end of August 1984 in relation to the rent increase? --Nothing to that effect was communicated to me. (20)

I would like to turn to the second housemeeting. Do you remember the date and the day of the week in which that was held? -- The second housemeeting was on a Thursday, 16 August 1984.

Can you recall whether Esau Raditsela was present at the meeting on Thursday? -- No, there was nobody outside Zone 3 at this meeting.

Was Mr Matlole, accused no. 17, there or Edith Lethlake? -- All these people mentioned are from Zone 7. AS I have said earlier, at this meeting there was nobody from outside (30) Zone/...

Zone 3.

Had your efforts to meet - was there a report about the fact that you could not get a venue at the meeting of the 7th? -- That is so.

We will try and get through it as quickly as we possibly can. Did you still believe on the Thursday, the 16th, that you could still hold the meeting on Sunday, the 19th, that you could find a venue in the meantime? -- We had really not lost hope. As the pamphlets had been made available by Mr Ndlovu we decided at this meeting that as soon as the (10) venue was available for Saturday, the 19th then people would know as they see the pamphlets being spread, but if they received no pamphlets until Sunday and they were not able to get hold of me or any other person, from whom they could enquire, then they would know that the meeting was not on.

At this meeting of the 16th was any committee elected or appointed, on a formal or an informal basis in order to try and hold the meeting if possible? -- On Thursday we decided to have a working committee that could assist me in arranging for this meeting. (20)

Who were on that committee? -- On this committee we had Mr Nkopane, accused no. 8, Reverend Mahlatsi.

The person who gave evidence? -- That is so. Mr Maropedi. Mr and Mrs Olifant.

You have already told us that in fact no venue was found for the 19th and the meeting did not take place? -- That is correct.

Was there a further housemeeting? -- The third housemeeting was at my house on Tuesday, the 21st of August.

WITNESS STANDS DOWN.

(30)

COURT/...

COURT ADJOURNS.COURT RESUMES.

COURT : We were to discuss the bail application. Actually the conditions.

MR BIZOS : The bail application the State and we are discussing and we will let Your Lordship know in due course, but the conditions for the sake of clarity have been retyped and the times and place of reporting in relation to each of the accused that have been admitted to bail, have been reduced to writing as a whole so that it could be a substitute document in order to avoid - the conditions have been (10) checked. They are the same. It is the schedule that has been amended and we ask Your Lordship to order accordingly.

COURT : What has been changed? Jeppe on the schedule?

MR BIZOS : Jeppe on the schedule for every one.

MNR. JACOBS : Mag ek ook net meld, dit is korrek soos My Geleerde Vriend sê. Ons stem daartoe, maar daar is 'n voorwaardelike toestemming dat ons net in kennis gestel word wat die adres is waar om die mense te kry as dit sou nodig word. Ons weet nie van die adresse nie. Dit is nou nuwe reëlings wat getref is. (20)

MR BIZOS : We have made this undertaking. We will see to it that the address is furnished to the State.

COURT : Of each accused?

MR BIZOS : Where each one of the accused stays.

COURT : When will you do that? Today?

MR BIZOS : Today. We will merely ask the accused and write it down.

COURT : Very well, then, it is placed on record that on 27 November 1986 bail was granted to certain of the accused being accused nos. 1, 6, 7, 9, 15 and 22. The conditions (30)

were/...

were as follows - I will read them in Afrikaans as they were agreed upon and typed out in Afrikaans.

"Beskuldigdes 1, 6, 7, 9, 15 en 22 word vrygelaat op R15 000,00 borgtog elk en met die volgende voorwaardes: Dat geen van die beskuldigdes so lank hulle op borgtog vrygelaat is enige vergadering van enige aard hoegenaamd bywoon of sodanige vergaderings reël of aan die reëling daarvan deelneem nie.

- (2) Dat geen beskuldigde gedurende die tydperk wat hul op borgtog vrygelaat is, in die woongebiede (10) Sebokeng, Evaton, Boipatong, Bophelong en Sharpeville kom vir enige rede hoegenaamd nie sonder die skriftelike toestemming van een van die ondersoekbeamptes;
- (3) Dat elke beskuldigde daagliks op die plekke in die bylae hiertoe vermeld en tussen die ure in die bylae vermeld by die aangeduide polisiestase rapporteer;
- (4) Dat elke beskuldigde sy regsdokumente en paspoorte waarvan hy die houer mag wees by die ondersoekbeampte sal inhandig voor sy vrylating op borgtog en dat (20) geen van die beskuldigdes aansoek om nuwe reisdokumente sal doen solank hy op borgtog vrygelaat is nie;
- (5) Dat elke beskuldigde daagliks die Hof bywoon vanaf die uur soos deur die Hof aangedui en wel vanaf 21 Januarie 1987 om 09h00.

Die bylae lees dan soos volg :

Dit is soos die oorspronklike voorwaardes was, behalwe dat die polisiestase wat in die geval van beskuldigde nr. 1 Jabulani Soweto was, beskuldigde nr. 6 Kathlehong, (30)

beskuldigde/...

beskuldigde nr. 7 Kathlehong, beskuldigde nr. 9 Tsakane, beskuldigde nr. 15 Moroka later gewysig na Meadowlands en beskuldigde nr. 22 Orlando was, nou deurgaans Jeppe polisie-stasie is ten aansien van al die beskuldigdes wat hier genoem is en ten aansien van al die beskuldigdes is die tye van rapportering daaglik tussen 06h00 en 08h00 en 18h00 tot 21h00.

