

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

I.I.B. VOL. 101. PG. 4945 - 5036.

SAAKNUMMER; CC 482/85

DELMAS

1986-06-03 en 04

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

101

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

VOLUME 101 (IN COGNITO GETUIE NR. 19)

(Bladsye 4 945 - 5 036)

MNR. HANEKOM : U Edele, die volgende getuie gaan getuig oor Bvander.

HOF : Wat is sy naam?

MNR. HANEKOM : Ek het opdrag om aansoek te doen dat hy in camera getuig.

HOF : Die publiek moet asseblief die hof ontruim sodat ek kan besluit of die saak in camera verder voortgesit word by die volgende getuie of nie.

HOF WORD ONTRUIM.

MNR. HANEKOM : Die getuie is die voorsitter van die Gemeen-(10) skapsraad van Leandra. Hy woon nog steeds in Leandra. Sy huis is afgebrand. Van die persone wat sy huis afgebrand het, het hy uitgeken as verbonde aan die Leandra Action Committee. Hy sê hy vrees vir sy lewe as hy hier getuig. Dit is al inligting wat ek u kan gee.

MR BIZOS : I raise the same objection, My Lord, that this is a person in public life. He is no different to Mr Mahlatsi and the others that have given evidence in this case. I presume he is not going to give evidence of any private conversation that he has had with any of the accused or their (20) co-conspirators reaching any confidence, and that Your Lordship will not allow a situation to develop that everybody that holds public office is going to give evidence behind closed doors.

HOF : Gaan hy getuig oor private gesprekke met samesweerders ensovoorts, beweerde samesweerders? Of gaan hy in die algemeen getuig oor wat in Leandra gebeur het?

MNR. HANEKOM : Hy het wel gesprekke gehad met van die persone wat ook verantwoordelik was vir die skade by sy huis wat verbonde is aan die Leandra Action Committee. In konsultasies (30) probeer ek my bes om die getuies te oortuig om wel in die

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openbaar te getuig, maar hy staan baie sterk daarop, hy sê hy is amper nie bereid om te getuig nie. Dit is my instruksies, hy sê hy is nie bereid om te getuig as hy nie in camera kan getuig nie. Dit is hoekom ek die aansoek tot u rig.

HOF : Ja, ek sal hom aanhoor.

MR BIZOS : I want to place this on record. We have information of persons who have been approached to give evidence by Mr Jacobs and I am saying this, I have no information in relation to My Learned Friend. I accept his assurance unreservedly that he tried his best to influence this witness, (10) but evidence will in due course be led by witnesses who were here, who had not been called by the State, who had had consultations with Mr Jacobs and we are informed that these persons after their release as State witnesses that Mr Jacobs spends a lot of time trying to persuade them to ask Your Lordship to give evidence in camera and I exclude My Learned Friend from this.

HOF : Sal u net u naam hier skryf, asseblief. Ek verstaan dat u die voorsitter is van die Gemeenskapsraad in Leandra?

GETUIE : Ja, dit is so. (20)

HOF : Ek verstaan ook dat u kom getuig oor gebeure in Leandra. Ek dink u huis is afgebrand?

GETUIE : Ja, dit is so.

HOF : Ek begryp van die aanklaer dat u gevra het dat u in camera getuig?

GETUIE : Ja.

HOF : Kan u vir my sê wat u redes is?

GETUIE : Die rede is dat by die plek waar ek woon daar mense is wat ons vyande is en wat teen ons baklei, wat eintlik dreig om ons dood te maak. (30)

HOF : Wanneer laas is u gedreig?

... / GETUIE

GETUIE : Dit was in Novembermaand toe hulle my huis weer 'n keer gebrand het.

HOF : November 1985?

GETUIE : Ja. Dit was 19 November.

HCF : Voor dit, wanneer is u huis gebrand?

GETUIE : 28 Oktober 1984.

HCF : En toe nou weer verlede November?

GETUIE : Ja.

HOF : Kan u vir my sê hoekom wil hulle van u ontslae raak of u huis afbrand? (10)

GETUIE : Hulle sê ons verkoop mense.

HOF : "Sell-outs"?

GETUIE : Ja.

HCF : Daardie mense, sal die probleem nie ondervang word as ek gelas dat jou naam glad nie gepubliseer mag word nie?

GETUIE : Dit kan help.

HOF : Kyk, ek het 'n keuse of ek die hele hof toemaak dat daar niemand in die hof kom nie of dat ek gelas dat niemand jou naam buite die hof mag publiseer nie. Ek het 'n probleem. As ek die hof heeltemal toemaak, dan beteken dit dat as mense (20) dink dat jy miskien getuig het en begin probeer navrae doen, dan sal hulle allerhande stories hê oor wat jy vertel het en dat dit nie noodwendig die waarheid kan wees nie. Terwyl as ek gelas dat jou naam nie bekend gemaak word hier of in die pers nie, sal daardie mense wat jou huis aanval nie weet dat jy getuig het nie. In elk geval is hulle - sê vir my, wanneer het julle laas onluste of dreigemente van onluste gehad in Leandra?

GETUIE : Dit was in Novembermaand, soos ek alreeds gesê het.

HOF : Julle het nie nou onlangs gehad nie? (30)

GETUIE : Nee, ons het niks gehad nie. Selfs nou op die

huidige oomblik is daar niks nie.

HOF : Is dit stil?

GETUIE : Dit is stil.

HOF : Daar was ook nie dreigemente gewees aan u of aan ander readslede oor wat sal gebeur as u in hierdie saak getuig nie?

GETUIE : Ek glo nie daar is een van hulle wat weet dat ek vandag hier is nie.

HOF : Mnr. Hanekom, as ek gelas dat die naam van die getuie nie bekend gemaak word in die hof nie en mnr. Bizos versoek om hom nie te kruisverhoor op sy naam nie en gelas dat die (10) naam nie gepubliseer word nie en ook nie besonderhede gepubliseer word wat hom kan identifiseer nie en onder daardie voorwaardes die hof opstel, is daar enige probleem?

MNR. HANEKOM : Nee, veral in die lig daarvan dat dit op die oomblik vir 'n redelike tyd al stil is.

HOF : Want ek wil nie graag afwyk van die bestaande reël as ek dit enigsins kan verhelp nie. Getuie, ek is van plan om die volgende reëling te tref dat u sal in cognito getuig, u naam sal nie hier in die hof genoem word nie en hy sal ook nie genoem word in die pers nie en daar sal ook geen publi- (20) kassie wees van enige besonderhede waarvan mense u identiteit kan aflei nie.

GETUIE : Ek verstaan dit.

IN COGNITO GETUIE NR. 19, v.o.e. (Deur tolk)

COURT : My ruling is as follows that this witness is giving evidence in cognito, not in camera. Nothing is to be published, either his name or any other particulars that give any indication of his identity, otherwise the court is open to the public.

ONDERVRAGING DEUR MNR. HANEKOM : Sedert ongeveer Augustus (30) 1981 was u 'n lid van die Leandra Action Committee? — Ja, dit

is so.

Tot wanneer het u lid van die organisasie gebly? -- Tot en met die tydstep wat ek gekies was as a raadslid.

Van die Gemeenskapsraad van Leandra? -- Ja.

Is dit reg dit was in September 1983? -- Ja, dit is korrek.

Is u daarna ook verkies as voorsitter van die Gemeenskapsraad? -- Dit is reg.

En beklee u die posisie tans nog? -- Dit is so.

Hoeveel raadslede is op u Raad? -- Ses.

Funksioneer die Raad op die oomblik? -- Ja, dit funksioneer. (10)

In die tydperk wat u lid was van die Leandra Action Committee, wat was daardie organisasie se verhouding teenoor die Gemeenskapsraad? -- Ons het gesprekke uitgevoer met die gemeenskap en dit weer met die Gemeenskapsraad gaan bespreek namens die gemeenskap.

Was daar in daardie tydperk 'n gespanne atmosfeer tussen die organisasie en die Gemeenskapsraad of was dit ontspanne? Was dit 'n vriendelike atmosfeer? -- Die atmosfeer was goed gewees. (20)

Nadat u die Leandra Action Committee verlaat het, wie het voorsitter van daardie organisasie geword? -- 'n Sekere mnr. Nkabinde wat saam met my was met die verkiesing van Gemeenskapsraadslede wat toe nie deurgekom het en nie gekies was as lid nie. Hy het toe voorsitter geword van die organisasie wat ek verlaat het.

Wat is mnr. Nkabinde se voornaam? -- Abel Nkabinde.

MR. BIZOS : I have just arranged for Mr Nkabinde to go out of court.

MNR. HANEKOM : Nadat mnr. Nkabinde voorsitter van die Leandra Action Committee geword het, wat was die verhouding (30)

... / tussen

tussen die Action Committee en die Gemeenskapsraad van daardie stadium af? — Dit was net op hierdie stadium wat dit begin het dat daar nie 'n goeie verhouding was tussen ons, die raadslede en die Action Committee nie.

Het u as voorsitter van die Gemeenskapsraad probeer om 'n goeie verhouding met die Action Committee te handhaaf? — Ons het baie probeer, soos ons reeds vantevore gedoen het, dat daar nie moeilikheid moet wees tussen die twee nie.

