

I 227 Vol. 328 Pg. 18735-18794.
SAAKNOMMER: CC 482/85

PRETORIA

1988-01-20

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

328

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

HOF HERVAT OP 20 JANUARIE 1988.

LILLIAN MAMOLEKO NYEMBE, v.o.e (Deur tolk)

MR BIZOS : My Lord, there is a problem with accused no. 13. He is in court. He is obviously not feeling well. We thought that the district surgeon may come to see him and it had been in fact arranged, and I would ask Your Lordship to excuse him so that he could go down and the district surgeon could see him there, but apparently the rules have got the better of us, when it was reported that he was out on bail. (10)

COURT : He has to see his own doctor?

MR BIZOS : He has to see his own doctor. So, could he be excused from attending, at least for the morning session. We will try and make some arrangements for him to see a doctor.

COURT : He is excused for the duration of the day.

VERDERE KRUISONDERVRAGING DEUR MNR. JACOBS : U sê dat op hierdie vergadering van 26 Augustus 1984 was besluit dat die verhoogde huur sal nie betaal word nie? -- Dit was so besluit, ja.

En jy sê van die mense op hierdie vergadering was daar (20) niemand wat geïnteresseerd was om vas te stel wat sal gebeur as almal nie gehoor gee aan daardie besluit wat daar geneem is nie? -- Die vraag is nie vir my duidelik nie.

Ek sal hom herhaal. Het niemand op daardie vergadering belang gestel en probeer vasstel wat sou gebeur as enigiemand nie aan hierdie besluit van die vergadering gehoor gee en wel gaan en huur betaal nie? -- Die persone wat u na verwys wat nie gehoor gee nie, is dit nou die raadslede of praat u van die inwoners wat nie die besluit nakom nie?

HOF : Is die vraag nie wat sal gebeur as almal gehoor gee (30) aan/...

aan die besluit nie?

MNR. JACOBS : Dit is reg.

HOF : Die vraag is, as almal die besluit nakom en nie die verhoogde huur betaal nie, het niemand gevra wat sal dan gebeur nie? -- Ons het nie van die huur as geheel gepraat nie. Ons het gepraat van die verhoging op die bestaande huur wat betaal word en eintlik wat ons daar bespreek het aangaande dit, was dat ons na die raadslede toe sal gaan die dag met die optog om van hulle te gaan hoor wat hulle nou besluit oor hierdie verhoging. (10)

Nee, maar was die besluit nie dat die verhoging nie betaal word nie? -- Dit was die besluit gewees dat die verhoging nie betaal word nie, maar ons moet nogtans na die raadslede toe gaan en dit met hulle gaan bespreek.

Maar as u nie die verhoging betaal nie, die praktyk was om mense uit hulle huise te sit as hulle hulle huur nie betaal nie? -- Ja, dit was die praktyk gewees dat 'n persoon uit die huis gesit word as die persoon nie huur betaal nie.

Het niemand by die vergadering gevra "Maar as ons nou nie die verhoogde huur betaal nie en ons raak agterstallig, (20) dan gaan hulle ons mos uitsit" nie? -- Ek het niemand gehoor dit noem by hierdie vergadering nie.

Is u tans op datum met u huur? -- Nee, ek is nie op datum nie. Ek skuld.

Het u betaal sedert September 1984? -- Nee, ek het nog nooit betaal tot vandag toe nie.

Nie die verhoging nie of glad nie huur nie? -- Beide nie betaal nie. Dit is die huur en die verhoging het ek nie betaal nie.

Wat is u rede? -- My rede is dat die dag toe ons uiteen (30)

gejaag/...

gejaag was met die optog, terwyl ons na hulle toe gegaan het, na dit het ons besluit dat aangesien ons op pad was na hulle toe om hulle te gaan aanspreek oor hierdie aangeleentheid en ons is nou uiteen gejaag, nou sal hulle na ons toe moet kom. Tot tyd en wyl hulle ons kom spreek het, gaan ons nie betaal nie.

Hoe kan hulle na u toe kom? Hulle lewens was dan in gevaar geplaas vir maande? -- Hoe het hulle geweet dat hulle lewens in gevaar was, want hulle het ons nou voorgekeer op pad na hulle toe. Ons het dus die indruk gekry dat dit (10) gedoen word omdat hulle na ons toe sal kom.

Ek dink u ontwyk die vraag. Hoe kon hulle na 3 September na u toe kom? Hulle lewens was in gevaar vir maande? -- Al het hulle nie onmiddellik na die datum na ons toe gekom nie, neem ek aan dat dit nie vir hulle nodig was om nog so lank te gewag het nie. Op 'n stadium op een of ander manier moes hulle na ons toe gekom het.

Wanneer is die besluit geneem om nie huur te betaal nie? -- Dit is na ons uiteen gejaag was met die optog wat op pad was na Houtkop toe. (20)

Hoe lank daarna? -- Na twee of drie dae het ons hierdie besluit geneem.

Waar is die besluit geneem? -- Daar in die woonbuurt het mense onder mekaar gepraat en gesê "Ons gaan vir hulle wag tot en wyl hulle na ons toe kom of die huise van ons sluit sodat ons met hulle kan praat."

MNR. JACOBS : Watter mense van watter organisasies het gegaan en so onder die mense gepraat? -- Dit was verskillende mense gewees wat onder mekaar gesels het terwyl hulle in 'n bus gery het as passasiers of in taxi's gery het as passasiers, by (30) bushaltes/...

bushaltes. So, ek kan nie sê of hulle aan n organisasie behoort het nie.

Op die vergadering van 26 Augustus het enigiemand daar die vraag gevra wat gaan gebeur met mense wat wel nie aan die besluit gaan gehoor gee nie en wel die verhoogde huur gaan betaal? -- Ek het alreeds gesê dat ek nie n persoon kan onthou wat dit gevra het, indien dit gevra was nie.

Ek wil dit aan jou stel dat daar was so n vraag gestel en die antwoord wat daar gegee was aan hom was dat diegene wat n kans gaan vat om wel te betaal, sal in die moeilik- (10) heid beland om doodgemaak te word. U Edele, u het gister vir my, net voor sy antwoord, die verwysing gevra. Dit is in volume 12 ... (Hof kom tussenbei)

HOF : Is dit nou van hierdie stelling of van n ander stelling?

MNR. JACOBS : Van dié stelling. Dit is op bladsy 601 en ook in volume 14 van bladsy 680 af. Kan jy vir ons die antwoord gee? -- Soos ek alreeds gesê het, as iemand dit daar gesê het, dan was dit gesê deur daardie persoon, maar ek het nie gehoor dat iemand dit sê nie. Miskien, indien ek dit gehoor het, sou ek getwyfel het of ek die optog moet volg of nie. (20)

Is dit ook moontlik dat, jy het reeds vir die hof gesê jou geheue is so swak, jy dit vergeet het? -- Ja, ek het gesê dit is lank terug dat dit gebeur het.

Jy sê dat die besluit was dat julle moes na Houtkop gaan om met die raadslede daar te praat? -- Ja.

En as ek jou antwoord wat jy netnou vir die hof gegee het reg verstaan, dan sou julle by hulle die redes wou gaan uitvind het vir die verhoging? -- Ons het na hulle gegaan met die oog daarop om te gaan verduidelik dat die huur met die verhoging vir ons moeilik is om te bekostig. (30)

En/...

En dan, wat nog? -- Ons het gaan kla oor die R5,90, dat nie almal in daardie lokasie in staat sal wees met die inkomste om die verhoging te kan betaal nie.

HOF : Kan ek net by u iets uitvind in hierdie verband. As ek dit reg het, was die raadslede mense wat hulle eie werk gehad het, soos winkels en hulle het ook ander werke gehad? -- Ja.

Byvoorbeeld mnr. Mokiwane, wat was sy werk? -- Destyds was Mokiwane in diens gewees as 'n werknemer.

By iemand? -- As ek reg is, het hy in die dorp gewerk(10) want die trein wat hy gehaal het, was 'n trein na Johannesburg toe. Ek weet nie op die huidige oomblik of hy nog werk nie.

Kom ons aanvaar hy het in Johannesburg gewerk. Van die ander het hulle eie winkels gehad, van die ander het iets anders gedoen, maar daardie Maandag was 'n werksdag. Watter stappe sou julle neem om seker te maak dat die raadslede daar by Houtkop is om te hoor wat julle te sê het? -- Dit is wat ek nie weet nie. Wat ek wel van weet is dat ons op pad was na Houtkop toe om met hulle daar te gaan praat. Wat my betref, as ons daar aangekom het, indien hulle nie(20) daar is nie, dan sal hulle gehaal word.

Is dit wat u gedink het? -- Ja, dit is wat ek gedink het.

MNR. JACOBS : Was dit nie bespreek op die vergadering van 26 Augustus 1984 as julle nou gaan om die raadslede te ontmoet by Houtkop, hoe dat julle sal verseker dat die raadslede ook te Houtkop is nie? -- Dit is waarvan ek nie weet nie, hoe ons hulle daar sal kry. Al wat ek geweet het is dat ons gaan Houtkop toe om die raadslede daar te ontmoet.

(30)

HOF : Is dit uitdruklik gesê raadslede, dat julle die raadslede sou ontmoet? -- Ja, dit is wat hulle gesê het.

MNR. JACOBS : Net n ander kort aspek op hierdie vergadering nog. Op hierdie vergadering is daar die vraag gevra wat sal gebeur met die kinders van die mense wat beseer word? -- Iemand het dit geopper deur te sê wat daarvan as daar miskien ongelukke kan plaasvind dat daar persone op die optog beseer word? Wat sal dan gedoen word?

Met hulle kinders? -- Ja, met die kinders.

Wat was hulle antwoord? -- Die antwoord op die vraag(10) was dat niemand sal beseer word op die optog nie, want hierdie optog sal eintlik bestaan uit groot mense en tweedens, die optog sal hom self goed gedra. Dus die moontlikheid van beserings van persone kan uitgeskakel word. As ons die polisie raakloop, sal ons met die polisie kan praat.

Kan jy onthou of daar enigiets gesê is tot die effek dat die swartmense is mense wat bymekaar staan en die ander sal hulle help dan, die kinders en mense wat gearresteer word? -- Dit het ek nie gehoor nie.

Jy sê daar was geen tyd vir die opmars bepaal op hier-(20) die vergadering nie? -- Ja, daar was geen tyd bepaal nie.

Was dit op hierdie vergadering bepaal dat julle sou bymekaar moes kom by die Roomse Kerk Small Farms op 3 September 1984? -- Ja.

En was dit bepaal waar mense wat ver van die kerk af woon bymekaar sou kom? -- Nee, dit was nie by hierdie vergadering verduidelik nie.

Jy sê die oggend het jy om 08h15 na 08h20 geloop na die kerk toe? -- Ja.

As geen tyd dan bepaal is nie, hoekom het jy daardie (30)

tyd/...

tyd om 09h00 by die kerk te arriveer geloop?

HOF : Wat is die vraag? U moet duideliker praat, mnr. Jacobs. Die waaier maak ook n bietjie lawaai.

MNR. JACOBS : As jy die oggend om 08h15 na 08h20 geloop het om 09h00 by die kerk te arriveer, hoekom het jy dit gedoen as geen tyd bepaal was nie?