MR BIZOS : We are advised and I hope correctly and I think My Learned Friends and investigating officers have accepted that this does not, the reporting does not have to take (10) place on the dates on which they appear in court. It has not been happening and apparently ... (Court intervenes)

COURT : But how are the people at Jeppe to know whether they are to be in court or not? So, this means that on certain days they will be reporting, on other days they would not be reporting.

MR BIZOS : The persons that are really concerned are the investigating officers. Apparently at the police station they just have a book. You just sign and it is the investigating officers concerned to really check whether there (20) has been reporting or not and this has been the situation and as far as I know it is the general practice. We were asked at the time on Monday - on Wednesday what the position was and this was the advice that we gave after Your Lordship had left, but perhaps once we are discussing the question let there be no misunderstanding that this is the practice and this is what has been happening.

HOF : Wat sê u, mnr. Jacobs?

MNR. JACOBS : Ek dink My Geleerde Vriend is verkeerd in een opsig as hy sê dit is vir die ondersoekbeampste. Dit is om(30)

n kontrole te hou oor hierdie mense. Op hierdie stadium kan ek nou nie sommer net gaan sê as hy in die hof is dan is dit nou anders nie, want daar moet kontrole gehou word en daardie mense weet nie wat aangaan in Jeppe nie. Dan moet ons miskien ooreenkom daaroor dat dit voorlopig so staan dat ons bymekaar kom ... (Hof kom tussenbei)

HOF : U kan die saak onder mekaar bespreek. Wat ek nou genoem het is presies waarop u ooreengekom het en wat in ooreenstemming is met wat ek beveel het op 27 November 1986 en dit bly staan. (10)

BAVUMILE HERBERT VILAKAZI, still under oath

EXAMINATION BY MR BIZOS (continued) : We were about to start with what happened at the third housemeeting held at your place. Between the second meeting and the third meeting, did you meet anyone on the VCA executive? -- Yes, on the 20th.

Who did you meet? -- On my way to work I boarded the same train with Miss Edith Lethlake.

Did you discuss any problem with her? -- Yes, I indicated to her that we had thought that by now we would have held our mass meeting for Zone 3 but because of the problems we (20) had with the venue, we had not been able to do so

At the meeting of the 21st, the third housemeeting did anyone from the executive arrive at your house?

COURT : Just a moment. I thought the third housemeeting was on the 22nd?

MR BIZOS : The 21st. We could just ask the witness. On what date was the third housemeeting? -- The 21st.

Did any member of the executive arrive? -- Miss Edith Lethlake arrived in the evening.

Did she make a report to you or say anything to you? (30)

Yes/...

-- Yes.

What did she say? -- She told me that she had asked Mr Raditsela to drive her to my place, because she had held discussions with the Zone 7 area committee whereby they were discussing ... (Mnr. Jacobs kom tussenbei)

MNR. JACOBS : Die getuienis van wat Edith gesê het en die "discussions" wat sy gehou het met iemand anders is en bly hoorsê. Ek maak beswaar daarteen.

MR BIZOS : The objection with respect is not well founded, because it is alleged that the accused was in conspiracy (10) with Miss Lethlake and Mr Raditsela. In order to make arrangements among other things to hold the meeting of the 27th, the State has alleged that this was an unlawful conspiracy to overthrow the State, statements made for the arrangement of this meeting by the various persons that the State has chosen to call co-conspirators of this charge, in the execution of the acts alleged to have been performed in this lengthy indictment are clearly admissible.

MNR. JACOBS : Ek laat staan dan my beswaar.

HOF : Ja, die beswaar word nie gehandhaaf nie. (20)

MR BIZOS : As a result of a discussion between you and Miss Edith Lethlake was any discussion as to whether or not your meeting of the 26th should take place at any venue?

-- According to Miss Lethlake's report was that the Zone 7 area committee had offered us to share the venue they had booked for their own meeting on the 26th of August 1984.

Did Miss Lethlake and Mr Raditsela take part in the discussions at this housemeeting? --No. What I know is that Mr Raditsela as they were leaving only wished us well.

How many people attended the third housemeeting? (30)

There/...

-- There were more than ten people but less than the twenty in the initial meeting of the 14th.

Were any of the accused now before His Lordship present at the third meeting? -- Yes.

Who? -- Mr Nkopane, accused no. 8 and Mr Jacob Hlanyane, accused no. 15. There was also the erstwhile accused no. 18, Mr Simon Vilakazi.

Did you report on what had been said to you by Miss Lethlake? -- Yes, I did report to the meeting.

Was there any talk about a petition at this meeting?(10)
-- There was talk of a petition.

Do you recall the name of the person who suggested it?
-- The person who suggested that was Mr Selebalo. Mr Selebalo is a resident of Zone 3.

Did he say where he got the idea of a petition from? --
That is so.