Nadat u op die Gemeenskapsraad begin dien het, het u openbare vergaderings van die Action Committee bygewoon? (10) — Ons het op twee geleenthede hierdie tipe vergaderings bygewoon. Op 'n latere stadium was ons gesê dat ons nie meer die vergaderings moet bywoon nie. Toe daardie besluit aan ons oorgedra word dat ons belet word om die vergaderings by te woon, was die volgende aan ons gesê die rede was dat ons na hulle vergaderings toe gaan om die gesprekke daar na te luister en dit wat bespreek word en dit oor te dra as verkopers van mense.

Wie het hierdie besluit van die Action Committee aan u oorgedra? — Mnr. Nkabinde het dit bekend gemaak in die (20) vergadering.

HOF : Watter vergadering? — Dit is die vergadering wat hulle daar gehou het.

MNR. HANEKOM : Was u teenwoordig in die vergadering? — Ja, ek was.

Wanneer min of meer was die vergadering? — Onder korreksie, tussen Julie en Augustusmaand.

Jaar? — 1984.

Het mnr. Nkabinde in sy aantyging gesê aan wie julle die inligting sou oordra? — Ja, hy het gesê ons dra dit oor aan (30) die boere, want ons werk saam met die boere.

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Na wie het hy verwys as die boere? Wat het u verstaan?

— Wat ek verstaan het, was omrede ons nou raadslede is wat werksaam is in die omgewing wat te doene het met die Ontwikkelingsraad, is dit die boere wat hy na verwys het.

Het u na daardie vergadering nog vergaderings van die Action Committee bygewoon? — Na ons belet was en verwittig was dat ons nie eintlik daardie vergaderings moet bywoon nie, het ons nie meer die vergaderings bygewoon nie.

Nadat u verkies was as voorsitter van die Gemeenskapsraad was daar 'n kennisgewing by die Ontwikkelingsraadskantore (10) opgeplak wat dit bekend gemaak het. Is dit reg? — Daar was 'n aankondiging by die kantore net voor ons daar gekies was as Gemeenskapsraadslede.

HCF : Laat ek nou net duidelikheid kry. U het op die Gemeenskapsraad gekom in September 1983? — Ja.

En u is onmiddellik verkies as voorsitter? — Ja.

MNR. HANEKOM : Nadat u verkies is op die Raad as voorsitter, is dit ook bekend gemaak by wyse van 'n skriftelike kennisgewing wat opgeplak was by die Ontwikkelingsraadkantoor? — Na ons verkies was, ons, die raadslede, het 'n verkiesing gehou (20) in verband met wie die voorsitter gaan wees. Ons het dus onder mekaar geweet wie die voorsitter was.

Is dit by wyse van 'n kennisgewing bekend gemaak, 'n skriftelike kennisgewing?

HOF : Aan die publiek in die algemeen of bedoel u opplak?

MNR. HANEKOM : 'n Kennisgewing by die Ontwikkelingsraadskantore, wat daar opgeplak was? — Mag ek daardie storie van die papier verduidelik?

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Ja, verduidelik, asseblief. — Ek dink die advokaat verwys na die stukkie papier wat eintlik as advertensie gebruik (30) was by die kantore vir die stigting van die Gemeenskapsraad.

Dit mag so wees. Is in die papier ... (Hof kom tussenbei)

HOF : Nee, dit kan nie dieselfde ding wees nie, want die Gemeenskapsraad is eers gestig en daarna is die voorsitter verkies.

MNR. HANEKOM : Ek sal dit opklaar.

HOF : Dit lyk nie vir my of u dit regkry nie, maar gaan maar voort.

MNR. HANEKOM : Ek gaan poog. In die advertensie wat u van praat, is die termyn wat die Gemeenskapsraad sou dien bekend gemaak? -- Wat eintlik gebeur het, wat die advokaat na ver-(10) wys is 'n fout wat vervat was in hierdie kennisgewing van die stigting van die raadslede wat toe later gebruik was deur sekere mense in die gemeenskap.

Vertel asseblief vir die Hof wat se kennisgewing of advertensie dit was en wat die fout daarmee was? -- Op hierdie kennisgewing was dit bekend gemaak dat lede op 'n sekere datum gekies gaan word wat gaan dien in die Gemeenskapsraad van Leandra. Die termyn daar was gegee vir 'n tydperk van een jaar. Dit is die fout wat gemaak was in die bewoording van hierdie kennisgewing. (20)

Is die termyn verkeerdelik aangegee as een jaar? -- Ja.

Wat moes die korrekte termyn wees? -- Volgens die Staatskoerant met betrekking tot die verkiesing en die stigting van die raadslede te Leslie, moes dit drie jaar gewees het.

Wat het die Leandra Action Committee gedoen na aanleiding van hierdie kennisgewing? -- Dit het toe 'n vergadering geroep, dit wil sê die inwoners se vergadering en die inwoners is gesê dat die termyn van die raadslede is een jaar en dat dit nou verstryk het.

Was die vergadering nadat u 'n jaar gedien het reeds? (30)

-- Ja.

Het u vooraf die fout probeer regstel en onder die mense se aandag bring? -- Alvorens die Action Committee dit na vore gebring het, was niemand daarvan bewus dat daar 'n fout was in hierdie kennisgewing met betrekking tot die termyn nie. Eers nadat die Action Committee dit na vore gebring het, het ons daarvan bewus geword en toe begin om dit te probeer regstel deur die hooflanddros te gaan spreek daaromtrent, wie ons terugverwys het na die Action Committee toe om hierdie aangeleentheid met hulle te gaan bespreek.

Het u dit gedoen? -- Ja, ons het dit gedoen. Ongeluk-(10) kig was ons nie deur die Action Committee aanvaar nie.

Het die Action Committee voortgegaan om aan die mense van Leandra te verkondig dat die termyn verstryk het of het hulle dit nie verder geneem as daardie een vergadering nie?

ASSESSOR (MNR. KRÜGEL) : Kan die getuie miskien net verduidelik, wat bedoel hy hulle is nie aanvaar deur die Action Committee nie? -- Wat ek daarby bedoel is, ons het die Action Committee genader en hulle versoek om saam met ons te kom sit in 'n vergadering en hierdie fout te bespreek, na aanleiding waarvan die Action Committee toe gesê het daar is geen gesprekke(20) wat hulle bereid is om met ons uit te voer nie. Dit is op daardie basis dat ek sê hulle het ons nie aanvaar nie.

ECF : Kan u my net dit sê, die hooflanddros, het hy gesê dat die kennisgewing net 'n fout bevat het, maar dat julle termyn drie jaar is of het hy gesê dat as gevolg van die kennisgewing is julle termyn nou net een jaar? -- Hy het gesê dit was net 'n fout in die skryf van hierdie kennisgewing en die termyn is nog nie verstreke vir die raadslede nie. Dit is eintlik die boodskap wat ons aan hierdie mense moes gaan oordra het dat dit so vertolk was deur die hooflanddros. (30)

MNR. HANEKOM : Nadat u en die Action Committee mekaar nie kon

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vind nie, het hulle voortgegaan om aan die mense voor te hou dat julle termyn verstryk was of nie? -- Ja, hulle het voortgegaan.

Het hulle openbare vergaderings gewoonlik baie mense getrek of was dit nie goed bygewoon nie? -- Soos ek alreeds gesê het, nadat hulle geweier het om 'n gesprek met ons uit te voer en nadat hulle ons verbied het om die vergaderings by te woon, het ons nie meer hulle vergaderings bygewoon nie.

HOF : Was hulle houding dat hulle 'n nuwe verkiesing wou hê so dat daar nuwe mense verkies kon word of was hulle houding (10) dat julle moet bedank en dat daar niks moet wees nie? -- Hulle houding was daar moenie meer 'n Gemeenskapsraad bestaan nie.

MNR. HANEKOM : Wie was die spreker namens die Action Committee toe u met hulle probeer onderhandel het? -- Die voorsitter, mnr. Nkabinde en sy lede.

Kan u onthou watter lede teenwoordig was? -- Jabu Mtjali, Anthony Mkaya en die oorlede Ampie Maysa. Daar was nog ander wat ek nie nou kan onthou wie hulle almal was nie.

Het u self die Gemeenskapsraad verteenwoordig? -- Ja.

HOF : Het julle bymekaar gekom om te praat, maar toe weier (20) hulle om met julle te praat of het julle nooit eers bymekaar uitgekom nie? -- Ek het by hulle gekom in die geselskap van ander Gemeenskapsraadslede tesame met die brief wat ek gehad het wat aan hulle verduidelik moes geword het.

Die brief van die hooflanddros? -- Ja.

MNR. HANEKOM : En het daar wel 'n gesprek plaasgevind tussen u en mnr. Nkabinde? -- Ja, daar het.

En het ek u reg verstaan mnr. Nkabinde het gesê julle termyn het verstryk en julle moet julle setels ontruim?

HOF : Weg net 'n bietjie, dat ons nie heeltemal die ding (30) deurmekaar gooi nie. U kom nou met die brief van die

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hooflanddros by die mense aan? -- Ja.