HOF : Nee, maar die vraag is, het sy geloop om 09h00 by die kerk te arriveer?

MNR. JACOBS : Sy het ongeveer net voor 09h00 - ek sal haar vra dan. Was jou doel om 08h15 tot 08h20 te loop dat jy (10) 09h00 by die kerk moet wees? -- Die Sondag van die 2de was ek kerk toe gewees. Met my terugkoms van die kerk af het ek verneem dat daar mense n luidspreker gebruik het om n aankondiging te maak dat die vergadering wat ons nou hier van praat om 09h00 vanaf die kerk sal vertrek. Dus die rede of op die tydstip toe ek by my huis weg is, het ek alreeds gewet dat die bepaalde tyd volgens die inligting wat ek nou het, 09h00 was.

HOF : So, u het geloop om om 09h00 daar te wees? -- Ja.

MNR. JACOBS : Die oggend van 3 September 1984 het die (20) busse geloop in daardie omgewing waar jy woon? -- Ja, dit het gery.

HOF : Normaal? -- Nee, nie normaal nie, omdat dit nie eintlik soos gewoonlik daaglik was nie. Dit was duidelik gewees dat daar nie baie mense was wat gebruik gemaak het van die busse die dag nie.

Nee, maar ek vra net of hulle soos gewoonlik op tyd gekom het en geloop het met reëlmatige tussenposes soos hulle altyd loop op n Maandagoggend? -- Die busse was nie soveel gewees soos wat dit gewoonlik is, die normale rooster nie. (30)

Daar/...

Daar was wel busse, maar nie volgens die bekende rooster van die busse nie.

Was daar meer of minder? -- Toe ek by die busstop verby gegaan het, was daar omtrent vyf busse gewees wat besig was om passasiers te laai.

MNR. JACOBS : Is jy seker daarvan?

HOF : Wag net so n bietjie. Is dit by Masenkeng? -- Ja, dit was by Masenkeng.

Daardie tyd van n Maandagoggend, hoeveel busse is daar gewoonlik? -- Ek het dit nog nie opgelet nie, want eintlik(10) staan die busse nie normaalweg daar nie. Hulle kom net daar, laai op en ry weg. So, dit is moeilik om vir die hof te kan sê normaalweg hoeveel busse is daar by daardie plek.

Is daar baie meer gewoonlik as die vyf wat u daar gesien het of is dit maar omtrent soos dit altyd was? -- As al die mense werk toe gaan is hulle meer as die vyf.

Tien keer meer? -- Ek het dit nog nie getel nie. Dit is moeilik om n skatting te gee. Dit kan wees miskien soos u dit nou geskat het, dat dit wel tien keer meer is.

U moet nie met my saamstem nie. Ek probeer net uitvind(20) hoe lyk dit daar op n Maandagoggend, want ek was nog nooit op n Maandagoggend as die mense gaan werk daar by Masenkeng nie en niemand het my nog ooit vertel hoe groot is Masenkeng en hoeveel busstaanplekke daar is nie. Ek weet glad nie hoe lyk dit daar nie. Vertel nou n bietjie vir my hoe lyk Masenkeng. Is dit verskillende plekke waar busse stilhou om mense op te laai of is dit sommer maar net n straat waar n paar busse stilhou? -- Dit is n busstop. Die mense staan daar en wag vir die bus totdat die bus kom en as die bus daar kom, sal dit net stilhou, mense oplaai en wegry. (30)

Is/...

Is dit onder dak of is dit oop? -- Dit is onder dak.

Hoeveel dakke? -- Dit is drie of vier rye wat geakkommodeer word onder die dakke, verskillende dakke.

Hoeveel busse kan langs een dak staan agter mekaar? -- Dit is nie almal wat vir die bus wag wat onder daardie dakke staan in hierdie rye nie. Van die mense staan by verskillende plekke waar daar nie dak is nie.

Ek stel nie belang in die mense nie. As al die busse nou inkom om die mense op te laai en hulle staan agter mekaar, hoeveel staan daar dan by een ry dakke? -- Dit is (10) juis my punt. Dit is vir my moeilik om vir u te kan sê tensy ek vir u sê by daardie ry onder daardie dak staan mense wat by hierdie plek werk en by hierdie plek werk. Dit wil sê die toue beskrywe. Dan sal ek in staat wees om te kan tel hoeveel busse daar kan staan.

Ja, vertel maar? -- 'n Plek bekend as River Setoa(?), Three River, Vereeniging, Daniëlsville, Sasolburg, Meyerton. Dit is verskillende plekke.

MNR. JACOBS : Ek wil 'n stelling wat deur die verdediging gestel is van wat in die algemeen gebeur het daar in Sebo-(20)keng daardie dag, aan jou meld. Dit is dat daar in Sebokeng in die algemeen van vroeg die oggend af van 3 September groepies mense op straat, dit was jong mense gewees wat gegaan het by die busstoppe na die ander mense wat werk toe wou gaan en hulle dan gekeer het om nie werk toe te gaan nie.

MR BIZOS : Could we have a reference to that? I would like to have the reference in order to check it.

MNR. JACOBS : Dit is volume 65 bladsy 3 420. Het jy so iets opgemerk by daardie betrokke busstop wat jy nou beskryf (30)

het/...

het vir die hof? -- Ek het nie so iets opgemerk nie. Ook nie by hierdie busstop wat ek nou net beskryf het nie.

Die oggend van die 3de voordat jy geloop het na die kerk toe, kan jy onthou of jy die heelyd in die huis was of was jy buitekant jou huis voordat jy geloop het? -- Voor ek kerk toe was?

Na die kerk toe geloop het op 3 September, na die Roomse Kerk toe?

HOF : Wat is die vraag?

MNR. JACOBS : Of sy die hele tyd die oggend voor dit in (10) die huis was, sê tussen 07h00 en 08h00, of was sy partykeer buitekant die huis? -- Ek was in die huis gewees.

As jy daar in jou huis is, kan jy hoor die busse wat arriveer by die busstop? Is jy naby genoeg aan die busstop om dit te hoor? -- Ek kan die gedreun van die bus se masjien hoor.

Kan jy ook hoor as mense daar praat en as daar hard gepraat word by die busstop en as daar enige ander versteuring is? -- Nee, ek kan nie hoor nie.

U sien, mev. Mokiwane wat daar in die omgewing bly (20) waar jy bly, sê dat daar tussen 07h00 en 08h00 daardie oggend was daar 'n lawaai by die busstoppe gewees of busstop en daarna het mense wat die bus wou gehaal het teruggekom na hulle huise toe wat toe weer daar verby geloop het. Het jy enigiets daarvan opgemerk of gehoor? -- Ek het dit nie gesien nie en ek sal ook nie mev. Mokiwane se getuienis betwis as sy dit sê nie. Moontlik het sy dit gesien, want haar huis is meer nader aan die busstop as my huis waar ek bly.

Ek wil dit aan u stel dat na dit het mev. Mokiwane haar huis verlaat en gaan skuil by 'n ander huis in die nabyheid. (30)

HOF/...

HOF : Op watter tyd?

MNR. JACOBS : Ongeveer voor 08h00. Die lawaai gehoor het tussen 07h00 en 08h00 en die mense teruggekome het, het sy haar huis verlaat en gaan skuil by iemand anders.

HOF : Wat is die verwysing hier?

MNR. JACOBS : Ek sal dit net kry. -- Ek het nie die geraas gehoor of mev. Mokiwane gesien nie.

U Edele, die is in volume - ek het die volume ongelukkig nie hier nie. Ek het die bladsy, volume 72 3 854 en dan die bladsye wat daarop volg. Dit is daarin inbegrepe. (10)

U kan nie betwis dat dit wel gebeur het dat sy daardie tyd gaan skuil het nie?

HOF : Mnr. Jacobs, ek maak nou maar net die ding oop op 3 854 en daar staan 'n vraag van die hof "Was dit ongeveer 08h00?" "Ja, om en by 08h00, 09h00 se kant." Nou hoe stel u dan dat dit voor 08h00 is?

MNR. JACOBS : Goed, dan ongeveer 08h00.

HOF : Ja, ongeveer 08h00 is nie om en by 08h00, 09h00 se kant nie. Ek weet nie, ek het nou nie die hele stuk gelees nie, maar u het aan die getuie gestel dit was voor 08h00, (20) tussen 07h00 en 08h00 het u begin en dit was voor 08h00 wat mev. Mokiwane gaan skuil het êrens anders. Dit kan wees dat u reg is op die getuienis. Ek het nog nie tyd gehad om dit mooi deur te lees nie.

MNR. JACOBS : Dit begin by 07h00, die geraas gehoor in die rigting van die bushalte van gebied 7 ... (Hof kom tussenbei)

HOF : Die punt is, op bladsy 3 855 staan "When talking about 08h00, I am talking about the noise I heard that was at about 08h00."

MNR. JACOBS : 'n Bietjie bokant toe staan ook dat dit 07h00 (30)

was/...

was die geraas gehoor by die bushalte in gebied 7.

HOF : Op watter bladsy is dit?

MNR. JACOBS : Dit is van die begin van haar getuienis af.

HOF : Op watter bladsy staan dit? Watter reël. U hoofgetuienis begin om 08h00.

MNR. JACOBS : Ek het h nota dat om 07h00 ... (Hof kom tussenbei)

HOF : Ek stel nie belang in u notas nie. Waar kom die 07h00 in? Plek, reël? U het h hele span daarso. As ek binne vyf minute die stuk voor my kan hê en deurlees kan u seker (10) ook binne vyf minute die stuk voor u hê en deurlees.

MNR. JACOBS : Ek het dit laat haal. Ek trek op die oomblik die vraag terug. Dan sal ek met iets anders aangaan.

HOF : Maar dit help nie om h vraag halfpad te stel en dan terug te trek nie. Ek kan tog nie elke stelling wat u maak kontroleer nie. As u h stelling maak oor h tyd wat baie belangrik word uiteindelik dan moet ek weet waar staan dit. Veral as ek in my gedagte het dat sy h later tyd gesê het.

MNR. JACOBS : Kan ek met h ander vraag voortgaan?

HOF : Ja, kom ons gaan met h ander onderwerp voort. (20)

MNR. JACOBS : Toe u by die Roomse Kerk arriveer het op 3 September 1984, het jy enige mense gesien wat daar besig was om plakkate te maak? -- Ek het direk daar na die kerksaal toe gegaan. Ek het wel mense daar buite gesien, maar ek het nie opgelet wat hulle besig was om te doen nie.

Daar in die nabyheid van die ingang van die kerk se deur waar die mense vergader het, het jy daar enige plakkate gesien? -- Nie op die stadium wat ek daar aangekom het nie.

Het jy binne-in die kerk enige plakkate gesien?

HOF : In die kerksaal. Die kerksaal is h ander plek as (30)

die/...

die kerk.

MNR. JACOBS : In die kerksaal? -- Ek het dit nie gesien nie.

Toe u in die saal ingegaan het, was die saal vol gewees?

-- Dit was nie vol nie.

Toe u ingegaan het, was daar enige mense op die verhoog?

-- Daar was niemand op die verhoog nie.

Het enigiemand op 'n later stadium nadat jy in die kerk was na die verhoog toe gegaan? -- Ja.

Wie was dit? -- Ek ken nie die persoon nie, maar die persoon se voorkoms aan my was bekend gewees as 'n persoon (10) wat iets te doene gehad het by die vergadering van die 26ste tydens die verkiesings van gebied 3 se mense.