Where did he say he got it from? -- Mr Selebalo told the meeting that he had attended a meeting of the Lekoa Town Council where amongst other things the issue of the rent increase was debated amongst councillors themselves (20) and that he had discussed this issue in particular with councillor Matjila, councillor Jan Mokoena and councillor Mohadyani. Councillor Mohadyani has given evidence in this court. It was suggested to him, to Mr Sikobane by councillor Matjila and councillor Mokoena that the residents must come together and petition the council against the rent increase.

Did Mr Selebalo suggest any immediate action at that meeting? -- Yes.

What did he suggest? -- Mr Selebalo suggested that we sign a blank piece of paper on which a petition could be (30)

attached/...

attached later and sent through to the council.

Was that suggestion well received? -- Nobody was keen on signing a blank paper, but the idea of a petition was taken up.

Was any decision made in relation to a petition? -- Yes, it was decided that we should appoint people to work on the draft petition which could be looked up at an official meeting and arrangements be made for attaining signatures from the residents.

Was there any suggestion at this meeting as was said(10) by a State witness that Mr Selebalo was suspected of being an informer at this meeting? -- Not that it came to my ears.

Was there anything said about Mr Selebalo's information or contact with the councillors? -- My observation was that many of the people that were present at the meeting were not aware that some council meetings were open to the residents. People were more interested to know how was it possible for Mr Selebalo to attend a councillor's meeting not being a news reporter, possibly a policeman, or a councillor himself. (20)

Was any explanation given? -- That is so. Mr Selebalo clarified the position.

Did you follow up the question of the petition with Mr Selebalo or anybody else? -- It was said at this meeting that Mr Selebalo together with other people who were chosen there should work on the petition and Mr Selebalo to be in charge of this group.

Did you see him after the meeting of the 21st, the third meeting? -- Yes. As I knew that the arrangement of the group was to meet at Mr Selebalo's house on the evening of (30)

Wednesday/...

Wednesday, the 22nd, I called on the Selebalo home on the evening of the 22nd to see if anything was being done about it.

I want to try and cut this aspect as short as I can. If anyone wants to ask you for the reason, they can. Was a petition eventually drawn or not? -- The group never started on the petition.

Was a fourth meeting held at your house? -- That is so.

Do you recall the date? -- The date was Thursday, 23 August.

What was the - do you recall what the first matter (10) was that was dealt with? -- We were to deal with the petition and also to line up speakers for the meeting of the 26th.

Was a report made about the petition? -- Yes.

And were reasons given for the failure to draft the petition? -- That is so.

And you told us that the other matter was that you wanted to line up speakers for the mass meeting of the 26th. Was any decision made in relation to that? -- That is so.

What decision was made in relation, first of all as to who was going to preside the meeting? -- We had still requested Reverend McCamel to preside at this meeting and as I had got a report from Mrs McCamel that a relative of Mr McCamel had passed away in Orlando Soweto and was to be buried over the weekend of the 26th, she was not sure if Reverend McCamel would be available. But Reverend McCamel had indicated that he will communicate with me.

Were any alternative arrangements made or suggestions made for an alternative arrangement if Reverend Lord McCamel was not available? -- Yes.

What were the suggestions? -- As I would be available(30) that/...

that weekend, I was to be home, I was suggested as the alternate chairman.

Did you agree to that? -- Yes.

Was there any decision about any speakers at this meeting, the fourth meeting at your house? -- A decision about speakers was taken.

What decision was taken? -- It was decided that amongst the speakers would be Mr Nkopane, accused no. 8 in this matter, Mrs Olifant and Reverend Mahlatsi. Besides being the chairman I would also speak. (10)

At what venue was the meeting to be held in terms of the information given to you by Miss Lethlake? -- The venue that was available was the Roman Catholic Church at Small Farms in Evaton.

Were you going to have it all to yourself or did you have to share it with anybody? -- The arrangement was that we from Zone 3 would have our meeting in the morning and the people from Zone 7 would have their meeting in the afternoon, as they believed they had the use of the chairs to themselves for the whole day. (20)

That is the Zone 7 people? -- Yes.

Did any information come to hand as to whether that information was correct or incorrect, that the Zone 7 people had it for the whole day? -- No.

Was there any meeting on the Friday before the Sunday on which the mass meeting took place? -- There was a meeting on that day.

Where was that meeting? -- This meeting was in Zone 7.

What sort of meeting was this? -- It was a meeting between the Zone 7 area committee and a group of people (30) from/...

from Zone 3.

Was Mrs Rina Mokoena at this meeting? -- No, she was not there.

COURT : Were you at the meeting? -- I was at the meeting.

That is where we should start.

MR BIZOS : I was going to try and take a shortcut because it is common cause and it is alleged and the names are set out in the indictment except for an exclusion. You were at the meeting? -- That is so.

Was Rina Mokoena there? -- She was not. (10)

Was Mrs Ramakgula, the wife of accused no. 9 there? -- She was not present.

There is a list of people set out in paragraph 71(3) which you have seen? -- That is so.

Were those people there? -- The people listed out there were there except for Mrs Rina Mokoena who was not there, also Mr and Mrs Ramakgula. With Mr Ramakgula I am referring to accused no. 9 in this matter.

Except for those three people the other people were not there? -- That is so. (20)

What was the purpose of this meeting? -- The purpose of the meeting was to look at the possibility of having a joint program between the Zone 3 people and the Zone 7 area committee.