Wat sê u vir hulle? -- Met ons aankoms by hulle het ek gesê omdat dit en dit gesê word en dat ons termyn verstryk het, het ons dit opgevolg en ondersoek ingestel en vasgestel dat die termyn nog nie verstreke is nie en toe verder aan hulle verduidelik dat dit net 'n tikfout was, na aanleiding waarvan mnr. Nkabinde toe gesê het "Al het julle gekom met daardie fout wat julle nou aan my noem, die fout het niks met my te doen nie. Dit raak my nie."

Hoekom nie? -- Hy sê toe verder hy het nie tyd om dit (10) met ons te bespreek nie of dat ons dit met hulle moet bespreek nie, want die termyn het verstryk. Dit is hoekom ek sê dat hulle ons nie aanvaar het nie.

Was dit toe die einde van die gesprek? -- Ja, dit was toe die einde van die gesprek.

Mnr. HANEKOM : Was dit heeltemal die einde of het mnr. Nkabinde ook gesê wat sal gebeur as julle nie julle setels ontruim nie? -- Hy het eers aan ons gesê voor ons uiteen is dat ons 'n ongeluk gaan kry as ons nie padgee nie. Hy het toe daarna dit aan die gemeenskap gaan oordra dat hierdie honde van die (20) goewerment, as hulle nie padgee nie, gaan hulle 'n ongeluk kry.

Het hy die dag toe julle bymekaar was daar gesê hoekom julle moet padgee? -- Ja, soos ek alreeds gesê het, hy het dit al verskeie kere vantevore gesê dat daar nie 'n Gemeenskapraad moet wees op Leslie nie. Dus het hy dit weer daar herhaal.

Wat het u self verstaan toe hy gesê het julle sal 'n ongeluk kry? -- Destyds toe hy dit gesê het, het ek eintlik nie verstaan wat hy daarmee bedoel het nie, tot op een dag, dit was die dag van die aanval op my huis. Ons het 'n vergadering met die gemeenskap gehad. Hulle het toe die vergadering (30) van ons daar kom betree en onbeheerbaar gemaak, as gevolg

... / waarvan

waarvan die vergadering toe uiteen is. Dit is die dag wat hulle my huis aangeval het. Dit was toe op daardie stadium wat ek besef het wat die ongeluk waarvan hy gepraat het was.

Ek wil u nie stop om oor daardie dag verder te praat nie, maar ons sal h bietjie na meer detail terugkom in verband daarmee, maar ek wil nou eers terugkom na die tydperk Mei/Junie 1954. Was daar op daardie stadium binne-in Leandra self 'n verskuiwing van mense gewees? -- Ja.

Vertel asseblief vir die Hof wat was die posisie, wie is verskuif en waarnatoe is die mense verskuif? -- Te Leandra (10) is hulle besig om nuwe geboue op te rig vir die woonbuurt net buite die ou woonbuurt, maar daardie strukture kom nader aan die ou woonbuurt. Hoe nader die oprigting van die strukture van hierdie nuwe huise na die ou woonbuurt kom, hoe meer moet ons mense verskuif vanaf die ou woonbuurt na 'n sekere gedeelte toe waar hulle nie geaffekteer gaan word deur die nuwe oprigting van strukture nie.

HOF : Gaan die nuwe woonbuurt oor die ou woonbuurt heen skuif? -- Dit is so.

MNR. HANEKOM : Is dit reg, sommige mense wat geaffekteer (20) word in die ou gebied, moet dan tydelik verskuif voordat hulle gehuisves kan word in die nuwe woongebied? -- Ja, dit is so.

Wat het die Leandra Action Committee vir die gemeenskap gesê oor hierdie verskuiwing? -- Nadat ons ooreengekom het met die mense wat geaffekteer was deur die verskuiwing as gevolg van die nuwe strukture wat opgesit word, het ons die mense verskuif na 'n sekere plek toe, dit wil sê na 'n gedeelte wat nie geaffekteer sal word deur die nuwe huise nie. Terwyl die mense daar was het die Leandra Action Committee toe die mense genader en vir die mense daar gaan sê dat die doel van (30) hulle verskuiwing na daardie gedeelte is om hulle gereed te

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kry dat hulle verder verskuif moet word na Kwa-Mdebele tuisland toe.

Het u Raad, die Gemeenskapsraad gedurende Augustus/September in daardie tydperk 1984 'n openbare vergadering belê met die doel om die gemeenskap in te lig oor die verskuiwingskwessie?

-- Ja, dit is so.

Zan u nog onthou presies wanneer die vergadering was? -- Ek kan nie die presiese datum onthou nie. Dit is juis die punt waarom ek sê dit was Augustus/September, soos dit aan my gestel was. (10)

Het u vreemde persone op die openbare vergadering opgemerk? -- Ja. Terwyl ons daardie vergadering daar gehad het, het daar Blankes aangekom.

Wat het u toe gedoen?

HOF : Blankes wat u geken het of nie? -- Nee, hulle was vreemdelinge.

MRS. HANEKOM : Nadat u die vreemde Blankes daar opgemerk het, wat het u gedoen? -- Ek het toe navrae gedoen by die verhoor van die vergadering of daar enigiemand is wat die vreemdelinge ken, wat miskien weet wat die rede was vir die besoek van (20) die vreemdelinge op hierdie vergadering.

Net om duidelikheid te kry, was u voorsitter van die vergadering? -- Ja.

Het iemand van die gehoor u ingelig? -- Ja, die lede van die Action Committee het daarop geantwoord. Om meer spesifiek te wees, mnr. Ekabinde het daarop geantwoord en gesê dat hy die persoon is wat die persone genooi het na wie ek verwys het as vreemdelinge.

HOF : Om wat te kom doen? -- Hy het gesê hy het die mense genooi om te kom luister na die dinge wat ons sê. Van die (30) mense is prokureurs. Hy wou graag gehad het dat hulle eintlik

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die eerste inligting kry van wat ons daar sê en wat daar gebesig word.

MNR. EANEKOM : Het hy gesê wie die mense is of aan watter organisasies hulle behoort? — Ja, hy het gesê hulle is van die Black Sash.

Het hy gesê wie die persone was? Het hy hulle voorgestel? — Ja, hy het twee genoem wat ek nog kan onthou. Sjina Duncan en die tweede een was Bam.

Het die vreemde persone toe in die vergadering gebly of het hulle die vergadering verlaat? — Ek het dit bekend (10) gemaak aan hulle dat ek as die persoon wat die vergadering daar byeen geroep het, aanvaar nie en is nie tevrede met hulle teenwoordigheid daar nie en ek aanvaar hulle nie daar as mense wat die vergadering kan bywoon nie. Een van die raadslede, Magatyane het toe 'n voertuig geneem en na die polisie toe gegaan. Kort na hy weg is, het hierdie persone ook gevolg.

Het u toe die aand op die vergadering aan die mense wat daar teenwoordig was hoe die verskuiwings werk en wat gaan gebeur? — Ja, ek het.

Was daar baie mense wat die vergadering bygewoon het? (20) — Ja, baie.

Wat was u indrukke van die vergadering? Was die mense tevrede of ontevrede? — Hulle was tevrede gewees.

Volgens u kennis het die Leandra Action Committee na hierdie vergadering steeds vir die mense gesê dat hulle na 'n tuisland verskuif gaan word of het hulle opgehou daarmee? — Ja, hulle het voortgegaan.

Het dit onenigheid in die gemeenskap afgegee of wat was die posisie? — Ons het besef dat daar nou verwarring was tussen die gemeenskap as gevolg hiervan en toe 'n tweede (30) vergadering geroep.

HOF : Gaan u nou oor na 'n volgende vergadering?

MNR. EANEKOM : Dit is korrek.

GETUIE STAAN AF.

HOF VERDAAG.

HOF HERVAT.

K315

MNR. JACOBS : U Edele, voor die getuie inkom, mag ek net iets aan die Hof meld. Ek verstaan dat daar is 'n bewering gemaak dat ek sou die getuies wat in camera wil getuig sterk oorreed om hulle getuienis in camera te gee. Ek wil dit net op rekord stel dat dit 'n infame leuen is. Ek het nooit enige getuie probeer oorreed om getuienis in camera te gee nie. (10) Ek het gesorg dat elke keer wanneer ek met die mense onderhandel en konsulteer dat ek in die teenwoordigheid is van 'n tolk wat saam met my gesit het. Mense wat gevra het aan my om in camera getuienis te gee, het ek wel aan hulle verduidelik dit is nie in my mag om te sê hulle kan in camera getuig nie. Ek het dit sterk onder hulle aandag gebring dat dit 'n beslissing van die Hof is en dat die Hof hulle sal ondervra en dat hulle hulle redes aan die Hof moet gee. Ek het hulle uit die aard van die saak vooraf gevra as hulle sê hulle wil in camera getuig, hoekom wil hulle in camera getuig sodat ek aan die (20) Hof kan verduidelik en dan het ek ook aan hulle verduidelik die hof sal hulle inroep en self by hulle uitvind wat hulle redes is. Nooit het ek enige getuie probeer oorreed om te kom en in camera getuienis gee nie. Ek voel dit is onbillik teenoor die getuies wat in camera getuienis wil lewer, dat so 'n aantyging hier gemaak word. Ek sê nie die Hof sal daardeur beïnvloed word nie, maar die feit bly staan, daar is 'n twyfel is dit nou 'n getuie wat eerlik kom en sê hy vrees en is dit nou 'n getuie wat die Staat oorreed het om sy getuienis in camera te gee. Daar is nie een so 'n getuie wat oorreed is nie. (30)

HOF : Dankie.