HOF : Was hy die voorsitter by die verkiesings? -- Ja, hy was die voorsitter gewees.

MNR. JACOBS : Was hy alleen? -- Op watter stadium?

Toe hy na die verhoog toe gegaan het? -- Ja, hy was alleen gewees.

En het hy alleen daar gebly totdat hy klaar gepraat het en toe is hy uit? -- Hy het nie daar gaan sit nie. Hy het 'n toespraak gemaak terwyl hy daar gestaan het. Onmiddellik (20) na hy klaar was, is dit wat hy gesê het deur al die mense daar bevestig. Daarna het ons uitgegaan.

Die ander mense wat die bevestiging gedoen het, was hulle in die gehoor gewees of was hulle ook op die verhoog? -- Ek kan nie meer so goed onthou nie, maar as ek reg is, was hulle tussen die gehoor gewees toe hulle dit gedoen het.

HOF : Was hulle in die gehoor en het hulle na vore gekom of het hulle vanuit die gehoor gepraat? -- As ek reg onthou het hulle dit bevestig terwyl hulle tussen die gehoor was.

MNR. JACOBS : Het hulle slegs gesê hulle bevestig wat (30)

daardie/...

daardie persoon sê of het hulle dieselfde toespraak weer gegee wat daardie persoon gegee het? -- Hulle het gesê hulle stem saam met wat hierdie persoon gesê het in sy toespraak.

Is dit al wat hulle gesê het? -- En toe herhaal dat die mense hulle self goed moet gedra tydens die optog.

Is daar in hierdie toespraak van die eerste persoon wat gepraat het gemeld dat julle dan na Houtkop toe gaan om met die raadslede te gaan praat? -- Ja, hy het gesê "Ons het onself voorberei. Ons is nou gereed om na Houtkop toe te gaan om die raadslede daar te gaan ontmoet." (10)

En het hy gesê as hulle ontmoet word sal daar 'n gesprek met hulle gevoer word? -- Ek verstaan nou nie wat u bedoel met die gesprek nie.

Sou iemand met die raadslede daar in gesprek kom dat hulle sal iets bespreek? -- Dit het hy nie aan ons verduidelik nie.

Het hy nie verduidelik wie sal met die raadslede gaan praat, of daar mense gekies was nie? -- Ek het dit glad nie gehoor nie.

Was daar enige sprake van 'n petisie op daardie ver-(20)gadering deur enige van die sprekers daarso? -- Wat is 'n petisie?

Ek vra of daar sprake was dat hulle sou 'n petisie soontoe neem of nie? -- Ja.

HOF : Maar het u dan geweet waarvan gepraat word? -- Ja, ek het geweet waaroor praat ons almal daar.

Waaroor? -- Ons het gekla oor die verhoging van R5,90.

Nee, maar die vraag is, was daar sprake van 'n petisie en u sê ja? -- 'n Petisie? Ek verstaan nie die stelling nie.

As u nie weet wat 'n petisie is nie, sal u seker (30)

onthou/...

onthou of dit gemeld was of nie gemeld was op die vergadering nie? -- Ek sou dit onthou het. Al ding is, ek sou net nie geweet het wat dit beteken nie.

Is u antwoord dan dat daar nie gepraat is van n petisie op die vergadering nie? -- Ek het dit nie gehoor nie. Dit kan wees dat ek dit alreeds vergeet het.

MNR. JACOBS : Is daar toe gemeld op hierdie vergadering hoe dat daar verseker is dat die raadslede by Houtkop gekry sal word vir die ontmoeting daar met julle mense? -- Wat in my gedagte aangegaan het, was die volgende. Dat dit (10) moontlik is dat die voorsitter en ander leiers by hierdie vergadering alreeds weet hoe en wie die persone is wat dan die gesprek gaan uitvoer.

My vraag is eenvoudig, was dit daar genoem ... (Hof kom tussenbei)

HOF : Wel, die eenvoudige vraag is al twee keer beantwoord. Ek het daardie vraag ongeveer n kwartier gelede gestel.

MNR. JACOBS : Ja, dit was op die vergadering van die 26ste, maar met respek, ek sal aangaan.

HOF : Ek is jammer, u is reg. (20)

MNR. JACOBS : Ek praat van hierdie vergadering op 3 September? -- Dit was nie verduidelik nie.

Was dit nie daar op die vergadering gesê as julle by die raadslede se huise verbygaan, dat julle hulle dan sal kry om saam met die optog te loop na Houtkop toe nie? -- Ek het nie gehoor dat dit daar gesê word nie.

As jy nou sê jy het dit nie gehoor nie, is dit dat jy dit nie kan onthou nie of is dit glad nie gesê nie? -- Dit was nie gesê nie.

Was daar op hierdie vergadering enige bespreking (30)

omtrent/...

omtrent wanneer die polisie julle miskien voorkeer, wat sou gebeur? -- Ek het nie daarvan gehoor nie, maar wat ons wel gesê het was dat indien ons die polisie ontmoet, sal ons met die polisie praat.

Jy sien, ek verstaan nie jou antwoord nie "wat ons wel gesê het was dat indien ons die polisie ontmoet, sal ons met die polisie praat." Wie het dit gesê? -- Ek kan nie meer onthou wie die persoon is wat die woorde gebesig het dat ons met hulle sal praat as ons hulle ontmoet nie, want dit was h antwoord op h vraag van iemand anders, dat dit (10) uitgekom het.

Op hierdie vergadering van 3 September voor die optog begin het? -- Dit was op 26 Augustus waar hierdie antwoord gegee was op h vraag.

HOF : Probeer om die ding h bietjie maklik vir ons te maak. Ons is nou besig met 3 September.

MNR. JACOBS : Op 3 September, op daardie vergadering, hetsy binne of buite die saal, het enigiemand verwys na wat sal gebeur as die polisie julle voorkeer? -- Niemand het daarvan gepraat nie. (20)

Is daar nie gemeld wat sal gebeur as die polisie julle voorkeer en nie wil toelaat dat julle verder gaan nie? -- Al wat gesê was, was dat ons die polisie raakloop, sal ons met die polisie praat.

Kan jy onthou dat daar ook gesê was dat as die polisie traanrook gebruik, vir daardie doel moet die mense nat lappe saam met hulle vat? -- Dit was nie gesê nie.

Buitekant die saal na die toespraak binnekant, is daar enigiets gesê van leiers van hierdie spesifieke optog wat voor aan die optog sou loop? -- Dit was nie gesê nie. (30)

Het/...

Het hierdie plakkaatdraers heel voor hulle wel leiers gehad? -- Ek het nie ander leiers gesien nie. Ek het net die plakkaatdraers alleen gesien.

Kan jy nie onthou of dit so gebeur het dat die leiers, spesifieke leiers het uitgegaan in die straat, uit die kerkperseel op die grondpad gaan staan en toe is die plakkaatdraers geroep om uit te kom en agter hulle in te val en toe is die mense geroep om agter die plakkaatdraers in te val nie? -- Ek kan nou nie so goed onthou nie.

HOF : Kan u onthou of die optog opgestel is op die perseel(10) of in die straat? -- Dit was op die perseel gewees.

MNR. JACOBS : Kan jy onthou of daar voor aan hierdie optog ook 'n banier was? Met ander woorde, soos gister aan jou verduidelik is, die lap met die twee punte aan die stokke wat deur mense gehou word in die lug? -- Ek het net die plakkaatdraers gesien. Die banierdraers het ek nie gesien nie.

HOF : Net 'n oomblik. Het u net die plakkaatdraers gesien wat 'n banier dra of net die plakkaatdraers wat plakkaate dra? Weet u die verskil tussen 'n banier en 'n plakkaat? -- Is dit nie reg dat 'n banier is gemaak van materiaal nie (20) en 'n plakkaat is gemaak van 'n geskeurde kartondoos nie?

Gewoonlik, ja. -- Ek het dan net die mense met die kartondose gesien wat dit gedra het.

HOF VERDAAG.

HOF HERVAT.

LILLIAN MAMOLEKO NYEMBE, nog onder eed

HOF : Ons het begin sonder dat die operatrise beskikbaar was per oorsig. Die vraag wat gevra is na tee is uiteindelik so neergeskryf. "Het jy rook gesien in die omgewing van die interseksie?" Die antwoord was "Ek het rook gesien te Sebokeng. Ek was op die hoofpad. Ek sien rook in die (30)

rigting/...

rigting van die steeg." Tot daar het ons gekom.

VERDERE KRUISONDERVRAGING DEUR MNR. JACOBS : Die volgende vraag. Waar is die steeg waarna u verwys spesifiek? -- Dit is aan die kant, dit wil sê in die rigting van gebied 11.

HOF : Loop die steeg uit die interseksie uit? -- Die steeg is ook van hierdie hoofpad waar ek was, want selfs die ander straat van die stadion sluit ook aan by die hoofpad waar ek was.

MNR. JACOBS : Waar die ander pad van die stadion af ook aansluit ny hierdie hoofpad waarin jy was, is die steeg daar(10) in daardie plek? -- Nee, by twee verskillende punte.

HOF : Hierdie sogenaamde steeg, sluit hy aan by die geleidelike draai na regs in die teerpad of sluit hy op 'n ander plek aan? -- Net waar die pad regs swenk kry jy die aansluiting van die steeg.

MNR. JACOBS : Waar was jy op daardie pad toe jy daardie rook by daardie steeg vir die eerste keer gesien het? -- Dit was terwyl die optog die draai vat of die swenk van die pad, terwyl die optog in beweging was.

Dit is nou 'n bietjie verwarrend. Die optog het 'n (20) voerpunt en jy was taamlik aan die agterpunt. Daarom het ek gevra waar was jy spesifiek toe jy daardie rook die eerste keer opgemerk het? -- Ek was heel agter aan die linkerkant van die optog. Dit is hoe ek dit opgelet het.

Was jy op daardie stadium toe jy dit die heel eerste keer gesien het nog voordat jy BP Garage bereik het of by BP Garage of nadat jy BP Garage verby is, was dit terwyl jy by Fowlers se bushalte was of was dit toe jy by die interseksie self gekom het? Dit is wat ek probeer vasstel? -- Dit was terwyl ek by die afswenk van die pad was op (30)

die/...

die optog dat ek bewus geword het van die rook.

HOF : Waar is dit? -- Dit is waar hierdie hoof teerpad na regs swenk, op daardie punt, wat ek bewus geword het van die rook.

Ek het gedink die voorkant van die optog was toe daar. Was dit toe u daar was? -- Nee, hulle was al ver verby. Die gedeelte van die optog waar ek was, die agterste kant, was by daardie punt gewees toe ek opgemerk het dat daar rook was.

MNR. JACOBS : Was dit digte rook? Digte swart rook? -- (10) Dit was vir my rook wat 'n mens gewoonlik sien volgens my waarneming.

Was dit 'n digte rook of nie? -- Dit was nie 'n digte rook nie.

Was dit 'n opmerklike rook gewees? -- Ja, dit was net 'n opmerklike rook gewees.

HOF : Het dit bo die huise uitgestyg? -- Ja, tussen die huise bo kon 'n mens dit sien.

Maar was dit bo die huise uit? -- Ja, bo die huise.