What do you mean by joint program? -- What I mean was that I had a call from Miss Lethlake that morning, the morning of the 24th. She phoned me at work to inform me that she had received information that the rate payers association intended holding their meeting at the Roman Catholic Small Farms in the morning. She received this morning when she went to the (30)

caretaker/...

caretaker at the Roman Catholic Church Small Farms to make him aware that in actual fact there will be two groups meetings. That is zone 7 and Zone 3 groups.

Was it then that she received the information that the Evaton Rate Payers Association would be meeting in the morning? -- That is so.

At the meeting of the 24th, was any decision made as to how your meeting and the Zone 7 meeting could be conducted? -- Because the aim of the Zone 7 committee was to have a rent increase protest meeting and our aim was the (10) rent protest and the establishment of an area committee. We could come together in one program at the end of the day and we would then go in the election of people into the Zone 3 area committee.

Once it was going to be a joint meeting, was there any decision changing the speakers or who was going to preside? Do not let us have the whole discussion, just the decision, please? -- Yes, it was important to limit speakers from both sides.

Were speakers limited?-- That is so. (20)

And was there a decision to who should be asked to preside at the meeting? -- Yes. Both groups were still keen. Apparently the Zone 7 people knew that we had Reverend McCamel in mind to chair our meetings. So, the Zone 7 people also thought now that we would be having a joint meeting. Reverend McCamel could be the chairman, but I reported that it had not yet been clear to me whether Reverend McCamel would be available. Then there was discussions on who could we have in the place of Reverend McCamel and it was suggested by people from Zone 7 that we have a neutral (30) person/...

person as the chairman so that he runs the meeting well without favouring any side. This led to the suggestion of Mr Petrus Mokoena, who is accused no. 6 in this matter and also who is the secretary of the Evaton Rate Payers Association to be the person to chair the meeting. As Mr Mokoena was also still to be approached we had to see if we could have any other name. The Zone 7 people now wanted to put in their person and we also wanted to have our person, but there was a compromise situation and the name I had suggested of Mr Naphtali Nkopane, accused no. 8 in this matter, was (10) agreed on.

COURT : Just a moment. I have not got clarity now. Number 1 was Lord McCamel. Was the second choice no. 6 or was he not no. 6? -- It was no. 6.

And the third choice as no. 8? -- Petrus was no. 8.

MR BIZOS : And you say that there was a compromise situation. What did you mean by that? -- Because the Zone 7 people had raised the question of domination and we had argued that there is no basis for domination really. We did not fear any domination by any side. So, we only have a name that (20) we wish to have if he give us the chance of having to appoint anybody amongst us to chair that meeting. So, during the discussions the Zone 7 people just compromised and said O.K. let us have somebody from Zone 3 being the chairman.

And accused no. 8 is from Zone 3? -- That is correct.

Were there any speakers decided on for the meeting of the 26th? -- Yes. Amongst the speakers it was agreed that I will speak, Mr Matlole, accused no. 17 in this matter will speak.

Which zone is he from? -- He is from Zone 7. Mrs (30)

Mokoena/...

Mokoena from Zone 7, Rina Mokoena would speak but not on behalf of any - not because of her links with VCA at any rate, but because the Vaal Organisation of Women had already arranged with the Zone 7 area committee to have their organisation represented at the meeting. We were not against that idea. Also Mrs Olifant from Zone 3 was to be one of the speakers.

And the other speaker, was that discussed or agreed upon? -- The Zone 7 group indicated that they had also discussed the possibility of having a speaker representa-(10) tive of the youth. We also were not having any problems to that.

Was any particular person as representative of the youth suggested? Or rather mentioned? That is from the Zone 7 people? -- At that stage there was no mention of a name.

Once we are with it, eventually did it become clear what they had in mind? -- That is so.

Who was that?

COURT : How do you mean eventually? At this meeting or (20) later on?

MR BIZOS : Later on.

COURT : Later on somebody came and spoke?

MR BIZOS : Somebody came and spoke. Who was the person representing the youth? -- The person who spoke on behalf of the youth was Mr Gcinumuzi Malindi.

Accused no. 5? -- That is so.

Was there any talk of how you were going to advertise the meeting of the 26th? -- We in Zone 3 had already started distributing pamphlets, having filled in the date of the(30) meeting/...

meeting and the venue and we also learnt from Mr Esau Radit-sela who was present at the meeting of the 24th, that the Zone 7 group would be using a loudhailer they were acquiring from the Evaton Rate Payers Association. He further enquired if we in Zone 3 were interested in using such a loudhailer. We welcomed the idea of using a loudhailer and in Zone 3 I know for a fact that we distributed pamphlets and also used the loudhailer to advertise the meeting.

Were there any discussions of the Friday night meeting as to what the speakers would say? Was there any caucasing (10) as to what the speakers would say? -- There was no caucasing on what the speakers would say, the reason I thought was because everyone of the speakers knew what he or she was to talk about at such a meeting. As it were, the Zone 3 people were concerned merely to protest against the rent increase and we in Zone 3 were to protest against the rent increase and also to talk about the establishment of the area committee.