IN COGNITO GETUIE NR. 19, nog onder eed

ONDERVRAGING DEUR M.R. HANEKOM (vervolg) : Net voor die vergadering het u gesê dat u Raad h tweede openbare vergadering gehou het om die gemeenskap van Leandra in te lig oor die ver-skuiwingskwessie? -- Ja.

Wanneer was hierdie tweede vergadering gehou? -- 28 Oktober 1984.

Waar is die vergadering van 28 Oktober 1984 gehou? -- Dit was in die saal van h skool gehou.

Toe u by die skool opgedaag het vir die vergadering, (10) wat het u toe buite by die ingang van die perseel opgemerk? -- Daar was h polisievoertuig buite by die ingang geparkeer. Nkabinde en nog ander was ook daar teenwoordig, besig om die mense te keer wat op die perseel wou ingegaan het.

Hoe het mnr. Nkabinde en die ander mense die persone wat by die perseel wou ingaan gekeer? -- Hulle het aan die mense gesê hulle moet nie die vergadering bywoon nie, dus moet hulle nie die perseel binnegegaan nie, want daar is h ongeluk wat hulle kan verwag wat sal plaasvind indien hulle die vergadering gaan bywoon. (20)

Afgesien van mnr. Nkabinde, is daar van die ander mense wat die lede van die publiek gekeer het om in te gaan wat u geken het? -- Dit is van die persone wat saam met Nkabinde was. Ek kan vir Siphon onthou en nog ander wie se name ek nie nou kan onthou nie.

Was die ander mense wie se name u nie kan onthou nie lede van h organisasie? -- Hulle is lede van Nkabinde se Action Committee.

Was daar deur enige mense die aand daar plakkate vertoon? -- Ja, die persone waarvan ek alreeds melding gemaak het, (30) is die persone wat die plakkate daar vertoon het.

... / Verwys

Verwys u na mnr. Nkabinde en die ander lede van die Action Committee? — Ja.

Wat het op die plakkate gestaan? — Aangesien ek laat was vir die vergadering, het ek nie gestaan om te kyk presies wat daar op staan nie. Ek het verby gestap omdat die gehoor alreeds vir my daar gewag het.

Toe u in die saal kom, was daar mense in die saal? — Ja, daar was.

Was daar baie mense? Was die saal vol of nie? — Daar was al baie mense in die saal gewees, maar daar is van die (10) mense wat my toe gevolg het, wat daar buite was net toe ek gekom het. Hulle het ook die saal binnegekome.

Sê u toe u die perseel betree het, het 'n klomp mense wat buite gestaan het saam met u ingegaan? — Ja, van die persone wat verhinder was deur die mense.

Sou u optree as voorsitter van die vergadering? — Ja, ek sou.

Is die vergadering geopen? — Ja.

Wie het die vergadering geopen? — Met my aankoms in die saal het mnr. Skosana toe aan die gehoor gesê dat die (20) vergadering nou gaan begin. Na ek binnegekome het, het Skosana die mense meegedeel dat die vergadering nou gaan begin. Na hy dit aan die gehoor genoem het, het predikant Kgane die vergadering met 'n gebed geopen.

Is mnr. Skosana 'n raadslid? — Ja.

Nadat dominee Kgane die vergadering met 'n gebed geopen het, het u die vergadering toegesprek? — Eers na die vise-voorsitter die gehoor toegesprek het, het ek 'n toespraak gemaak.

Wie was die vise-voorsitter? — Mnr. Abraham Modaki. (30)

Wat het hy vir die gehoor gesê? — Hy het die mense daar

... / welkom

welkom geheet en vir die gehoor gesê hulle kan nou luister wat ek gaan sê in my toespraak aan die gehoor.

Het u toe die gehoor toegespreek? -- Ja, ek het.

Wat het u gesê? -- Ek het eers aan hulle gesê "Dit wat julle hier buite hoor dat ons julle daar laat bly het as 'n voorbereiding om julle na die tuislande toe te verskuif, is nie die waarheid nie. Net nadat ek dit gesê het, het die manspersone wat by die hek gestaan het vroeër toe ek die perseel binnegekom het, het toe die saal binnegekom.

HQE : Dit is nou die lede van die Action Committee? -- Ja. (10)

MFR. HANEKOM : Wat gebeur toe? -- Die eerste ding wat hulle vir my gevra het was "Wat soek die polisie hier buitekant?"

Wie het so gevra? -- Siphos het dit gevra.

Het u hom geantwoord? -- Toe ek begin antwoord op die vraag van die persoon deur te sê dat die polisie niks daar te doen het nie, al wat hulle moet doen is, hulle moet luister na wat ek gaan sê, het hierdie mense toe 'n geraas gemaak sodat die gehoor nie my antwoord kon hoor nie. In die geraas wat hulle gemaak het, het hulle begin sing ook.

Wat het hulle gesing? -- Nkosi Sikilele Afrika is een (20) van die liedere wat daar gesing was. Siyamlandela Umandela is ook een van hulle.

Is daar slagspreuke geskreeu? -- Ja, daar is.

Wie het dit geskreeu? -- Hulle het sommer dit gelyktydig daar geskreeu terwyl die geraas aan die gang was.

Was dit die gehoor of lede van die Action Committee wat geskreeu het? -- Dit is die lede van die Action Committee wat die saal binnegekom het.

Nee, ek het gevra wat die slagspreuke geskreeu het? -- Dit is die lede van die Action Committee se mense. (30)

Kon u verder die vergadering toesprek of nie? -- Toe die

... / geraas

geraas nou so aan die gang was, het ek 'n boodskap gekry dat ek geroep word deur die kommandant buite die persele van die skool.

Het u uitgegaan na die polisie? -- Ja, ek het.

Wat het daar gebeur? -- Met my aankoms daar het die stasiebevelvoerder vir my gevra "Weens die feit dat daar nou so 'n geraas is wat aangaan daar, sien jy kans om nog verder te gaan met hierdie vergadering?" As gevolg waarvan ek toe aan hom gesê het ek voel dat ons die vergadering moet gaan sluit want ons kan nie meer voortgaan nie. (10)

Is u toe terug na die saal toe? -- Ja, ek is.

Wat het u daar gedoen? -- Ek het toe vir die gehoor daar in die vergadering gesê dat ons nou die vergadering sluit, want ons word in die rede geval, ons kan nie meer voortgaan nie.

Wat het die lede van die Action Committee gedoen? -- Op 'n stadium het die lede van die Action Committee opgestaan en deur die vensters na buite geklim. Dit het gelyk asof daar iets was wat hulle laat skrik het om dit te doen en toe het hulle weer later teruggekeer in die saal. (20)

Is die vergadering toe uiteen of nie? -- Ja, die vergadering is uiteen.

Kan u onthou hoe mnr. Abel Nkabinde geklee was die dag? -- Hy het 'n broek aangehad. Dit was lig van kleur en 'n geel skipperhemp.

Wat se skipperhemp was dit? Weet u? -- Ja, ek sien dit baie. Dit is die UDF skipperhemp.

HOF : Bedoel u met 'n skipperhemp 'n T-shirt? -- Ja.

MHR. HANekom : Toe die vergadering tot niet is, het u daar by die saal rond gebly of het u êrens heengegaan? -- Ons (30) het die skoolpersele verlaat en na een van die raadslede se

woning toe gegaan. Dit is Nkosi se woning.

Is dit u en die ander raadslede? -- Ja.

Wat het verder die aand gebeur? -- Toe ons daar uit is het al die mense die perseel verlaat, dit is die skoolperseel en die Action Committee mense het ook die perseel verlaat. Hulle het gesing, af met die straat beweeg in die rigting van my woning. Die polisievoertuig het gevolg. Ons is toe na hierdie plek toe wat ek nou net genoem het waarheen ons gegaan het.

Toe die mense van die Action Committee in die straat (10) afgaan en sing, het net hulle van die Action Committee gegaan of het lede van die publiek ook saam met hulle gegaan? -- Ek sal nie weet op 'n later stadium nie, maar toe hulle die skoolpersele verlaat het, was dit net hulle gewees

Hoeveel van die Action Committee ongeveer was dit? -- Ek skat ongeveer tussen twintig en dertig persone. Van hulle was by die hek gewees met my aankoms daar.

Maar toe die mense in die straat afloop na die vergadering, was dit nog dieselfde twintig of dertig? -- Ooglopend sal ek sê dit was nog dieselfde getal wat die skool verlaat (20) het.