MNR. JACOBS : Net een ding wat ek jou wil vra voor ek (20) aangaan op daardie punt. Toe julle die kerk verlaat het, die man wat daar voor gepraat het, het hy nie as die segsman daar opgetree en voor plek ingeneem by die optog nie? -- Ek het nie opgelet of die persone vorentoe gegaan het of watter posisie die persoon ingeneem het nie. Die laaste van hom wat ek geweet het is toe hy nog daar gepraat het.

Jy het ook getuig van die mense wat jy volgens jou getuienis gesien het wat voor aangesluit het wat gekom het uit gebied 11 uit? -- Ja, ek het daarvan gepraat.

Kan jy vir ons sê, hierdie mense, was hulle in 'n (30) groep/...

groep gewees of was hulle sommer net los mense of was hulle in 'n prosesie gewees toe jy hulle gesien het? -- As gevolg van die lengte van die optog daar, toe die optog sy pas verminder het, het ek toe aanvaar dat daar wel mense was wat besig was om aan te sluit by hierdie optog.

HOF : Wat beteken dit? -- Wat ek sê is dat toe die optog daar in die nabyheid van gebied 11 gekom het, het dit baie stadig beweeg vir 'n hele ruk, wat 'n aanduiding was vir my dat daar mense besig was om by hierdie optog aan te sluit.

Laat ons net duidelikheid kry. Het u geen mense (10) gesien aansluit nie? -- Die werklike aansluiting van die mense het ek nie gesien nie. Wat gebeur het, is die volgende. Toe die optog die pas verminder het, het ek besluit om te loer wat daar voor gebeur aangesien ek heel agter was. Toe ek geloer het, het ek op daardie stadium opgemerk dat mense besig was om aan te sluit by die optog daar voor.

MNR. JACOBS : Met ander woorde, jy het mense gesien? -- Ja, ek het mense gesien aansluit.

Die mense wat jy gesien het, was dit baie mense of was dit min mense? -- Dit was baie mense. (20)

As jy sê baie, hoeveel skat jy hulle? -- As gevolg van die vertraging van die optog daar voor dat ons stadig beweeg het vir daardie tydperk, skat ek omtrent honderd na honderden-vyftig mense het daar aangesluit.

Jy sê die optog was vir 'n lang tyd vertraag. Het dit tot stilstand gekom? -- Daarby bedoel ek dat ons baie stadig beweeg het, nie stil gestaan het nie, maar baie stadig beweeg het tot al die mense aangesluit het en toe weer die spoed herwin het.

Jy sê ook jy het mense gesien. Nou wil ek net weet (30)

hoeveel/...

hoeveel mense het jy gesien? Ek wil nie weet dat jy n afleiding maak omdat die opmars stadig beweeg het en n lang tyd verloop het nie, ek vra spesifiek wat jy gesien het, want jy sê jy het mense gesien aansluit? -- Die mense wat ek gesien het sal ek sê word min of meer gedek deur hierdie getal wat ek al genoem het, honderd-en-vyftig of honderd-en-sestig.

Goed, jy het nou soveel mense gesien. Was hulle in n deurmekaar - net so n bondel gewees of was hulle in die optog gewees, in die prosesie? -- Dit het vir my voorgekom asof die persone daar in n klomp gekom het om te gaan (10) staan waar hulle aangesluit het.

Daar waar hulle toe aangesluit het, was hulle toe in die interseksie waar hierdie klomp persone gestaan het? -- Ek het gesê dit was in die omgewing van die aansluiting van die pad van die stadion op hierdie hoofpad wat die optog gebruik het.

Was dit in daardie interseksie waar die klomp mense was? -- Ekskuus?

Was die klomp mense in daardie interseksie wat gevorm word deur die pad wat kom vanaf die stadion wat aansluit (20) by hierdie hoofpad waarop julle geloop het? -- As gevolg van die manier waarop ek heel agter was daar ver van die punt wat beskryf word nou, het dit vir my geblyk of die mense met daardie straat af gekom het van die stadion af wat aansluit by hierdie een.

Is dit net n afleiding wat jy maak of het jy dit gesien? -- Volgens my waarneming aangesien hulle die bus of die stop verby gegaan het en die aansluiting net anderkant daardie punt was, het ek aanvaar dat hulle van daardie rigting was. Dit is die rigting van die stadion by die aansluiting op (30)

die/...

die hoofpad.

Na watter stop verwys jy as jy sê dat hulle die stop verby is? -- Hulle was anderkant Fowler stop.

Was dit die voerpunt van julle optog wat anderkant Fowler stop was of praat jy van ander mense?

HOF : Sy is besig om vir u te beduie waar die mense was, die mense synde die groot groep van honderd, honderd-en- vyftig tot honderd-en-sestig wat aangesluit het by die optog. U is besig om haar te ondervra oor waar die mense was.

MNR. JACOBS : Dit is reg. (10)

HOF : Nou vra u weer waar die optog se voerpunt was?

MNR. JACOBS : Ja, maar ek verstaan haar nie. Sy sê dit is verby Fowler se busstop.

HOF : Ek verstaan haar baie goed, want as u kyk op die kaart dan sal u vind dat die pad wat van die stadion af loop kom by die interseksie aan.

MNR. JACOBS : Dit verstaan ek ook.

HOF : As sy sê dit was in die omgewing waar daardie pad aansluit, dan was dit in die omgewing van die interseksie.

Dan weet ons nou omtrent wat sy bedoel. (20)

MNR. JACOBS : Dan sal ek net een vraag vir jou nog vra. Is dit moontlik dat daardie mense kon uit daardie interseksie uit gekom het om daar by die voerpunt van julle optog te kom - uit die steeg uit gekom het om daar by die voerpunt van julle optog uit te kom? -- Ek weet nie, want ons het die mense daar gevind. Dit kan wees dat hulle ook daar uitgekome het.

En op die stadium toe jy die mense daar gesien het, het jy nog nie rook gesien in daardie rigting - rook gesien vorentoe in die rigting van die steeg en die interseksie (30)

daar/...

daar? -- Toe die mense aangesluit het, is voor ek die rook gesien het.

Want jy het spesifiek in daardie rigting gekyk? -- Nee, eers na die optog die swenk geneem het en terwyl ek by daardie punt van die swenk was, het ek spesifiek in daardie rigting gekyk.

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Toe jy uitgeloer het, soos jy sê, om te sien wat hier voor aangaan, hoekom die optog stadiger loop, het jy gekyk in die rigting waar jy die rook gesien het daar na die interseksie toe? (10)

HOF : Die rigting waar sy later die rook gesien het?

MNR. JACOBS : Later die rook gesien het? -- Ek het nie na daardie rigting toe gekyk nie. Ek het probeer sien en my aandag daarop gevestig hoekom die optog stadig beweeg.

Daar by BP Garage toe julle daar verby gegaan het, ek wil dit aan jou stel dat daar op daardie stadium was daar alreeds padversperrings. Het jy dit gesien of nie? -- Ek het dit nie gesien nie.

Kan jy enige rede aanvoer waarom jy nie gesien het nie? -- Hoekom ek sê dat ek dit nie gesien het nie, was omdat (20) ek dan n manier sou probeer het om daar verby te kom, want daar was mense agter my gewees en as daar n versperring was, dan sou ek dit gesien het.

Die oggend van die 3de vandat die opmars begin het totdat julle uitmekaar gejaag was, het jy in daardie omgewing soos die mars beweeg het aan beide kante van die mars in die woongebied enige rook of versperrings opgemerk, behalwe nou die een wat daar by die interseksie was? -- Eers na ons uiteen gejaag was, het ek die padversperrings gesien in die vorm van klippe en opgemerk dat die Indiërs se plekke aan (30)

die/...

die brand was en met my aankoms by die huis gesien dat Mokiwane se huis aan die brand is.

So, met ander woorde, terwyl die opmars aan die gang was, het jy geen rookkolomme gesien nie, soos jy gesê het behalwe die een daar by die interseksie? -- Ek het by geen plek rook gesien nie.

En toe jy teruggekom het nadat die mars uiteen gejaag is, watter roete het jy terug gevolg na jou huis toe? Laat ek dit eers so stel, is jy nadat julle uitmekaar gejaag was direk huis toe? -- Ja, ek is direk huis toe. (10)

Watter roete het jy gevolg? -- Om terug te keer huis toe nadat ons uiteen gejaag was, het ek op die volgende manier terugbeweeg. Daar is 'n straat regoor die garage en daar is 'n straat wat parallel is met daardie straat. Ek het dus in die straat wat parallel is met die straat regoor die garage huis toe gestap.

HOF : Laat ons net eers duidelikheid kry, voordat u verder verduidelik. Die straat regoor die garage of reg voor die garage verby? -- Die straat loop dood direk voor die garage. Dan is daar 'n straat wat parallel is met daardie (20) een. Dit is die straat wat ek gebruik het.

Die garage wat u van praat, is dit Hunters? -- Ja, dit is Hunters.

Is u in gebied 11 in? -- Ja, gebied 11.

En die straat wat parallel loop met daardie straat wat langs die garage loop, is hy nader aan die poskantoor as daardie straat? -- Nee.

Dan begryp ek nie.

MNR. JACOBS : Om te loop soos jy gesê het in daardie straat loop jy in die middel van gebied 11 as jy dit vat vanaf (30)

die/....

die pad wat die opmars geloop het of meer na die - as ek net die rigting kan kry ... (Hof kom tussenbei)

HOF : Kan ek net duidelikheid kry. Toe die optog uitmekaar gejaag is, is u in gebied 11 in of is u in gebied 13 in? -- Ek is in gebied 11 in.

MNR. JACOBS : En die pad wat jy geloop het terug na jou huis toe, loop dit parallel met die straat of die pad tussen gebiede 11 en 12 waarop die opmars beweeg het vroeër? -- Nee, die straat wat ek gebruik het huis toe, maak 'n T-aansluiting met die hoofstraat wat die optog gevolg het. (10)

HOF : Ken u Wessels Mothastraat? -- Ek ken nie die strate daar op name nie.

MNR. JACOBS : Waar jy die optog verlaat het - laat ek dit eers so stel. Weet jy waar die burgemeester mnr. Mahlatsi se huis is? -- Nee.

Naby Hunters Garage in gebied 11 toe jy die optog verlaat het, het jy enige plekke gesien wat brand daar in die ... (Hof kom tussenbei)

HOF : Laat ons eers bepaal wat haar roete is, anders gaan ons net in die lug rondtas. Die straat tussen BP Garage (20) en die poskantoor is Wessels Motha Road? -- Is dit nou 'n teerpad of 'n grondpad?

'n Teerpad waarop die busroete is waarop julle gestap het? -- Daar is twee teerpaaië daar. Daar is 'n teerpad deur gebied 11 en dan is daar 'n teerpad net buite gebied 11. Watter een is Wessels Motha?

Kan ek u net vra, die een net buite gebied 11 is Wessels Motha, die teerpad deur gebied 11, is dit die teerpad wat by die winkels en die biersaal in gebied 11 verby loop? -- Ja, dit is die teerpad waarvan ek praat wat deur gebied 11 (30) gaan/...

gaan.

En is dit die teerpad wat u geneem het? -- Nee, dit is nou nie die pad wat ek gevolg het nie. Daar is n pad wat begin net regoor Hunters Garage en daar is dan n straat net langsaan daardie straat. Dit is die straat wat ek gebruik het om terug te gaan huis toe.