Did you in fact distribute a pamphlet before the 26th advertising the meeting? -- Before the 26th, yes. (20)

There is no exhibit and to the best of our knowledge no pamphlet in existence. Could you just tell His Lordship what the pamphlet said? -- The pamphlet was to the effect that "Meeting Meeting Meeting." That was written in Sotho. "All the residents of Zone 3 are invited to a residents meeting to be held at the venue Roman Catholic Small Farms." Then the date was also put in and to discuss the grievances of the residents, the rent increase and at the bottom in a separate line "Let us come together to elect our own VCA committee." (30)

Who/...

Who had prepared this pamphlet? -- I had drafted the pamphlet. It was printed by Mr Lukas Ndlovu.

Who distributed it? -- I together with the people who used to attend meetings at my house distributed the pamphlets.

Was it a printed pamphlet or a roneoed pamphlet or a Xerox pamphlet or what was it? -- It was a roneoed pamphlet.

Was it done with the financial or other assistance of the UDF? -- Mr Ndlovu had taken it upon himself to print the pamphlets at his own costs.

Was the whole of it roneoed or did you have to fill (10) anything in? -- As I have said, the draft did not have the name of the venue, the date of the meeting and time and this we filled in as soon as the pamphlet was produced.

And the venue became known? -- That is so.

Did you go round with a loudhailer? -- On the morning of the 26th we did go around with a loudhailer.

Alone? -- No.

With whom? -- I was together with Mr Nkopane, accused no. 8, Mr Ernest Olifant and Reverenc Mahlatsi.

And who was the hailer? -- We interchanged, all four (20) of us.

Did you say anything substantially different to what was on the pamphlet you have described to His Lordship? -- No.

Did you provide the Reverend Mahlatsi with any money? -- Yes. Reverend Mahlatsi had problems with his car. The petrol consumption of the car was very high. The Friday when we went to the Zone 7 meeting, he was to proceed further after the meeting to attend a night vision and he was worried about the petrol in his car. I borrowed him an amount of (30)

R5,00/...

R5,00. On Sunday morning he had an empty tank. So, as he was giving back the R5,00 that I had borrowed him on Friday I gave him an additional R5,00 to make it a whole lump sum of R10,00 for him to pour petrol.

I want to turn to the meeting - the mass meeting of the 26th.

COURT : Meaning 26 August 1984?

MR BIZOS : 1984. The State alleges in relation to this meeting that you in particular arranged this meeting in furtherance of a conspiracy or a secret agreement with (10) the African National Congress, the South African Communist Party or the UDF in order to promote riots, revolt violence in the areas of the Vaal Triangle. What do you say to that allegation? -- This allegation is false.

Did you go to the morning meeting of the - held at the Catholic Church at Small Farms? --No.

At what time did you arrive at the Roman Catholic Small Farms? -- I arrived at Small Farms at 14h00. That was the time that we agreed that the meeting would start.

When you arrived there, could you estimate how many (20) people were there in the hall? -- The hall was full and there were a few chairs which were still empty, but in front.

Were either Lord McCamel or Mr Mokoena, accused no. 6, there to preside over the meeting? -- At this stage I knew that Reverend McCamel would not be available and I did not see Mr Mokoena, accused no. 6.

Did you see the third choice there? -- Yes, Mr Nkopane was there.

Did you go to this meeting alone? -- No, I had driven down with Mrs Mahlatsi. With Mr Mahlatsi, sorry. (30)

COURT/...

COURT : Reverend Mathlatsi? -- That is so.

MR BIZOS : When you arrived at the hall, what were the people in the hall doing? -- The meeting had not started and there was nothing practically that the people were doing. They were just seated there expectedly.

For the meeting to start? -- That is so.

Which other accused did you see there? -- At the beginning of the meeting?

Yes? -- At the beginning of the meeting I saw accused no. 15, Mr Jacob Hlanyane. I saw accused no. 8, Mr Nko- (10) pane. I saw accused no. 9, Mr Ramakgula. Those are the accused present I remember there.

Did any accused arrive later? -- Yes. Later whilst the meeting was on I saw accused no. 5, Mr Gcinumuzi Malindi arriving.

Did you see Mr Matlole there at all, accused no. 17? -- Yes, Mr Matlole was there.

How did the meeting open? -- The person who was the chairman, Mr Nkopane, called the audience to order and announced that the meeting was starting. He then asked (20) Mr Matlole, accused no. 17, to say a word of prayer in opening.

After the prayer was uttered, who spoke or who took over the proceedings? -- The chairman spoke and he said to the audience what the purpose of the meeting was, also mentioning that there wer people from two areas, that is Zone 3 and Zone 7 at that meeting. He also mentioned that the procedure would be that there would be speakers but inbetween the speakers if there wer people keen to speak from the floor, they could raise their hands, otherwise (30)

the/...

the people also have the choice of waiting for all the speakers that he would be calling to speak from the platform before they raised their hands indicating that they would speak. In his closure of his opening, he asked for co-operation from the audience.

At the beginning of the meeting was Esau Raditsela there? -- I did not see Mr Raditsela there.

Did you see anyone at the beginning of the meeting handing a document or a list of speakers or anything like that to accused no. 8, the chairman of the meeting? -- That I (10) did not see.

Who was the first speaker that the chairman called upon to speak? Do you recall? -- Yes, I do recall.

Who was it?-- The chairman called upon Mr Sam Matlole, accused no. 17 in this matter, to talk about Vaal Civic Association and its successors ever since its inauguration.