Het u die indruk gekry dat iemand die groepie gelei het of nie? -- Weens die feit dat hulle bymekaar was en dat hulle geweet het wat hulle doen, is ek nie in staat om vir die Hof te sê of daar 'n leier was, al dan nie.

Toe die groepie daar van die saal af wegloop, was mnr. Akabinde nog in hulle midde of nie? -- Op hierdie stadium het ek nie pertinent gesien of hy daar was of nie, maar ek aanvaar dat hy daar was, aangesien hy vroeër ook daar was.

Hoe ver is u woning van daardie saal af? -- Dit is (30) heelwat ver, al is ek nie in staat om 'n skatting te gee nie.

... / Wat

Wat het later die aand by u huis gebeur?

HOF : Hoe laat het die vergadering opgehou? — Om en by 10:00.

In die aand? -- Dit was in die more.

MNR. HANEKOM : Wat het later die dag by u huis gebeur? --

Terwyl ons nog daar by Nkosi was, het 'n kind 'n boodskap na my toe gebring dat my huis aan die brand was. Ek, Nkosi en andere is toe na my woning toe. Met ons aankoms daar was die woning aan die brand gewees.

HOF : Hoe laat was dit toe u die boodskap kry? -- Nie lank nadat ons van die vergadering af gekom het, het ek die (10) boodskap gekry nie. Ons het nie eers begin praat oor dit wat ons daar by Nkosi wou gaan bespreek het nie.

MNR. HANEKOM : Was dit voor 12h00 of in die middag al? --

Dit was om en by 11h00. Na 10h00, om en by 11h00.

Toe u by die huis kom, het u enige persone daar aangetref of nie? — Daar was niemand gewees nie. Selfs my vrou en die kind wat ek tuis gelaat het toe ek weg is, was ook nie meer tuis nie.

Het die hele huis afgebrand of is die vuur geblus? -- Die hele huis het uitgebrand, alles. (20)

Was daar 'n voertuig van u op die perseel? — Ja, 'n bakkie wat daar buite was het op sy sy gelê en dit was ook aan die brand.

Op wat beraam u die totale skade wat u die dag gely het? — Die voertuig alleen is R1 800,00. Die huis en die besittings in die huis is R11 000,00.

In u aansoek om in camera te getuig het u vir die Hof gesê dat u huis op 'n later stadium weer gebrand is. Wanneer was dit? — Nou, die tweede keer was November 1985.

Wat was die omstandighede van daardie voorval? Hoe (30) het dit gebeur?

HOF : Het u 'n datum? -- Dit was die 19de.

M.R. HANEKOM : Kan u net kortliks vir die Hof sê wat was die omstandighede waaronder die huis in November 1985 gebrand het? -- Daardie nag het raadslid Skosana daar aangekom en 'n boodskap aan my oorgedra dat hy verneem het dat die mense nou weer terug is en ons moet maar begin vlug die nag. Ek en Maletjane het toe besluit om daardie nag buite wag te hou om te sien wie die persone is wat daar sou aankom. Die nag het daar 'n bakkie gekom, stilgehou, terwyl ons wag gehou het binne-in 'n voertuig. Ek het die voertuig se ligte aange- (10) skakel en toe het die bakkie weggejaag. Ons het die heelnag daar gesit. Niks het gebeur nie. Die volgende more om 06h00 het ons 'n klomp mense gesien hardloop en sing in hierdie woonbuurt. Toe dit nou tyd was vir my om te vertrek na die werksplek toe, het ek my vrou saamgevat werk toe. Om en by 10h00 het ek 'n boodskap by die werksplek gekry dat my woning uitgebrand is.

Het u toe na u huis toe teruggekeer? -- Omdat die mense nou so daar op en af beweeg het en daar 'n samedromming van mense orals was, was ons toe bang gewees. Ek is toe nie (20) huis toe om te gaan kyk wat daar gebeur het nie.

Het u op 'n later stadium teruggekeer huis toe? -- Ja, die volgende dag het ek teruggekeer in die geselskap van die polisie.

Was u huis weer heeltemal afgebrand? -- Ja, al die ander vertrekke was uitgebrand gewees, behalwe die kombuis.

Wat was die skade hierdie keer? -- R1 300,00.

In die tyd sedert begin 1984 tot begin 1985 was ander raadslede se huise ook aangeval in Leandra of weet u nie? -- Na, my huis aangeval was, dit wil sê die eerste aanval, (30) was Maletjane se winkel sowel as sy woning aangeval. Maletjane

se huis is weer aangeval die tweede keer toe my huis aangeval is. Hierdie keer is Skosana se huis ook aangeval.

Is hierdie huise waarvan u nou gepraat het, net aangeval of ook aan die brand gestee? -- Die eerste geleentheid wat ek gepraat het van Maletjane se winkel en sy huis, was die twee aan die brand gestee. Toe hulle nou die tweede keer aangeval het, dit wil sê by Maletjane se huis, het hulle net sy besittings beskadig in die huis. Die huis was nie aan die brand gestee nie. Dieselfde geld vir Skosana. Net die besittings was beskadig. (10)

Hoe is dit beskadig? Is dit met klippe gegooi? -- Ja, met klippe. In die huis het hulle byvoorbeeld 'n rak laat neerval op die vloer.

Weet u of die Leandra Action Committee geaffilieer is met UDF of op daardie stadium geaffilieer was met UDF? -- Ek was nie daarvan bewus nie, maar ek het eers daarvan bewus geword by die vergadering waar mnr. Nkabinde dit aan ons bekend gemaak het dat ons nie eintlik welkom was by die vergadering nie. Dit is waar hulle papiere gehad het vir mense se handtekeninge. Dit is op daardie stadium wat hy dit bekend gemaak het dat hulle te doene het met die UDF. (20)

Het hy gesê hoe hulle te doene het met die UDF? -- Hy het gesê hulle werk saam met die UDF.

Die papiere wat u van praat wat die mense moes teken, wat se papiere was dit? -- Al het ek nie daardie vorms met my hande hanteer nie, was dit geel van kleur.

Het mnr. Nkabinde gesê wat se vorms dit is? -- Wat hy gesê het was, mense moet hulle name op hierdie vorms aanbring.

Het hy gesê vir watter doel? -- Wat daar bedoel was, was dat die mense wie se name op die vorms aangebring was, (30) beteken hulle sluit aan by hierdie gebeure en by die doen en

late van die Action Committee.

Het u op enige stadium in u lewe gehoor van 'n "million signature campaign"? -- Ja, nou ek onthou ek. Daardie vorms het betrekking het daarop.

Het u geweet waaroor dit gaan, wat se kampanje dit was? -- Nee, ek het nie geweet nie.

Het u geweet watter organisasie die kampanje voer? -- Nee, ek het nie geweet nie, maar ek het aanvaar dat dit onder Nkabinde se beheer was, aangesien hy dit besit het.

CROSS-EXAMINATION BY MR BIZOS : I think it will be necessary(10) to place some background before His Lordship so that we can understand the problems of your community. Let us start in 1983, even before the UDF came in existence.

COURT : Does the witness know when the UDF came in existence?

MR BIZOS : It can be in parenthesis as my comment.

COURT : Then it should not be interpreted to the witness. It will mix him up.

MR BIZOS : At the time when you were in the Action Committee. Do you agree that at that time there were approximately 18,000 people in your community? -- That I saw in the newspaper.(20) I am not in a position to say whether that is correct or not.

As a chairman of the council do you not know more or less how many people there are in your community? -- Well, I can give an estimation, but my answer was based on the 18,000 referred to which I saw in the newspaper.

Would you accept that as more or less correct? -- Yes.

Was there what in the not so old days was called a location in which the people lived? -- Yes.

COURT : Could I just get clarity. Is the community council heading only one location or various locations? -- One loca-(30) tion.

Is that the Leslie location? -- Yes.

MR. BIZOS : I am sorry that I have to go back that far, but up to 1974 did members of your community have freehold rights? -- Yes, they did.

COURT : In the location? -- Yes.

MR. BIZOS : And when the location was deproclaimed in 1974 did the people who had freehold rights lose the freehold rights that they had to their property? -- May I ask something before answering that?

Yes? We want clarity. -- If I understand you well am (10) I correct in saying that this question is based during a period when there were no community councillors yet?

Yes? Do you agree? -- Yes.

But the granting of the right to have a community council does not make people forget the fact that they have lost freehold rights? -- I understand that.

Do you recall that when this location was deproclaimed and people were losing their freehold rights, they became embittered against the authorities? -- That I would not know.

COURT : How many people were affected? -- Under correction(20) roughly 240.

MR. BIZOS : 240 Heads of families? -- That is the point.

COURT : 240 Stands? -- 240 Stands which belonged to 240 stand owners.

MR. BIZOS : That affected 240 families? -- Yes, I understand that.

COURT : How many stands are there? -- Does Your Lordship mean stands belonging to private people?

All in all? How many stands are there in the location? I have the figures. I can put it to him. (30)

COURT : Well, if you are going to come to that, you can put

... / it

it to the witness.

MR. BIZOS : The provision that was made when the freehold location was proclaimed was for 712 houses that were going to be built by the authorities.