MNR. JACOBS : As jy met daardie straat loop, reguit aan loop, kom jy dan by jou huis uit? -- Nee, ek draai af. Die straat is nie reguit na my huis toe nie.

Hy neem jou waarheen waar jy moet afdraai of waar jy(10) daardie spesifieke dag afgedraai het? -- Die straat neem my tot in die nabyheid van die kerk en die skole. Daardie straat loop dood daar. Daarvandaan loop ek deur die oop stukke veld of openinge van erwe waar daar nie gebou is nie.

Laat ons net duidelikheid kry. Die kerk en die skole in watter gebied? -- Gebied 11.

Om daar uit te kom, gaan jy redelik naby die sentrum verby waar die Ontwikkelingsraad se kantore is? -- Nee, as ek reg is, is daar nie n Administrasiesentrum daar nie.

HOF : Kom u by die stadion verby? -- Nee, ek gaan ver van(20) die stadion verby.

Is die stadion aan u regterhand of aan u linkerhand soos u huis toe loop? -- Aan die linkerkant.

MNR. JACOBS : Daar by Hunters se Garage waar die pad verlaat het daar, in daardie omgewing, het jy daar enige rookkolomme gesien? Dit is nou in gebied 11 nadat jy ingegaan het? -- Ek het nie rook gesien nie.

In gebied 11, het jy enige rook daar gesien? -- Ek het ook nie rook gesien daar nie. (30)

Toe u gebied 7 binne gegaan het, waar het u dit presies binne/...

binne gegaan? -- In die omgewing van Kwaggastroom.

HOF : Die stroompie wat deur die middel van gebied 7 loop?

-- Nee, Kwaggastroom is die naam van h stasie.

Maar het u dan nie h geweldige draai geloop nie? -- Nee, maar ek was reeds van voorneme om ver te gaan draai sonder om deur die woonbuurtes te gaan om by die huis uit te kom. Ek het die woonbuurtes vermy.

ASSESSOR (MNR. KRUGEL) : Het u met ander woorde deur die veld geloop hoofsaaklik? -- Na ek deur gebied 11 was het ek deur h oop stuk veld geloop tot ek weer in gebied 7 in h woon-(10) buurt ingegaan het.

MNR. JACOBS : Daar waar jy gebied 7 in die woonbuurt ingegaan het, gaan jy dan naby die Ontwikkelingsraadskantore in gebied 7 verby? -- Ek het nie by die kantore van die Ontwikkelingsraad verby gegaan nie.

Nie by hulle verby nie, maar in die nabyheid van hulle verby? -- Nee.

Het jy enige rookkolomme gesien in gebied 7 waar jy ingegaan het en soos jy aangeloop het huis toe in die gebied?
-- Ja. (20)

Waar het jy dit gesien? -- Dit was aan my linkerkant gewees soos ek daar beweeg het in die rigting van Small Farms by die Indiërs se woonplekke.

Was dit nie baie ver van jou af nie, daardie rookkolom by die Indiërwinkels? -- Die pad wat ek daar gebruik het en waar ek beweeg het tydens die sien van die rook, van daar af kan h mens die wonings van die Indiërs sien.

HOF : Bedoel u die winkels van die Indiërs ook? -- Ja, volgens my oplet daar kan jy die winkels ook sien.

MNR. JACOBS : Dit was aan jou linkerkant waar jy hierdie (30)

rook/...

rook gesien het en aan jou regterkant, kon jy enige rookkolomme daar sien? -- Ek het nie rook gesien nie.

En voor jou soos jy aangeloop het, kon jy rookkolomme sien? -- Ek het nie rook gesien nie.

Daar waar Mokiwane se huis gebrand het, voordat jy daar gekom het, kon jy nie die rook sien nie? -- Eers toe ek daar kom het ek die rook gesien.

Toe jy by die huis gekom het of hoe ver kon jy die rook gesien het? -- Ek was besig om by die huis verby te gaan.

En jy het vir die hof in jou getuienis-in-hoof gesê (10) daardie huis was nog besig om te brand hoewel die dak in geval het? -- Ja.

Die rook wat daar uitgekom het, is dit digte rook wat hoog op getrek het? -- Nee, dit was 'n tipe rook wat 'n mens kan beskryf as 'n rook wat nou doodgaan. Dit het nie hoog getrek nie.

Die biersaal in gebied 7, is dit baie ver van julle huis af? -- Dit is 'n ent.

HOF : Ek kan nie begryp waarom u vanaf die westekant u huis genader het nie. Ek sou gedink het soos u geloop het sou (20) u u huis van die oostekant af nader? -- Watter huis praat u nou van? Mokiwane se huis?

U eie huis? -- Wat van ons eie huis? Ek verstaan nie die vraag nie.

Ek het gedink u sou van die oostekant af in die straat af kom en nie van die westekant af in daardie straat af kom nie? -- Nee, ek het in daardie straat ingegaan van wes af, want as ek nou aan die ander kant gegaan het, dan was dit 'n ver draai om te loop.

ASSESSOR (MNR. KRUGEL) : Die stasie wat u van praat (30)

Kwaggastroom, is dit die stasie net suid van Kwaggafontein?

-- Ek verstaan nie.

As n mens van Vereeniging se kant af met n trein ry dan kom jy eers by Kwaggastroom en dan die volgende stasie is Kwaggafontein? -- Ek is nie meer seker van die stasies daar hoe hulle mekaar volg nie. Daar is Houtkop en dan ander stasies, maar watter eerste kom en watter later kan ek nie sê nie.

HOF : Hoekom het u probeer om die woongebiede te vermy? -- Ek het besef dat ek naby die straat was en ek kan gebruik (10) maak van hierdie straat om terug te stap. Sodoende, terwyl ek daar beweeg het, het ek toe besluit ek gaan liewers nie meer in die woonbuurtes in nie. Daarop het ek die woonbuurtes vermy.

Waarom? Waarom wou u liewers nie in die woonbuurtes ingaan nie? -- Na ek die vuurwapens en die gewere se geluide daar gehoor het en gevoel het dat ek deur traangas geaffekteer was, het ek gedink dat dit moontlik is dat die polisie nog agter aankom en dus besluit het om nie in die woonbuurtes in te gaan nie. (20)

MNR. JACOBS : Die oggend van 3 September 1984, voordat jy na die kerk toe gegaan het, het jy skote gehoor in die rigting van BP Garage? -- Nee, ek het nie gehoor nie.

Dankie, Edele.

RE-EXAMINATION BY MR BIZOS : No questions.

GEEN VERDERE VRAE.

COURT : You are excused from further attendance, provided that you will make yourself available should we require you again, which is unlikely.

- - - - -

MOTLALEPULE MARTHA OLIPHANT, d.s.s. (Through interpreter)

EXAMINATION BY MR BIZOS : She will be giving her evidence in Sotho. Mrs Oliphant, are you a resident of Zone 3 Sebokeng?
-- That is true.

What is the stand number on which you live? -- 552030
Zone 3.

Are you the mother of six children? -- That is true.

Do you live at this place with your husband, Mr Oliphant?
-- That is so.

During 1984, did you become aware of an organisation(10) known as the Vaal Organisation of Women? -- That is so.

How did you become aware of it? -- This was as a result of what I came to know as something of help from this organisation.

COURT : Do you mean you were helped by the organisation? -- What I mean is that they were explaining to women how they can go about assisting each other with their different problems in the township.

MR BIZOS : Who approached you about that? -- Dorcas Raditsela.

Can you remember more or less when in 1984 Mrs Dorcas(20) Raditsela approached you? -- It was between June and July. I am not certain of the month.

Did you know Mrs Raditsela before this? -- Yes, because of the kind of work she was doing I knew her.

What work as she doing? -- She was a social worker.

Do you know where her office was and by whom she was employed? -- Her offices were in Houtkop.

COURT : Who employed her? -- I do not know who her employer was. I never enquired about that.

MR BIZOS : At Houtkop, was this at a commercial building (30)

or/...

or in the administration block, so to speak? -- She had an office in the immediate vicinity of the administration block.

Had you had dealings with her before she spoke to you about the Vaal Organisation of Women? -- No, not before that. I had nothing to do with her.

Were you asked to join the Vaal Organisation of Women? -- I was not asked by her to join the organisation. At my own on realising the assistance one gets, I decided to join.

Did you join any particular committee of this organisation? -- That is so. (10)

Which committee? -- The grocery buying committee.

What did that committee do? -- The functions of this committee were to go about talking to women and requesting them to contribute a certain amount with a view of carrying out a bulk buying scheme. For instance requesting women to contribute R20,00 per woman and then go to Metro Cash and Carry and buy some grocery in bulk which grocery will then be divided to the people who contributed for the bulk buying.

Just for the record is Metro Cash and Carry a wholesaler? -- That is so. (20)

Did anyone have the right to buy at this place or could anybody go there? -- Only a person with a right to buy there could buy from them.

Did anyone among your number have that right? -- That is so.

Who? -- Dorcas Raditsela is the person who had a passport card to buy.

Did you see Mrs Raditsela regularly for this purpose? -- Yes, we used to meet mainly when it was about time to go and buy. (30)

COURT : Was that monthly or weekly? -- Monthly.

MR BIZOS : Did this organisation have any committees in the various zones? -- I only knew about zone 3 because I stayed in zone 3. Otherwise I did not know about the existence of the committees in different areas.

Did you serve in any way on the zone 3 committee? -- That is so.

Did you hold any particular position? -- That is so.

What? -- I was chairing the bulk buying scheme for the women involved. (10)

In zone 3? -- That is so.

Did you ever attend any meetings at which the executive of VOW was met or whether - where other representatives of other zones met? Did you ever have any sort of meeting of the organisation outside the zone 3 function? -- We never had that.

Did you know that the Vaal Organisation of Women was affiliated to the UDF? -- I did not know that.

Do you know whether ... (Court intervenes)

COURT : How long had the Vaal Organisation of Women been (20) in existence when you joined? -- I do not have an idea as to how long it was in existence.

MR BIZOS : In your committee that you did take part in in zone 3, did you discuss the UDF at any stage? -- We never ever discussed it.

Did you personally know anything about the UDF at that time? -- No, there was nothing that I knew about this.

COURT : Did you know that the Vaal Organisation of women was bigger than zone 3? -- No, I did not know that.

MR BIZOS : During 1984, did you hear anything about a rent (30) increase/...

increase? -- That is so.

What did you hear about that? -- What I heard was that the rent was again going to be increased.

Did you hear by how much? -- Yes, I heard.

How much? -- R5,90.

How did you feel about that? -- I did not feel happy about it, because I did not have the money to pay.

How much was your rent at that time? -- If I still remember well it was R67,50.

Before the proposed increase? -- That is so. (10)

How many people were earning a living in your household? -- At the time my husband was the only person who had an income.

Mr Oliphant? -- Yes.

What was he doing? What was his job? -- He was employed as a truck driver by MDI Park in Sasolburg.

Do you know what he was earning at the time? -- Yes, I do know.

How much? -- R60,00 per week.

How many of your six children were at school at that time? -- They were all at school. (20)

When you heard about this, did you discuss the question of the proposed increase with anyone? -- Yes, I did.

With whom? -- I discussed it with my other neighbours.

Did you take up this question with anybody in authority? -- That is so.