I am not going to ask you for those details. If you are asked by anyone you can answer the question. Did Mr Matlole call for violence against the councillors or their property in his speech? -- No. I would add I would not (20) expect it of Mr Matlole as I knew him to be an official in the Zone 7 area committee and also a religious person that I know him to be.

Who was the next speaker? -- I was the next speaker.

Perhaps you should tell His Lordship, were you on the platform or not? -- On entering the hall there were not enough seats on the platform and I went to sit in the audience. So, I moved from inside the hall to the platform to speak.

Did you do anything as you moved from your seat up (30)

to/...

to the platform? -- Yes.

What did you do? -- As I stood up going to speak I sang a song.

Which one? -- The song that I like most that is Shanganani Basebenzi.

This has been described as a trade union song? -- That is so.

Is that one of your favourites? -- I think so.

Would you please tell His Lordship as far as you can remember what you said? -- Having done the formalities of (10) thanking the chair for the opportunity, then I introduced myself to the audience by name and also my position as an area representative of Vaal Civic Association. Then I mentioned that it has been one of my responsibilities to organise people into the Vaal Civic so that we can have a structure of the Vaal Civic Association in Zone 3. I mentioned to the people that though I have been able to conduct housemeetings around Zone 3, it was apparent that such a task cannot be carried out by one person. It is most important that the people should elect people of their choice (20) into an area committee that they could mandate to take up their grievances and I saw this as a necessity for the other reason that I was not always at home, particularly over the weekends where because of my employ I would be out of the Vaal complex. Then I mentioned that it was important to have an area committee to deal with the residents problems as it was and this I did mention that many people had come to my home both knowing that I am VCA's representative for Zone 3 and also because of my involvement in the trade union work. So, it was always a situation where you find that (30) some/...

some people did not know what problems they can refer to their trade unions or what problems they could refer to an area organisation. I also noted in my speech that one of the problems that I saw in the townships was the high unemployment and also this has not really been relieved by the increase in rentals. Most of the people who came to me sought advice on the question of this coming rent increase and I said that if we have an area committee, they would have a clear mandate on issues like those and how to deal with them. The mandate being from the people themselves. I mentioned that(10) with an area committee they could mandate it to deal with the rent problem at levels that the people would have chosen and I also mentioned that I know of promises that the councillors have made from time to time, holding elections, particularly with regard to the lowering of rents. I mentioned Mr Jan Mokoena's pledge that if elected he would fight the rent increase and also at his first meeting that I attended in Zone 3 in January where he mentioned that he was still bound by that commitment to fight the rent increase and possibly lower it. I said it is now up to the(20) people to demand that the councillors solve the rent problem with the people at discussing it before they went ahead with the rent increase, because I had not known of any situation where the people had been consulted before the decision on the increase had been taken. So, I said because of an example that Mr Mokoena had given me that if he failed to handle the financial problems of the council and if he fails to fight the rent increase, then he would resign and then I said to the people if the councillors this time would not be in the position to discuss the increase(30)

with/...

with you, then you have all the right to call upon them to resign. I made an example of a situation I had read about in the press where the council had resigned. That was in Ratanda, Heidelberg and I said in my speech I saw this as a fully democratic process where the councillors on realising that they cannot carry out the mandate of the people or issues that affected the people they cannot consult with the people and people then calling upon them to resign and they did so I saw that as some form of democracy which I encouraged the people to embark on, that if the councillors would not (10) respond to your call for discussions around the rent issue before implementing it, then it is up to the people to call upon them to resign. My speech was to that effect.

I thanked the chairman and I went back to my song Shanganani Basebenzi and then I took up a seat on the platform because the seat had been seated on and had already been occupied by people who had come in now and more chairs had been added onto the platform where part of the audience was now seated.

You say you took up your favourite song when you had finished. Did you use any slogans when you finished your (20) speech? -- Yes. I shouted the slogan "Amandla" and the audience responded with "Awethu".

K481 ASSESSOR (MR JOUBERT) : What language did you use in your speech? -- My speech was in Southern Sotho as it is predominantly spoken in the Vaal complex.

COURT : But you shouted "Amanda"? -- Yes.

Why "Amandla"? -- Because I said "Amandla" which is in Zulu basically because I am used to doing it that way and wherever I heard the slogan being shouted, it is always shouted in Zulu. (30)

MR BIZOS : Has it got a Zulu equivalent, just by the way?
-- Yes, one could say "Matla" and then people would respond "Kiarona".

Is it sometimes said? -- Yes, but I think it is more out of choice.

Did you say anything about teargas or the police in your speech? -- There was no reason to talk about those things. I did not.

Do you recall who the next speaker was? -- The person who spoke after me was Mrs Rina Mokoena. (10)

There is a conflict between what is alleged in paragraph 76.5 and what her evidence was. I do not know which of the two to put to you, but perhaps I will only ask you this. Did she advocate any violence against the person or property of the councillors? -- She did not.