COURT : When was that now? In 1974 when it was deproclaimed?

MR. BIZOS : When it was said that that was the upper limit that would be built after deproclamation of the location and the maximum would not go beyond 712?

COURT : Well, that seems to have been exceeded in the meantime because you are talking about 18,000 people? (10)

MR. BIZOS : Yes. It does not mean that there were adequate houses. Do you recall that the families, the 240 families, the stable community, whether they very much resented the deproclamation and whether they resisted the proclamation of the new township? -- My Lord I am not in a position to tell His Lordship who resented that or who were against it, but what I can tell the Court is that the owners of the stands accepted the moneys which were paid to them for the stand. That I know because I was already staying there, though I was not a stand owner. (20)

Do you know whether they had any option not to take money but to keep their stands? -- I am not able to tell about that.

And if I were to put to you that as a result of this deproclamation and the deprivation of the freehold stands the community became resentful of the authorities, would you be able to admit it or to deny it? -- It is difficult for me to answer that, because I did not come to know or hear about some people who were dissatisfied about that.

Is it true that in this area in the last fifteen years or so there was tremendous development because of Sasol and (30) Secunda? -- What do you mean by increase?

... / There

There was increase in economic activity. The area became more active because of Sasol and Secunda. -- Yes, that is so.

And do you know that despite this increase in the demand for labour and despite the increase of the number of people that lived in the township, the authorities refused to build any more houses than the original 712? -- That is not so.

COURT : You are putting it that despite the building of Sasol and the whole of Secunda, the only accommodation made for workers for these 712 houses or were these 712 houses at Leslie?

MR BIZOS : No.

(10)

COURT : That is the way it seems to have been put.

MR BIZOS : I say that in the area there was greater activity and that a great number of the people who did work at Sasol or Secunda sought accommodation, but there was a refusal to build ...(Court intervenes)

COURT : But was there no accommodation provided for at Sasol and Secunda?

MR BIZOS : May be there was.

COURT : But then there is no obligation on the town authorities of Leslie to provide accommodation at Leslie. Let us do not mix it up. (20)

MR BIZOS : Do a lot of the people who live in your community work at Secunda and at Sasolburg? -- Yes.

Would you say that the majority of the people that live in your area work at Secunda and at Sasol? -- That is so.

And was there a shortage of housing in your community as a result of the majority of the people working at Secunda and Sasol? -- On that I will have to go back. In our area where I live people had their own structures put up. The structures which are being put up now as houses for the community, are being allocated to the people who were living in the shacks or

... / shanty

shanty houses. So, therefore there was no question of lack of accommodation there, because one could just put up a structure.

A shack of one's own? -- That is so.

Let us leave that aside for one moment and just listen to what I am putting to you. Just before you became a councillor and you were a member of the Action Committee, was it the declared policy of the authorities that there would not be more than 712 houses built and in addition, provision was made for a 320 bed hostel? -- What was made known to the community at first was that they are going to build 712 houses. That is for a start, at the beginning. (10)

Do you not want to make any comment about the 320 bed hostel? -- I am not going to comment on that, because up to now there is no hostel there.

And do you recall that whilst you were a man of affairs in the Action Committee that the authorities said that they are only obliged to house those persons who had Section 10(1)(a) and 10(1)(b) rights under the Urban Areas Act? -- Yes, that was said. (20)

And that those persons who had, who were there, what is called Section 10(1)(d) rights, were not recognised as residents of your community and that the authorities were not obliged to provide accommodation for them? -- I agreed to what was put to me at first and even this section portion which is being put to me is true, because there were people with Section 10(1)(d).

COURT : Do you know the difference between 10(1)(a), 10(1)(b) and 10(1)(d)? -- Yes, I do.

MR BIZOS : Is it correct that the majority of the people, (30) of the 18,000 had 10(1)(d) permits? -- No, that is not true.

... / And

And that they were expected to go and house themselves in Ewa-Ndebele? -- When I said it was not true, I meant to say that it is not true to say that the majority of the people of the community of 18,000 is made up of 10(1)(d). 10(1)(d) is far less because I know the people who are qualifying in terms of that particular section. I know what their number is. It cannot be the majority.

WITNESS STANDS DOWN.

COURT ADJOURNS UNTIL 4 JUNE 1986.

K316

COURT RESUMES ON 4 JUNE 1986.

(10)

IN COGNITO WITNESS NO. 19, d.s.s.

CROSS-EXAMINATION BY MR BIZOS (continued) : Do you know when your area was first declared as a Black area, as a township entitled to council representation? Do you know when that happened for the first time? -- Yes, I do.

When was that? -- During the year 1981.

Although the community had been there established since the year 1909? -- Yes.

COURT : Do you mean declared a Black group area?

MR BIZOS : A Black area in terms of the Urban Areas Act. (20)
And were there expropriations of the privately owned property during the 1970's? -- Yes.

Did these expropriations cause a resentment? -- I did not come to know about the resentment by the community.

You see, I know that from towards the end of 1983 your attitude may have changed. I am going to ask you to please speak truthfully about your attitude up to the time that you were elected as a councillor. -- I am being truthful in what I am being saying prior to 1983 because during the time when the places were taken over by the Whites, I was a sub-tenant to the stand owner, which means I was present during

(30)

... / those

those happenings.

Did the stand owners feel happy or unhappy about their property being expropriated? -- I would not say really that they were not happy about what was happening there, because they did not come together and say what their feelings were about what is happening. Instead they met with the Whites and accepted the money which was being paid over to them.

Were there between 1981 and 1983 when the scheme of the new township was published fears that the people living in this area which they had occupied since 1909 would have to (10) go back to the homelands? -- During that period there were people who qualified and those who did not qualify and therefore, there was a need to talk to the people who did not qualify as to what measures are to be taken in respect of those people who did not qualify.

Did an uncertainty enter the lives of many people during this period? -- Not really, but what I would say is, the people who did not qualify were now looking forward to hear from their representatives to tell them or to deal with the matter on their part in order to get the outcome. (20)

During this period was what was called a temporary council or advisory committee formed?

COURT : Officially?

MR BIZOS : Well, there were representatives, but the officials that dealt with that, named them the temporary council or the advisory committee. They were not elected in terms of any statute or regulation.-- Yes, there was.

And was a letter received from the central government to the effect that - to this advisory council that the central government would liaise with the Kwa-Ndebele chief minister(30) to organise the re-location of "his subjects on a voluntary

... / basis

basis? -- No. During the time of the temporary advisory council there was no such a talk. It only came after our being elected as community councillors.

I am sure that it came after you were elected as community councillors which led to many difficulties, but are you saying that this did not happen or during 1981 to 1983 or you do not know whether it happened or not? -- What I am saying is, as a member of that community during that period we were never told about such a letter or such a liaising between the Kwa-Ndebele and the central government. (10)

Was there a leading figure in your community, the late Chief Ampie Maysa? -- Yes, he was.

Is he the person who was brutally murdered by vigilantes who actually publicly claimed responsibility for his death? -- I am not sure about his being killed. I do not have any knowledge about that, because during that period I had already left the township on 19 November. I was staying outside the township.

COURT : What year? -- 1985.

MR BIZOS : Did you not read the headlines in all the news-(20) papers about his brutal death? -- I did read about that from the newspapers.

COURT : When, Mr Bizos?

MR BIZOS : It was actually January 1986.

COURT : How does that fit in with the indictment?

MR BIZOS : I did not choose to lead this evidence, but an attempt has been made to place the responsibility for this on our clients.

COURT : Do you mean for the January 1986 death of Ampie Maysa?

MR BIZOS : It was merely for the purposes of identification(30) and the attitude of the side that the witness represents to

civic events, as My Learned Friend has tried to justify what happened in November 1985.

This community during 1981 to 1983 - was he a man of considerable influence in your community? — He was a chief in that community.

And did he exercise authority over that community? — As a chief, yes.

And was he completely against the removal of any people that lived in your community? — Now I am not clear as to what people you are referring to by saying the removal of the (10) people.

All the people that were living in your community? Was he against the removal to Kwa-Ndebele or anyone else ... (Court intervenes)

COURT : But was there talk of removal?

MR BIZOS : Yes.

COURT : Yes, you say so but the witness has not said so.

MR BIZOS : I am going to put to you that from 1981 people were receiving eviction notices. Do you agree with that? — There were notices which were given to the community and (20) when we followed that up with the authorities, namely the head of the authorities in Witbank, nobody knew as to where this kind of a notice originated from, because it was just from an office.

COURT : Just clarity, please. Were these government notices or local notices or what sort of notice was it? — This notice came from the local superintendent of the township. As a result of which we then took it up to find out from the superiors to this superintendent, that is the head-office in Witbank, but they did not know about that. (30)

What did the notice say? — Although I do not remember

... / exactly

exactly the wording in that notice, it was a notice informing people of their residence being terminated in the area. That is what resulted in our trying to investigate as to what is happening and which made us feel about it.

MR BIZOS : Perhaps I could refresh your memory. The people were actually given five days to get out of your area? -- Yes, according to that notice.

COURT : How many people got the notices? -- I cannot quite remember as to how many of the people got the notices.