With whom? -- We approached councillor Mokoena to discuss this with him.

Who do you refer to when you say we? -- Accompanied by some of my neighbours we approached councillor Mokoena. (30)

COURT : What is his first name? -- Sankwela Mokoena.

He is the councillor for zone 3? -- That is so.

MR BIZOS : Did you discuss your problem with him? -- That is so.

Whilst you were there, did he do anything? -- His response to this was that he cannot give us an answer immediately there. The reason being that the councillors are going to have a committee meeting, at which he was going to mention this and then he was going to let us know about what the response from the councillors was. (10)

Did he ever come back to you with any response? -- No, he never did.

Did you ever hear whether he responded to anyone of the neighbours that accompanied you to him? -- No, I heard nothing.

Did you hear anything about any house meetings? -- Yes, I heard something.

From whom did you hear about house meetings? -- From Dorcas Raditsela.

What did she say to you about house meetings? -- She told me that there was going to be a meeting at Bavumile (20) Vilakazi's residence where this issue of the rent is going to be discussed.

Did you know Bavumile Vilakazi at that stage? -- That is so.

Did you go to his house? -- I went, yes.

COURT : Is he a person known to us?

MR BIZOS : Will you please have a look at the persons in the dock and tell us who Mr Bavumile Vilakazi is? -- That one seated there.

It is common cause it is accused no. 10. I do not (30)

want/...

want to ask you a lot of questions and a lot of detail.

Did you go only to one meeting or to a number of meetings?

-- I attended meetings.

Were you accompanied by anyone to these meetings? --

I attended the meetings in the company of my husband.

Do you still remember how many meetings you attended?

-- Four.

Over what period of time? -- I attended different meetings on different days.

Do you remember during the period of which month (10) these meetings were? -- It was in August.

Were the meetings held every day or second day or once a week? -- A day or two after a meeting we would hold another meeting.

What was the purpose of these meetings? -- It was to discuss the amount of R5,90 which was an increase on rent.

Were there any decisions taken at this meeting or at these meetings eventually? -- Yes, there were.

What decisions were there? -- That a general residents meeting be called in order to get the views of the residents (20) about this increase.

Was there any other decision taken in relation to the formation of any committee? -- That is true, there was.

What committee and of what organisation? -- It was said this was going to be an area committee with no other name attached to it.

COURT : And was it in fact formed? -- That is so.

At that stage or later? -- When we met again.

MR BIZOS : Did you discuss the VCA at these house meetings, the Vaal Civic Association? -- We did not discuss it. (30)

As/...

As far as you were concerned, when you attended these meetings, what was the main purpose of the formation of this zone 3 committee? -- The purpose of this to my understanding was that after having met with the community of zone 3 and they decided on something, then what they have decided upon was to be taken by this committee to the councillors.

The allegation against the accused in the dock is that the purpose of these house meetings was in order to further a conspiracy consisting of the African National Congress, the South African Communist Party, the UDF, the VCA to (10) overthrow the state by violence. Was anything like that discussed at any of the house meetings that you attended? -- Nothing of that kind as put to me by you was ever discussed at these meetings.

The other allegation is that the purpose of these house meetings was to mobilise, politicise and conscientise the population of the Vaal in order to overthrow the state by violence or to make the country ungovernable. Was anything like that discussed at any of these meetings? -- No such allegation was ever discussed at these meetings. (20)

COURT ADJOURNS UNTIL 14h00.

COURT RESUMES AT 14h00.

COURT: Before we start Mr Bizos and Mr Jacobs I would like to make an announcement as regards the further proceedings. On Thursday 18 February and Friday 19 February my learned assessor will be otherwise engaged on official duties so we will not be sitting on Thursday and Friday 18 and 19 February.

DISCUSSION ON EASTER VACATION DATES.

MOTLALEPULE MARTHA OLIPHANT: d.s.s. (Through Interpreter)

FURTHER EXAMINATION BY MR BIZOS: Mrs Oliphant you told us that you attended a number of house meetings at the home of (10) Mr Bavumile Vilakazi during August 1984 and what the purpose of those meetings were. -- Yes that is so.

You also told us that one of the decisions that emanated out of those meetings was to hold a meeting, a big meeting on 26 August 1984? -- That is so.

Shortly before 26 August 1984 did you hold a meeting together with people from any other zone? -- Yes there was.

Which zone? -- Zone 7.

What committee of Zone 7 was that? -- That was the committee which was to meeting about the question of the rent. (20)

COURT: Just a moment now. Are you referring to the joint committee or the meeting of yourself or was it the committee of Zone 7 that was involved with the rent? -- I am talking about a meeting which was to be held for Zones 7 and 3.

MR BIZOS: Why did you meet together? -- It was because we, the people of Zone 3, did not have a venue for the meeting which was to be held with the residents of Zone 3.

And what did you discuss at this joint meeting? -- It was told to us by the Zone 7 people that they have acquired a venue for the meeting and they are therefore suggesting (30)

that/...

that we also come to the same venue. We are going to share the venue with the meetings that are to be held there.

And were there any decisions taken at this joint meeting as to who will speak at this big meeting? -- Yes that was so.

Who was going to speak? -- This meeting decided on Lord McCamel as a chairman of this meeting which was to be held.

Now who, did you know who Lord McCamel was? -- Yes I knew him.

As what? -- I learnt to know this person from the church services, the reason being that his church congregation was (10) working hand in hand with the AME church congregatoin. That is where I came to know him.

AME, is that the African Methodist Episcopal Church? -- That is so.

And who else was going to be there? -- It was further suggested that should Mr McCamel be absent that day then Mr Mokoena from Evaton will substitute him.

Did you know Mr Mokoena? -- No I did not know him.

Were any speakers discussed? -- Yes it was discussed.

Who were they? -- For the Zone 7 people Mr Matlole and (20) Rina Mokoena were chosen as the speakers.

Did you know Mr Matlole? -- No I did not know him.

Did you get to know him after this meeting? -- That is so.

Please look at the people at the back of the dock and the three in front, I have had an indication to ask Mr Matlole to stand up. Mr Matlole will you stand up please. Is that the Mr Matlole that was referred to? -- That is the person.

That is accused no. 17. And what about Zone 3? -- For the Zone 3 people I was the speaker as well as Mr Nkopane. (30)

Yes,/....

Yes, was there any discussion as ...

COURT: Is that the gentleman we know?

MR BIZOS: I beg Your Lordship's pardon. Mr Nkopane will you stand up? Is that the person, accused no. 8? -- That is the person.

Were there going to be any other speakers at the meeting besides the four that you have mentioned? -- It was said that there were going to be other speakers who were not mentioned by names.

Were they identified in any way as to what sort of (10) speakers were going to be asked to speak at the meeting? -- No, it was not explained to identify them.

Did you yourself go to the meeting of the 26th? -- That is so, I did go.

Can you recall at what time you arrived at the Catholic Church hall on the 26th, Small Farms? -- If I still remember well there was a lapse of about 5 to 10 minutes then the meeting started after my arrival.

Yes, what time was the meeting scheduled to start? -- At one. (20)

COURT: Did it start at one? -- I do not really know, I cannot tell because I did not have a wristwatch with me. I therefore did not look at the time when this meeting started.

MR BIZOS: When the meeting started who presided at the meeting? -- Mr Nkopane presided as a chairman.

And what happened right at the beginning of the meeting? -- The meeting was opened by Mr Matlole with a prayer.

COURT: I think we must just give the numbers again. No. 8 and no. 17.

MR BIZOS: No. 8 was the chairman and no. 17 opened the (30) meeting/....

meeting with a prayer. Right. And after the prayer what happened? -- Mr Nkopane got up and made remarks as a chairman, thanking the community for having attended that meeting with a purpose of discussing what was to be discussed at that meeting.

What was to be discussed at that meeting, did he say?

-- Yes he did say.

What? -- What he said was we have met here because of the increase on rent with an amount of R5,90.

Do you remember if he said anything else? -- There is (10) nothing that I remember.

Yes. And after the chairman's opening remarks what happened? -- Accused no. 17 got up again.

And did he say anything? -- Yes he had something to say.

What did he say? -- I remember him saying in what he was saying at that meeting that as people it is quite proper for you to unite because united you can afford to overcome some of the problems you are experiencing, giving an example as follows, saying that there was some problem at a certain school which did not want to admit some children. Because (20) of the parents who united and went to this school to present their case they succeeded in securing registration for those children who were already refused admission.

Do you recall whether he said anything else? -- That is all I remember.

What happened after accused no. 17 spoke? -- If I remember well accused no. 10, Bavumile, also got up and said something.

Can you recall what he said? -- Yes I do recall what he said.

What did he say? -- I remember him saying the following, (30)

that/...

that people are used to coming to the Union, which is the Workers Union, to complain about their problems of the rent and I also remember him saying that the Union is not for that but he also added to that that there is nothing that the councillors are doing for us as residents.

Yes, anything else that you remember him saying? -- He went on to say for example the councillors in Rotunda on realising that they are not in a position to carry out what they are meant for, doing the work proper, they resigned their positions of being councillors. (10)

Anything else you can remember? -- I think that is about all I remember.

And did anyone else speak after Bavumile Vilakazi, accused no. 10? -- Yes there was a speaker then again at that time.

Who was it, do you remember? -- I did not know the name of this person.

Was it a man or a woman? -- It was a young man.

Have a look around whether you see this young man? -- He is in court. (20)

COURT: Yes, point him out. -- The one at the end.

MR BIZOS: That is accused no. 5, Malindi, accused no. 5.

COURT: Yes, call him accused no. 5.

MR BIZOS: What did he say? -- What he said was this problem about the rent is in fact affecting practically everybody in the residential area because of the following reasons, that you find that in a family the father to that family has died and therefore they are left with the mother and the elder son who in turn becomes responsible for the payment of this rent. As a result it affects practically everybody because in (30)

some/...

some families you find that there is only one parent who is still alive in that family. Therefore needs the assistance of the son or a child.

Yes, carry on, did he say anything else? -- He also made it known to this meeting that the previous day, which was the previous day to the day on which he was talking, he attended a meeting in Zone 13.

Carry on please. -- At which meeting the people of Zone 13 resolved on certain things.

Did he say what? -- Yes that the R5,90 is not being (10) paid, that there be a stayaway and the councillors are to resign.

And your meeting, did it react to that in any way? -- After he had mentioned that another speaker got up, namely a Mr Maruping.

Did you know Mr Maruping? -- Yes I know him.

Is he also a young man? -- Well he is a middle aged man.
COURT: What is middle aged to you? -- If I were to look at Mr Bizos and estimate from his age in appearance I would say a middle aged man is younger than him by three or four (20) years.

Three or four years younger than Mr Bizos. Do we somewhere have a record of the age of Mr Bizos?

MR BIZOS: I prefer to make an admission. Sixty.

COURT: Sixty. So middle aged is up to 57? -- That is my judgment.

Yes, now Mr Maruping, where is he from? -- He is staying in Zone 3.

Thank you.

MR BIZOS: What did he say? -- Mr Maruping said he does not (30)

see/...

see any benefit from just staying away and doing nothing on that day. He felt it was worth doing it if we were to march to Houtkop on that day.

COURT: To do what? -- To go and meet our councillors there.

MR BIZOS: For what? -- About this matter of increase on the rent.