Could you give us a brief summary of what she did in fact say? -- Yes. Mrs Mokoena in her speech spoke about the problems that the community were facing because of inflation. She indicated that she herself felt helpless in the light of the rent increase that was to come into effect (20) in September, because she was already owing rent for a month. She spoke about four of her children being at school and the problems she already had in keeping the children at school, but she said she was thankful that she had at least to some extent been able to manage because of her membership to a women's organisation in the Vaal complex called the Vaal Organisation of Women. She said she would encourage mothers also to come into organisations like the Vaal Organisation of Women where at least they can be in a position to relieve their burdens by pulling their resources together (30)

in/...

in bulk buying. That was her speech.

Did you notice any of the accused before His Lordship coming in whilst Mrs Mokoena was speaking? -- During Mrs Mokoena's speech I saw Mr Gcinumuzi Malindi coming into the hall.

That is accused no. 5? -- That is accused no. 5, yes. He stood on the stage against the wall as all the seats were then full on the stage.

Did you do anything about that? -- After my speech Mr Nkopane had called upon a Mr G. Malindi to come up to the (10) front and having got no response I made a note and passed it to Mr Nkopane to make him aware that there is a Mr Gcinumuzi Malindi who had just come into the hall.

The chairman, accused no. 8, did he call him after Mrs Mokoena had finished? -- Yes, at the end of Mrs Mokoena's speech Mr Malindi was called upon to speak.

Can you remember what Mr Malindi, accused no. 5, said? -- Yes. Accused no. 5, Mr Malindi, thanked the audience for having come together to try and find ways and means in solving their problems. He also mentioned that he had (20) attended a meeting earlier that day in the same hall where the people of Evaton had also come together to discuss their problems, where the people of Evaton also reflected all their problems throughout the years and how they had sought court action with regard to the problems they experienced with the local authority and said that people of Sebokeng also were coming together that afternoon to discuss their problems equally. Mr Malindi mentioned that he also as a youth and as a worker was experiencing the same effects the rent increase would have on the people. He mentioned that the youth (30) would/...

would be affected by the rent increase, particularly because the parents would also pay for the schooling of the children. The parents always find themselves having problems to keep their children in school. Mr Malindi also appealed to parents to involve themselves in problems affecting school children so that the students could have guidance and also so that the parents could be seen to be taking an intervention role between the students and those in charge of schools. He mentioned amongst the problems the school crisis in the Pretoria area and the other places. (10)

Did he mention whether or not he had been at any other meeting other than the morning one of the Evaton Rate Payers Association? -- Yes. Mr Malindi mentioned that the previous day, that is the Saturday of the 25th, he had attended a meeting in Zone 13 where residents had come together to discuss their problems and Mr Malindi mentioned the resolutions that he had had at this meeting.

What were the resolutions that he said had been taken at the meeting of the 25th? -- These resolutions were as taken by the people in Zone 13 the increase that was to be in (20) effect on 1 September were not to be paid. A stay-away in protest would be effected.

COURT : When? -- On the first day of September.

MR BIZOS : The first? -- The third day of September, the first Monday in September and that protest rallies were to be held on that day.

Can you recall whether he mentioned any other resolutions that had been taken on the 25th? -- No, I cannot remember the other resolutions.

Did accused no.5 mention the councillors at all? --(30)

Yes/...

Yes, he mentioned that the resolution also was to the effect that councillors were to be asked to resign.

Did Mr Malindi, accused no.5, call for violence against the person or the property of the councillors or anyone else?
-- This allegation against Mr Malindi is not true.

Did he according to the evidence of one of the witnesses at some stage say that those who paid their rent would be killed? Did accused no. 5 ever say that? -- That is a false allegation.

Was there any response from the audience when accused(10) no. 5 spoke of the resolutions that had been taken at the Zone 13 meeting? -- Yes. People took interest and they raised up their hands indicating their intention to speak or to ask questions.

Did anyone suggest that, to the meeting or say to the meeting, accused no. 5 was speaking at this meeting on behalf of COSAS? -- Nobody mentioned COSAS at that meeting and said directly that accused no. 5 was speaking on behalf of COSAS. There was nothing like that at the meeting.

You say people raised their hands. Do you recall (20) whether an opportunity was given to anyone to speak or to ask any questions after accused no.5 spoke? -- Yes. I remember a taxi owner from Zone 3 who stood up and said if there was talk, if Mr Malindi's speech of a stay-away on the 3rd, what will be expected of the taxi's, that is the drivers and the owners, because if they do not go on a stay-away their vehicles would be stoned. That was his question.

Did anyone answer him? -- Yes. Mr Malindi was asked to respond to the question whereby Mr Malindi appealed that he must not be understood to be the one who is saying that (30) people/...

people should be on a stay-away, but that he as he had done it earlier, mentioned that he was mentioning resolutions taken at another meeting and in responding to the question itself Mr Malindi said if there is a call for a stay-away, it is not a call for vehicles to be stoned, but now that the gentleman fear that his vehicle would be stoned, Mr Malindi told him that the call was for a stay-away of workers and if he participated in the stay-away, that it would be out of his own free will. This is a call open to everybody and we hope that it will be successful and we also are appealing for people (10) to respond well towards such a call.