MR BIZOS : Do you recall that as a result of these notices (10) a mass meeting was held on 26 July 1981? -- Yes, I do remember about that meeting.

Do you recall whether at this meeting people were elected to represent the community to go and find out and oppose the removal of the people from the community? -- If I may explain on that. I was a member of a committee called Skakelkomitee when these notices were distributed to the people in the community and then after that, this meeting referred to, that is the meeting which was put to me was held by the community, these notices were collected and torn on a Friday. That (20) is the Friday before the meeting, which meeting then was held on a Sunday. After this meeting it is then that we went into the whole thing trying to investigate what was happening, by trying to find out from the head of the superintendent's section.

Was this the committee that became known as the temporary council or the advisory committee? -- Yes, after that meeting.

COURT : And were you on it? -- No, I was not a member of the temporary council.

MR BIZOS : Was the leading light on that temporary council Mr Job Vilakazi? -- That is so. (30)

And was the attitude of the authorities between middle

1981 to the middle of 1983 that there should be removals although there seemed to be lack of communication between the local people, the chief commissioner in Witbank and the office in Pretoria and were contradictory statements made to this committee during this period? — As a member of that community it never came to us as a community that there were contradictory things that are being said by different authorities with reference to the community in which I was living.

Well, you yourself had given us some evidence of it, because you told us that the commissioner in Witbank did (10) not know that eviction notices had been issued by the superintendent's offices?

COURT : But that is not what you put to him. You put to him contradictions between the locals, that is these people, the commissioner in Witbank and the head office, cutting out the superintendent?

MR BIZOS : No, what I meant by the local authority, I did not mean by the people?

COURT : Well, I did not understand it that way. The locals I understood to be the people there? (20)

MR BIZOS : Could I make it clear?

COURT : Yes.

MR BIZOS : Sorry, I did not ... (Court intervenes)

COURT : The counsel is putting to you that there were crossed wires between the superintendent on the one side, the commissioner in Witbank on the other side and head office in Pretoria on the third side? — When I said we went to the head office in Witbank, I did not mean the commissioner's office. I meant the chief of the Development Board which controls our area. That is the superintendent in our area. He did not know (30) about the notices which were issued by the superintendent.

... / MR BIZOS

MR BIZOS : Did you see any newspaper headlines during the period 1981/1983 such as the one that I am now showing you many "illegal" Leandrans to be moved - board. Was there such publicity? -- I remember that newspaper. It was during the year 1983. I am not quite certain of the year. It could be 1984, but it was during the time when I was already a councillor when this paper came.

Do you recall whether there was uncertainty in your community during June 1983 when a report back meeting was called by the temporary council? -- Now I am getting a bit confused.(10) If I remember well, we were talking about the newspaper. I was answering on the newspaper which came while I was in the office as a councillor.

We tried to make some progress by coming to a meeting on 26 June. --Who was holding the meeting you said?

The temporary council? -- You see, why I say I am a bit confused is because you first spoke about the period when I was already a councillor, that is during the time of the newspaper you referred to. Now you are going back to a meeting prior to my being elected as a member of the council. That(20) is what is confusing me.

I am sorry that that happened. I did not intend to confuse you. Unfortunately the newspaper that I have did not have a specific date on it and that is why that happened, but irrespective of that newspaper report I will try and help you. Do you recall that on 14 June 1983 a letter was written to Die Sekretaris, Adviserende Swartkomitee signed by Mr M.J. Jonker, the chief director of the board? -- Do you now talk about a letter which was addressed or to the secretary?

To the advisory committee? -- No, I would not know (30) about that, because it was addressed to the secretary and

... / there

there had been a chairman there. So, they are the people who had to do with this, unless it was brought to our attention, it is only then that I would know about it.

Was it not drawn to your attention on 26 June 1983 and more particularly paragraphs 2.0 and 2.1 of that letter...

(Court intervenes)

COURT : Would you just give the witness an idea of where, when and how it is brought to his attention as you are putting it to him?

MR BIZOS : At a public meeting. (10)

COURT : Put to him that a public meeting was held here and there, the chairman was so and so, was he present and then we can go on from there. Otherwise we will get no where.

MR BIZOS : I take Your Lordship's stricture. I have not got the name of the chairman at the moment. We have worked the whole night in order to collect these documents in order to try and get - we did not know precisely what the evidence was going to be. I have not got the name of the chairman.

COURT : I am not blaming you for not having it, but I am only here to see that the witness has clarity as to the (20) question, otherwise we will get no where.

MR BIZOS : On 26 June was there a public meeting in your community?

COURT : Of 1983?

MR BIZOS : Of 1983? — I cannot recall that.

Perhaps if I read to you what was brought to the disturbing notice of the community you might remember it. — Just read that to me.

"Dit dien vermeld te word dat my Raad voornemens is om 712 vyf-vertrekhuise met 'n stoorkamer aldaar op te rig. (30) Geliewe daarop te let dat die huise slegs vir gekwalifiseerde

... / inwoners

inwoners sal wees. Met ander woorde, persone wat ingevolge artikel 10(1)(a) of (b) van Wet 25 van 1945 in die Swartwoon-gebied kwalifiseer." -- I understand what is being read to me and that it was addressed to the secretary, but what I want to say is, it was never brought to our attention as a community in the way that it is read now here before this court. Because for instance as it is right now, after the putting up of those structures, when people were to move into the houses, we did not chose according to Section 10(1)(a) or (b). We only gave accommodation to the people who needed accommoda-(10) tion and who in fact at the time had to be given accommodati- and places to live in. In other words, what I am trying to say is, I did not know about this particular paragraph referred to in this letter.

Do you recall whether at any meeting that you attended in June 1983 this advisory committee recommended and a public meeting accepted that the dire need for housing was for those people who were there with Section 10(1)(d) permission, and that they should be housed first and that slowly - and that the people who had the (a) and (b) rights and their own(20) home there should slowly be moved as more houses were built? -- I am not in a position really to go into details of what is being put to me. It may be that it was said, but it never happened the way it was suggested there.

COURT : The question is whether you were at any meeting where this was said in this way? -- What I can say is, I am not able to answer these things, because may be I was not present at that meeting.

MR BIZOS : Were you present at any meeting where a decision was taken that the community wanted the whole community to (30) be provided with housing in the new township and not just a

... / portion

portion of the township? -- I would not say I was present at such a meeting. I cannot quite recall.

I am going to suggest to you that it was - this meeting was really the source, the fountain of the formation of the Action Committee in which you played a role and you must have heard about how this committee in which you played a role came about? -- Now it becomes a bit clear to me. I am now clear. What happened is this. We had leaders at the time and those are the people who were in fact in charge of the community. When this was being said about the new housing (10) and the new structures which are going to be put up for the community, then the Action Committee came in. That is how it started by questioning the question of the rentals, as to how much the rentals are going to be.

Yes, that was one of the issues. You are quite right, because minutes were taken at that meeting and the minutes are available. The rental was one of the issues which was a matter of concern to the people, but what was also of concern was that they did not like the 712 houses and the (a) and (b) rights. They were also very concerned about the housing of (20) the community as a whole? -- Yes, now I remember it.

And do you remember that at this meeting this temporary council or advisory committee ... (Court intervenes)

COURT : Just before we take that step. Do you now remember a meeting or not? -- Yes, I do.

MR BIZOS : Do you remember that this temporary or advisory council, the people at the meeting, they were not very happy with them, because at the time there was a public debate going on. The government was saying nobody is going to be moved against his will. That was the government policy. Declared (30) policy? Do you recall that that that was the government

... / policy

policy? -- What I cannot quite recall is whether the community did not in fact really approve very much of this temporary council because those people were elected by the community.

Originally they were elected in 1981. But now we are in June 1983. The attitude of the people changed. Do you recall that? Let me remind you why I say that, because perhaps if we could give you the concrete happening. Do you recall that shortly after this meeting no less than 160 people turned up at Mr Botha's office with a copy of these minutes of the meeting that they were opposed to the move on this (10) basis. Do you recall that?

COURT : Is Mr Botha the superintendent or the Minister?

MR BIZOS : The superintendent of the Administration Board.

-- Yes, I do recall that. I was in the Action Committee. In fact I was present there with those people. They had gone there to say to him they are not satisfied about the rentals which are being put forward as to how much they will have to pay for the new houses which are going to be put up.

Only that or also that they wanted - with a copy of the minutes that dealt with the other matter as well, that (20) they were against the removal of any portion of the community? -- No, about the portion of the people to be removed, that is not correct.

Well, the minutes will speak for themselves in due course. Do you recall that Mr Botha said that it was impossible to negotiate with 160 people? -- Yes.

That they must go away and they must elect not more than ten persons and those ten persons must represent the community in relation to these demands? And having done that, they must come back the following day? -- That is true. It did (30) happen. In fact people were elected by the community. That

is the people who were supposed to represent the community. The only difference is if the defence refers now to demand. There was only one demand pertaining to the rental of the new houses.

Do you say that you were not concerned about a substantial portion of your community being moved away? -- There was none.