How was that received by the people, the suggestion by Mr Maruping? -- The meeting accepted that and was happy about his suggestion.

Did other people speak? -- Yes they did. (10)

Who spoke, that you remember? -- Mr Masenya also spoke there.

COURT: Where do you know him from? -- From Sharpeville.

Is he from Sharpeville? -- Yes, he is from there.

MR BIZOS: Was he living in Sharpeville at the time or, at the time the meeting was taking place or before that? -- What I am saying is that I knew him from Sharpeville because in Sharpeville our parents' homes were in the same neighbourhood. Now whether at this meeting he was coming from Sharpeville or from anywhere else that I cannot tell. (20)

COURT: So you do not know where he lived? -- No I do not know where he lives.

MR BIZOS: What did Mr Masenya say? -- As a result of the suggestion by Mr Maruping he on his talking asked a question which was what is going to happen if some people were to be arrested during the procession of the march.

Did anyone answer him? -- Yes.

Do you remember who, and in what way? -- The answer came from the audience, by whom I cannot say, but the answer to that was there is nothing wrong that is going to be done during (30)

the/...

the march procession and therefore this person said "I do not believe that some people can get arrested".

Did any women speak at this meeting? -- Yes there were.

Who? -- Myself, Rina Mokoena and Ma Matsaneng.

COURT: Ma is one word and Matsaneng is another one? -- The first Ma stands for Mrs Matsaneng.

MR BIZOS: Did you know Mrs Matsaneng? -- Yes we had met many times in Sharpeville prior to this day because originally she also comes from Sharpeville.

For how long had you been in Sebokeng? -- I moved to (10) stay in Sebonkeng since the year 1979.

Now do you remember, in relation to the speakers that you have already mentioned and the speakers that you are about to speak about now, do you remember the order in which they gave their speeches? -- I cannot remember the sequence of their speeches, who came after who. I only remember that these are the people who spoke.

Let us deal with Mrs Rina Mokoena. Do you recall what she said? -- Yes, in her speech she was encouraging the women present at that meeting to join the organisation VOW. (20)

Any other subject matter that she spoke on? -- What she further said was with reference to the councillors saying because it has now become clear that they are failing in carrying out their duties the best thing to do for them was to resign.

Anything else that you can remember her saying? -- She also explained to the people present there that VOW organisation is there to help people understand that women can be able to help each other.

Did she say how? -- Yes, she said VOW was in a position(30)

to/...

to pay, or buy things at a less price which things in turn can be dealt with at lower prices with those who cannot afford.

Can you remember if she said anything else? -- I cannot remember.

What do you say to the allegation that Mrs Rina Mokoena said that councillors must be killed and their property must be destroyed? -- There was no such a talk there.

Did any of the other speakers at any stage of this meeting say anything like that about the councillors being (10) killed or anyone else being killed or the councillors' property being damaged or anyone else's property being damaged? -- There was no such a talk there. What was mostly said at this meeting was the question of the rent.

You told us that Mrs Matsaneng spoke? -- Yes she did speak.

Can you recall what she said? -- What she said in her speech, her words were also encouraging the women to join VOW. In other words in her own words she was supporting Mrs Mokoena. (20)

And you spoke. What did you say? -- What I said was women knows better about the problems of the household and therefore because of that that they know better than men they are the people to stand up on this. I also made mention of the fact that where our men are employed by different firms they do not earn the same and even the number of children at different homes are not the same. I further said that the pain about this question of the rent is felt more by women because of the fact that they are the people who goes to the offices to pay the rent and not their men. (30)

Do/....

Do you remember saying anything else? -- I do not remember anything else. This is all I remember.

Can you remember whether any other person spoke? -- I cannot remember whether there was any other person who spoke. Even if there was but I cannot remember that.

I want to return to Mr Masenya. You told us that he asked the question what would happen to people if they were arrested. -- That is true. This is what he said.

Is this after the march had been suggested? -- Yes after the suggestion about the march. (10)

Before that had you seen Mr Masenya at the meeting? -- Yes he was present at the meeting.

What did you see him, where did you see him and what was he doing? -- For me to be aware about his presence in the meeting prior to this that I have just referred to it was as a result of his having spoke for the first time because this that I have just described is when he was speaking for the second time.

Tell us about the first time please? -- When he was speaking for the first time he got up and said something (20) about the councillors which I cannot remember what it was that he said. As a result of which he was stopped by a certain woman.

How was he stopped?

COURT: Do you know her name? -- No. She is not known to me.

MR BIZOS: What did, how did she stop him? -- She stopped him in the following way saying that he, Masenya, must keep quiet because he earlier stood as a candidate for the election as a councillor. After he had failed in being elected when he was outvoted he now decides to come and identify himself (30)

with/....

with the community.

And what was the effect of that statement by this woman?
-- This resulted into some disorder in the meeting in the following manner that there were some people who were making noise saying that he must be allowed to speak and some also making noise saying now he must not be allowed to speak.

Yes, anything else happen in regard to that? -- While that kind of noise and disorder was going on Mr Nkopane, if I am correct no. 8, is the person who tried to stop the noise calling for order. (10)

Did he manage to restore order? -- No he did not, which resulted in Bavumile, accused no. 10, also joining him assisting in trying to stop the disorder.

Then was this disorder stopped? -- Yes the noise was over and people were then sitting in an orderly fashion.

My Lord just as a cross-reference I am reminded that the woman has been identified as Maria Dlamini.

COURT: Thank you.

MR BIZOS: We will also seek an admission that she was available to the state and was in detention, she has not given (20) evidence.

COURT: No doubt that will be considered.

MR BIZOS: Well, or we may have to prove it because ...

COURT: Yes, but ask Mr, have you asked Mr Jacobs before now?

MR BIZOS: I am not sure but Mr Tip is busy drawing, in order to try and expedite the proceedings is busy drawing a ...

COURT: A list of admissions.

MR BIZOS: A list of proposed admissions and this sort of thing will probably be, but Mr Tip is in fact trying to perform a similar job as he did for the state case. (30)

COURT:/.....

COURT: Thank you.

MR BIZOS: Now did any other people speak from the floor there? -- Yes there were people who spoke.

Can you remember what every one of them said? -- It is not a matter of them having been given the opportunity to speak that they would stand up and speak. They were just making utterances while seated there confirming what had been said.

COURT: You mean confirming what? -- Like for instance it was said that the councillors are to resign, then somebody would(10) shout from the audience and confirm that. And in the case of the R5,90 this was also done, that that must not be paid.

MR BIZOS: You have told us that there a suggestion which met with the approval of the meeting that there should be a stay-away on 3 September. Was there any talk at the meeting about transport on that day? -- Yes there was.

What talk was there about that? -- What was said there is that the Vaal transport people will be approached with a request that the buses should not operate on that day. The same applies to the taxi drivers. These were also to be (20) approached with the same kind of a request.

Did anyone have anything else to say about taxis? -- Yes there was a question which was asked with reference to the taxis.

My Lord I have a note, will Your Lordship allow accused no. 21, Mr Chikane, to leave the court temporarily for a very short while. What was said about taxis? -- The question was what is going to happen to the taxis which may be operating on that day.

Yes? -- The answer to that was nothing was going to (30) happen./....

happen.

Was anything said about Evaton? -- Nothing was said about Evaton.

And were any, towards the end of the meeting were there any decisions taken at the meeting? -- Yes there were.

Can you remember what the decisions were? -- It was about the election of a Zone 3 committee.

Before the election what were the decisions of the meeting on the question of rent? -- The meeting resolved on the three, that the R5,90 increase in rent is not being paid, (10) and that there was going to be a stayaway staged on 3 September, thirdly that the councillors should resign.

And what else? -- And that people must not buy from the businesses owned by the councillors.

And anything about the 3rd? -- Yes.

What was said about the 3rd? -- That this day is going to be a major stayaway and the buses and taxis are not to operate. Thirdly.....

ASSESSOR (MR KRUGEL): Just a moment, do you spell that major, m-a-j-o-r, a major stayaway? -- That is correct. Thirdly (20) that the shops, which includes businesses, were to close on that day.

COURT: Is that all? -- Yes those were the resolutions of this meeting.

MR BIZOS: You then told us that there were elections? -- Yes that is true, then the elections after that.

At the end of the meeting? -- After the resolutions which were made pertaining to the rent then the elections started.

Who presided at the meeting at the time the elections were taking place? -- Esau Raditsela. (30)

Dorcas/...

Dorcas Raditsela's husband? -- That is so.

Was he there throughout the meeting whilst the speeches were going on or not? -- He was not there.

COURT: It is put on record that accused no. 21 has returned to court.

MR BIZOS: Did you see him coming to the meeting? -- I saw him.

At what stage? -- At the stage when the last resolutions of the meeting were receiving attention.

Did he participate in the proceedings of the meeting at all other than in relation to the elections? -- He was only (10) the chairman of the elections.

And how did the meeting end off? -- After the elections had been completed everybody got up. A song was sung and then the meeting was declared closed.

Which song was sung? -- Nkosi sikelele i Afrika.

Were any other songs sung before that? -- Yes.

ASSESSOR (MR KRUGEL): At what meeting Mr Bizos, the election meeting or the meeting as a whole?

MR BIZOS: No, I am sorry the meeting as a whole, the meeting of the 26th. -- Yes there were songs. (20)

Do you remember the songs that were sung? -- One of them was Senzenina, the second one Hlanganani Basebenzi. These that I have mentioned, the three, are the only ones that I remember.

Now you have already told us that no one spoke about violence to councillors or anyone else. When the meeting was at an end did people go about in a disorderly manner or in an orderly manner away from the meeting? -- The meeting closed and the people left in an orderly manner. There was nothing peculiar. (30)

Were/....

Were you introduced by name at this meeting? Did they say that you were Mrs so and so that was going to speak, Mrs Oliphant? -- Yes it was mentioned.

Yes. And you have already told us that you knew Mrs Rina Mokoena and Mr Masenya?

COURT: Yes, why do you repeat that?

MR BIZOS: In order to lead up to, to put the next question. To put the next question in context.

COURT: Is it really necessary?

MR BIZOS: Well perhaps not. (10)

COURT: It takes up three lines of the record.

MR BIZOS: As Your Lordship pleases. Did any police officer come to you at any time after 3 September 1984 and ask you Mrs Oliphant what happened at the meeting of the 26th, will you please make a statement? Did any police officer come to you for that purpose? -- The police did come but they never asked for a statement from me.

Did they ask for a statement from anyone else? -- No not from my house. Nobody was ever asked for a statement.

At the meeting of the 26th was there any talk as to (20) where the march would start from? -- No it was not said.

Did you thereafter hear where the march would be starting from? -- That is true.

Where? -- I heard this from Mr Oliphant who was telling me.

Is that your husband? -- Yes I mean my husband.

COURT: What is his first name? -- Ernest Oliphant.

MR BIZOS: Did you decide to go? -- Yes that was what I decided.

Did anything that you had heard at the meeting of the (30)

26th/...

26th, or during the week from 26 August to 2 September 1984 give you any indication that it would be illegal or wrong for you to join this march on the morning of the 3rd? -- No nothing of that sort ever occurred in my mind.

Did you go to the Roman Catholic church, Small Farms on the morning of 3 September 1984? -- Yes I did.