Do you recall whether any - who took the floor next, whether it was a speaker or a questioner? -- At this stage a number of questions came up and one of the questions came from a Mr Masenya who I know as a court interpreter and who had stayed with him in Residencia for a number of years who had earlier on started to speak but there were interruptions. That is well before Mr Malindi had spoken. At this time he was asking a question that if the people involved in the stay-away were arrested, who would look after their (20) children. That was his question. The chairman, Mr Nkopane, asked for any volunteer - any person who would answer that question and a member of the audience answered Mr Masenya by saying that if it is this meeting that decides on participation in the stay-away, if we decide to go on a stay-away, as such it will be our responsibility to see to it that we take part in the stay-away and also that if any of us is arrested here because of having taken part in the particular stay-away, then it will be our responsibility as a community to look after the children of such a person. (30)

COURT : Who said that? -- It was a member of the audience.

You do not know his name? -- No, I do not know his name. I may mention that accused no. 8, Mr Nkopane, opened this question to the audience because at this time members of the audience were participating a lot around the question of these resolutions.

MR BIZOS : Did anyone of the accused touch up on the question of arrest and children? -- Yes. It was Mr Matlole, accused no. 17 in this matter, who also was given the opportunity to speak during the discussions around these resolutions and Mr Matlole appealed to people to act responsibly enough when it comes to decision making.

ASSESSOR (MR KRÜGEL) : May we just get this clear. Was this all in response to this matter raised by Mr Masenya? -- I will say it was in response to that because although it did not come immediately thereafter, in his response Mr Matlole did mention this question of people being arrested and the only person who had raised the question of arrest was Mr Masenya.

MR BIZOS : Do you recall what Mr Matlole said about that? -- Yes, Mr Matlole thanked the speaker from the floor who had asked people to stick to their decisions and if involved in the stay-away and they be arrested, that there would be no need to worry as other people who attended the meeting, other people who are members of the community would look after the children of those who are arrested. Mr Matlole in his response he added there and said that as a response for people being members of a community, we need to be clear about our decisions and not to go half-hearted into these decisions. If a decision is taken, then we must see to it that we carry out the decision. He said people should not be/...

be cowards when it comes to decision making and said that those who are cowards must indicate now that they will not participate in the stay-away and it should at least be known even before they embark on this stay-away. He quoted a verse in the Bible, quoted a chapter in Judges where Gideon was in communication with God and God advised Gideon on how to select the cowards from the braves.

Did anyone suggest that any organisation would - whether the UDF or any other organisation would actually pay out money in order to assist people who might get into (10) trouble as a result of the stay-away? -- There was no talk of an organisation assisting people if they got into trouble because of the stay-away at this meeting, but what people mentioned there was that on top of every thing there was nothing to be afraid of in taking part in the stay-away because here we had organisations being involved in this meeting and it is always responsible people who had come together to form organisations, because of particular interest and as such there was no need to fear that trouble would be there as this was the decision of people in con-(20) junction with organisations.

Did Mr Masenya only take the floor once? -- No, before Mr Malindi spoke Mr Masenya had indicated to speak and he was allowed to speak by the chairman. When he tried to speak, he thanked the opportunity, after thanking the opportunity he mentioned that he shared the feelings that I had already expressed against the rent increase and said on the question of councillors. Just immediately he mentioned councillors a lady from the audience who I know to be Maria Dhlamini then interrupted Mr Masenya and appealed to the (30) chairman/...

chairman to ask Mr Masenya to talk about the rent issue and how it affects him and not to mention councillors any way, because she said she is afraid that Mr Masenya would be one of these people who would come to the meetings called by people and speak ill of others whilst on the other hand he is in link of those people he is speaking ill of. This she said was because she knows that Mr Masenya has been an active supporter of the councillors, had participated in the council structures at local level and as such she appealed to the chairman to ask Mr Masenya to limit his speech on the rent(10) issue and not on the councillors.

If it was suggested to His Lordship that he was prevented from speaking altogether or that he was threatened, what do you say about that? -- As this lady was speaking - I will deny that and I will explain what happened there. As this lady was up on her feet speaking, then Mr Masenya said as this lady was through then members of the audience called out and say O.K. let him stand up and speak then. Then at that stage there were lots and lots of rumblings and when the chairman was trying to get the people to order so that he could give(20) Mr Masenya a chance, the chairman could not succeed. I had to assist the chairman at this point, because Mr Nkopane is a very soft spoken person, a person of a very low voice. At least I could pitch my voice higher than his. That is why I came to assist him.

COURT : It did not seem so when you started your evidence. -- This is the first time I come into a witness-box and I am really ... (witness hesitates)

Well, you are picking up fine. There were a lot of rumblings and you helped the chairman. -- I helped the (30) chairman/...

chairman to calm down the audience and with the audience calmed down Mr Masenya indicated to the chairman by waving his hand that he was not continuing with his speech. That is how the chairman then moved on to Mr Malindi.

MR BIZOS : What do you say to his evidence that he did not stand up a second time to speak but that he left the hall immediately after this happening when he got up the first time? What do you say to his evidence in that regard? -- That evidence is not true and I also gave counsel instructions to that effect and it was put to Mr Masenya that that was (10) not true.

COURT : Which part of his evidence?

MR BIZOS : The evidence that the moment the incident of the objection to his referring to councillors was raised, that he was prevented from speaking and that he left the meeting and did not speak a second time.

WITNESS STANDS DOWN.

COURT ADJOURNS TILL 26 JANUARY 1987.

DELMAS TREASON TRIAL 1985-1989

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