COURT: Did your husband go along? -- No my husband left in the company of Reverend Mahlatsi and Mr Ephraim Dibate.

MR BIZOS: On your way to the church that morning did you see any obstructions on the road? -- No I did not see (10) obstructions on the road.

Did you see any property burning or being destroyed or having been burned or having been destroyed? -- No I did not come across such.

Do you know a teachers training college? -- Which one is this now that you are talking about as a teachers training college?

COURT: Any teachers training college, any one? -- No I do not know about it.

In the whole of the Vaal triangle you do not know about (20) a teacher's training college? -- I only know about a place they say is at Venter's place but I am not sure because I have not been there myself.

When somebody speaks, have you ever heard anybody speak of a college, not a teachers training college, a college? -- I have not spoken to anybody who made mention of a college to me.

MR BIZOS: This place Venters that you have mentioned do you know it, do you know where it is? -- I hear people saying that this is in the immediate vicinity of Houtkop, next to a (30)

state/....

state school.

Is that what you heard in 1984 or now? -- No that is what I heard now recently, that there was such a school there.

I am instructed My Lord that it is in fact presently situated there. Well I will leave it at that, I will not ask ... What time did you arrive at the church on the morning of the 3rd? -- I cannot remember what time it was but on arrival there there were people already.

COURT: Did you walk to church? -- Yes from Zone 3 to Small (10) Farms.

MR BIZOS: And what did you find when you got there? -- On arrival there I went straight into the church, that is where the people were proceeding to on arrival.

My Lord having, lest we forget at the end of the proceedings I have a doctor's certificate in relation to accused no. 13 in which the doctor, well it is in the form apparently usually addressed to employers as a medical certificate but perhaps I should hand it up to Your Lordship.

COURT: Yes, what do we do about it now? (20)

MR BIZOS: Leave is being sought for no. 13 to be excused for tomorrow and Friday.

COURT: What is the nature of the ailment? Could I have the certificate please.

MR BIZOS: It is inflammation and it looks like rigors, an inflammation and rigors. He was shaking this morning.

COURT: Yes leave of absence is granted for tomorrow and for Friday.

MR BIZOS: Would Your Lordship consider absolving him of the obligation to report on tomorrow and Friday? We can (30)

possibly/...

,possibly notify the police where he is going to be. The attorneys can notify the police where he is going to be.

COURT: Mr Jacobs what is your attitude?

MNR JACOBS: Ongelukkig ek kon nie met my ondersoekbeampte, hy is uit die hof uit.

HOF: Hy sal seker nou nou terug wees en kan jy nou nou dit ophaal voor ons verdaag.

MNR JACOBS: Net sodra hulle inkom sal ek dit met hulle opklaar.

COURT: Will you have a look at the certificate Mr Jacobs. (10)

MR BIZOS: You have told us that you arrived there and went into the church hall? -- That is so.

What was happening in the hall? -- The hall was full. I managed just to get inside the hall and stood not very far from the entrance into this hall.

Yes, and what happened there? -- Esau Raditsela addressed the people who were in that hall.

What did he say? -- What he said was that he is going to ask the important thing from the community there, that is the good behaviour he is going to ask them for. (20)

What else? -- He further said that they have to march with respect and dignity in this procession to Houtkop.

Anything else? -- He also made mention of the fact that there will be some people who will be walking on the sides of this march to supervise the movement of the march.

Yes, anything else? -- Not long because in actual fact this meeting in the hall did not take long, we then went out.

Did only Raditsela speak inside or did other people speak as well? -- There were two other people who also spoke from the audience. I could not hear what they were saying (30)

because/....

because of the fact that I was standing far from them, next to the entrance into this hall.

C.1073 And what happened after they spoke? -- We then went out.

What happened outside? -- The address by Esau Raditsela inside the hall was again repeated by him outside for the benefit of those who were outside who could not hear the address he made inside the hall, where he was supported in confirmation by accused no. 8 on what he said. No. 17 accused also supported him on what he said in his address and added the following that the pace of the march must (10) not be fast because of the reason that there are elderly people taking part in this procession.

I understand that my learned friend is ready to say something to Your Lordship.

MNR JACOBS: Edele ek het die polisiebeamptes 'n boodskap uitgestuur en mnr Fick het met hulle gaan praat. As die verdiging bereid is om die adresse te gee waar die beskuldigde gevind kan word dan hoef hy nie vir hierdie dae nie, dan kan ons saamstem dat die hof verlof gee om nie te rapporteer nie maar dan moet die adres waar hy beskikbaar (20) is vandag nog na die verdagting aan die polisie verskaf word.

COURT: Well can you give us the address now so that we can put it on record and have no debate about it Mr Bizos?

MR BIZOS: No. 45, 11th Avenue, Mayfair.

COURT: Johannesburg?

MR BIZOS: Johannesburg.

COURT: Yes accused no. 13 is excused from attendance at court on the coming Thursday and Friday. His address where he will be is to be 45 11th Avenue, Mayfair, Johannesburg and on that condition he is excused from reporting in the (30) ordinary/...

ordinary way.

MR BIZOS: I think the certificate indicates that he has to see the doctor in Pretoria on Friday but the police will be informed if that does happen. Now what do you say to the allegation that what was said by Raditsela inside and outside this church hall on the morning of the 3rd was that the march was to go out and kill the councillors, destroy their property? -- I do not agree with that.

That the public property belonging to the board or to the town council should be destroyed? -- At that meeting there (10) was no such a talk.

Or that the purpose of the march was to go from one councillor's house to the other and take them with you to Houtkop? -- No there was no such a talk.

Did you see anybody carrying anything, carrying anything up high outside the church hall on the morning of the 3rd? -- Does that mean in the morning on my arrival there?

Either on your arrival or when you came out of the church hall? -- On our way out from the hall yes I did.

What did you see? -- There were placards outside. (20)

What sort of placards and what did they say? -- Some cardboard boxes which were cut flat and there was some writing on them by means of a marking pen.

Did you read any of them or all of them? -- I read some of them.

What did they say? -- These were saying that councillors should resign and the increase on rent is not being paid.

COURT: On one placard or on, councillors should resign on one placard or councillors should resign and increase of rent not to be paid all on one placard? -- On different placards. (30)

MR BIZOS:/...

MR BIZOS: Did you see any, on any placard "Kill Mahlatsi and his brothers"? -- I did not see that one.

Did you fall into the march? -- That is true.

On the church premises or after it had left the church premises? -- It had already left the church premises in the street where I joined the march.

COURT: Where was it set up? -- Inside on the premises just at the gate.

MR BIZOS: Whilst it was being set up did you see or hear anything about people leading the march? -- I heard, yes. (10)

Who, or what? -- Reverend Mahlatsi was in front leading the march.

COURT: Did you see him? -- Yes he left from where we were standing and said that he was going right to the front.

MR BIZOS: Anyone else? -- I only remember him.

And the placard bearers, where were they? -- They also went to the front.

How many of them were there? -- If I remember well in number they were between 10 and 15.

Were they young or old? -- Young. (20)

COURT: And again what is young? -- Between 19 and 25 is young.

MR BIZOS: Were there any children there on the march at all, 16 downwards, did you see any children? -- There were no children.

COURT: Were there no children looking on? -- There were children standing in different yards in their dresses looking in the direction of the march.

MR BIZOS: And the people that composed this march what was the majority? Young people or elderly people? -- The elderly people were in the majority of the march. (30)

As/....

As you went along when you fell in, as you went along the road did you see any obstructions on the road? -- No I did not see any obstructions at the time.

Did you see any property burning as you were leaving the immediate vicinity of the Roman Catholic Church and the commissioner's office, did you see any property around there burning at all? -- I did not see any place burning.

COURT: When did you see for the first time any excessive smoke that morning? -- After the confusion which was caused by the police to the march on our way back in the vicinity (10) or the direction of the shopping centre in Zone 12, far from me of course, I noticed a smoke.

MR BIZOS: Was, as the march was proceeding along the tarred road up the hill was it orderly or disorderly? -- It was orderly.

Were there any people exercising control? -- Yes there were.

Was anyone forced to join the march? -- No nobody was forced.

COURT: Where were you in this march? -- Because of my (20) problem with my feet I was more to the back of the march. I could not be faster than that.

If you divide the march into quarters in which quarter were you? -- In the fourth quarter.

MR BIZOS: Let us just try and get a little bit more precise. Would you say that, how far from the back were you? I accept that it was in the fourth quarter. How far from the back, right to the back of the march? -- I would rather say I was in the middle of the fourth quarter.

Did you see anyone damaging the bus sheds, I beg your (30)

pardon/....

pardon no the bus stops or bus sheds or ticket office of the Vaal Transport Corporation? -- I did not see anybody causing damage.

Did you see anyone being forced to join the march?

COURT: That I think has already been asked.

MR BIZOS: I am sorry, I had forgotten about that. As you were going along did the march continue at the same pace or did it slow down or anything untoward happen? -- It was moving at the same pace.

COURT: All the way until you saw the police? -- Yes we (10) were walking at the same pace that we were walking at the beginning with the march.

MR BIZOS: Do you know where that road takes a turn towards Houtkop to the right and towards the stadium towards the left, as you were walking up the hill? -- Yes I know where it is.

Did anything happen there that attracted your attention at any stage? -- I do not remember anything happening there.

Were people joining the march as you were going along? -- Yes there were people.

As individuals or as small groups or as large groups, (20) how were they joining? -- They were coming in small groups and joining.

Other than the placards that you saw at the church yard that were leading the march did you see any other placards on that day? -- No there was none.

When you reached this intersection that goes to the stadium on the left and to Houtkop on the right did you notice anything unusual there in the vicinity of that intersection? -- I cannot remember noticing something unusual at that point. (30)

Did/...

Did you move with ease on this march Mrs Oliphant? --

-- Yes I did not experience any problem on my way.

Did you become aware that there was any violence taking place in the township whilst you were marching? -- If ever there was such a happening, maybe because of the fact that I was right at the back of this march I did not notice that.

Did you go past the post office? -- Yes I did pass.

Was it damaged or did you say anybody trying to damage it? -- It was not damaged. It was just as it was originally.

Yes. And did you know where Hunters Garage is? -- (10)
Just on the outskirts of Zone 11 on your left as one goes up the tarred road.

Yes, what happened, did you yourself reach Hunters Garage? -- That is true.

COURT: Did you pass it? -- No we did not pass.

What happened? -- As we were nearing that point I became aware of the march slowing the pace from what it was prior to our reaching that point. As a result of which then I looked to see what was happening. I noticed some Hippos which were parked across the road. (20)

MR BIZOS: Yes, and then what happened? -- While I was still wondering what was happening I heard shots from guns.

COURT: Yes? -- And helicopters were busy spraying teargas.

Yes? -- As a result of which then we dispersed, everybody running.

MR BIZOS: Before you heard guns and saw the helicopters did anyone ask you to disperse? -- I did not hear anybody saying that, even if that person was there who said that I did not hear him or her.

COURT ADJOURNS UNTIL 21 JANUARY 1988.

(30)

DELMAS TREASON TRIAL 1985-1989

PUBLISHER:

Publisher:- Historical Papers, The University of the Witwatersrand

Location:- Johannesburg

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DOCUMENT DETAILS:

Document ID:- AK2117-I2-27-328

Document Title:- Vol 328 p 18735-18794. Witnesses: Nyembe & Oliphant