I want to show you this document. Please tell me whether you have seen this minutes or not? Do you see that it is in two sections? The one is about rent and the other about qualifications. Did you ever see that document before? (10)

COURT : Let us take that one step at a time. Have you ever seen the document before? -- I am not in a position to tell the Court whether I did see this document before or not or whether I handled it, but what I can tell the Court is, from the names appearing there, that is the names of the people appearing there, I am inclined to say that I know something about this document, because of the names appearing on it.

MR BIZOS : Did you become a member of the Action Committee which was then headed by Mr Jabu Maziya? -- There I will have to explain. We came to meet and be together with Jabu Maziya during the preparations for council, that is the community council. (20)

COURT : Just a moment. Was there an Action Committee headed by Jabu Maiya? -- No. May I just explain that?

Yes? -- What I mean is, just before the election of the community council members, we came together and that is how we came to be with Jabu Maziya in preparation for the elections which were to be held.

Does that mean you were a sort of a political party? --

That is true.

(30)

MR BIZOS :

I am going to put to you that the Action Committee consisted

... / of

of ten people in order to take the function of the temporary council because the people suspected that the authorities may say that their representatives had agreed to a removal. Do you agree or disagree with that so that we can get on? -- No, not in that way. What I will say is this. The formation of the Action Committee was for the Action Committee to communicate with that council which was the committee, the temporary committee which was there in order to look into the interests of the community in this sense that the Action Committee would go and find out certain things and clarify certain things (10) with that temporary committee and come back to report to the community.

Well, was there any reason why the temporary council could not do it directly? Why was it necessary to have an Action Committee? -- Yes, I do know what the reason was. I made mention of it earlier. I said it was because we were not satisfied about the question of the rental that this Action Committee was formed in order to communicate between the community and the temporary committee. I will tell you, what happened is this. This question of rent was discussed even before (20) any houses were built.

Was Mr Nkabinde on the Action Committee?

COURT : Which Mr Nkabinde?

MR BIZOS : Abel Nkabinde? -- Yes.

And did he become the chairman later in the year? -- Yes.

As soon as this Action Committee was formed, did it start seeking legal advice both from attorneys and advocates and the legal resources centre and the Black Sash about its position?

COURT : About the position of the Action Committee or about (30) the community's position in regard to the removals?

... / MR BIZOS

MR. BIZOS : About the community's position with regard to the removals? -- What happened is this, shortly after Mr Nkabinde was the chairman of the Action Committee, there was a document received in which document it was being said that the community was being removed from its present residence to Kwa-Ndiebele, as a result of which I in the community council called a meeting to discuss the origin of this document. It was later decided by us because of its bearing some wording indicating that it came from the chief director. We then concluded that it was from the chief director. The document I am referring to (10) is an article which was in a newspaper. While being at that meeting Mr Nkabinde drew the attention of the people there, that is the people attending the meeting, that in fact if you look at this article, it is being mentioned in it that this originates from Mr Jonker, on which then the community decided that Mr Nkabinde is a member of the Action Committee and his members of the Action Committee will have to accompany us as a community council to go and listen as to what the explanation is to us as a community council by the chief director, Mr Jonker. (20)

Listen to the question, please. Before you became a community councillor, did the Action Committee of which you were a member, seek advice from the places that I asked you? -- To go and find out about what?

About the position of the community in relation to the removal? You can say yes or no or I do not know? -- I would not know about that, because prior to the meeting I have just referred to with the article which was in the newspaper from which we heard for the first time about the community which was to be removed, I had no knowledge whatsoever about a (30) community which was to be removed and I am therefore not in a ... / position

position to answer that.

Are you able to admit or deny during the middle of 1983 there was great anxiety in your community that officials of the Department, of the Board, should not be able to say that the leaders of the community agreed to a removal? — I cannot recall that.

Do you recall that when towards the end of 1983 a decision was made to call for nominations for a community council? A decision was made that the people of the Action Committee should stand for this council and more particularly Mr Nka- (10) binde as a wellknown opponent of any movement of the community? — What I do not agree with is that Mr Nkabinde had to go for the nomination or election into the community council because the community approved of him in the sense that he was against the idea of the removal of the people.

Well, let us try and do it as quickly as we can. Do you agree that Mr Nkabinde's nomination was declared invalid by the electoral officer? — I do remember that, because I am the one who spoke there. In fact as a result of what I had said, it was accepted. (20)

Was it rejected? Whilst everybody was campaigning ...
(Court intervenes)

COURT : Accepted he said?

MR BIZOS : No, it was rejected originally. I will come to the eventual acceptance. — Yes.

And was Mr Nkabinde a non-candidate whilst other candidates were campaigning for the election, because his nomination had been declared invalid? — What happened then is this, Mr Nkabinde was nominated, but the White man in charge said no, he cannot because he does not pay his rental, as a result of (30) which then I went to speak to that Boer and told him his being

... / nominated

nominated has got nothing to do with the rental, because he is not representing rent. As a result of which then he was accepted. In other words, what I mean is, he had ample time to stand as a candidate after my having spoken to that White man.

The question was, whilst everybody was campaigning for election, was Mr Nkabinde's nomination declared invalid by the White person that you have referred to? — No, that is not true. This happened just before everybody started in preparation for the elections. (10)

COURT : How much time passed between the rejection of his nomination and the acceptance of his nomination? — It was a very short period. I will say a day because immediately we came to know about it, in fact it soon came to my knowledge and then I went to speak to this White man. It was even before we started preparing for this.

MR BIZOS : I am going to put to you that the nomination of Mr Nkabinde was declared invalid and that the electoral officer changed its mind as a result of it being shown that there was no valid reason why he should not be nominated shortly (20) before the election?

COURT : What do you mean? When was the rejection and when was the acceptance in relation to the election itself?

MR BIZOS : I will put this, I have not got the precise dates, but what I am putting to you is that whilst others were campaigning for election Mr Nkabinde was prevented from being a candidate? — That is not correct. During that period Mr Nkabinde was close to me and immediately when he came to know about this, he brought that to my attention. Before anything was done this was corrected. (30)

Well, I am going to put to you - His Lordship has asked

... / me

me for dates, do you remember the date of the election? --

I cannot quite remember what the date was.

Would 7 September 1983 be correct? -- It will be difficult for me to say that is correct, but if you do have it in writing I will accept it as you put it.

And that Mr Nkabinde in fact had to write a letter dated 13 September directed to Dr Koornhof ... (Court intervenes)

COURT : That is after the election?

MR BIZOS : No, the nomination date was the 7th.

COURT : You said the election? (10)

MR BIZOS : I am sorry, the nomination date. And that a letter was written in relation to his nomination to Dr Koornhof on 13 September? -- I do not believe that, because he had no reason to write that letter after this day, because this was immediately corrected if it had been made known.

I am going to put to you that on 14 October 1983 a further letter was written by Mr Nkabinde ... (Court intervenes)

COURT : That is after the election?

MR BIZOS : After the election to the Chief Native Commissioner in Pretoria complaining of a great number of irregularities(20) during this election including allegations that the White officials at all cost wanted to keep Mr Nkabinde out of the council? The irregularities were mentioned in that letter? -- That is not correct. After the elections he was not successful as a result of which then he called us. We discussed it with him, that he was not successful. Otherwise the procedure followed was the normal one and a correct procedure. He had a complaint about this. All the same we still maintained that the procedure followed was correct. It is only thereafter then that he wrote this letter. (30)

Do you agree that you enjoyed in your election as

... / councillor

councillor the Action Committee's support? -- Yes.

As did Mr Nkabinde? -- Yes.

I am going to put to you that as a result of what is called according to Mr Nkabinde's statements or allegations jerry-mandering during this election, it was thought that the keeping or the attempt to keep out Mr Nkabinde from this council, was evidence that the council will be persuaded by the white officials to say that they agree to the removal of the people to Kwa-Ndebele? -- I do not agree with that, because even though Mr Nkabinde is not in the council, that is the (10)-community council, nobody has been removed to Kwa-Ndebele.

Although it was intended that the community council should supplant the Action Committee, a great number of people in your community insisted that the Action Committee should continue opposing the removal plans for fear that the councillors may be said to have agreed to it? -- That I would not dispute.

COURT : What does that mean? Does this mean then that there was a general fear that the people would be removed to Kwa-Ndebele? -- What I mean is, I am not disputing the fact (20) that it may have been the perception of the community that the Action Committee is to be there looking after their interest, because I was one time in the Action Committee and also got instructions from the community as to what to do for the community. Therefore, not meaning that the Action Committee was there to see to it that people are being removed to Kwa-Ndebele.

My question was was it the general fear or was there not a general fear that people would be removed to Kwa-Ndebele? -- I would not be able to answer to that question, because I (30) never came to hear about that.

MR BIZOS : Well, let us come to 1984 and remind you of the fact which in fact may remind you of the general fears of your community of what became known as the 116 households?

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COURT : Just give it a bit more clarity.

MR BIZOS : The 116 households who were taken away from their homes and taken to a place near the taxi-rank - sorry, the 116 people who were deemed to be illegal and were to be removed?

COURT : Not households?

MR BIZOS : 116 households.

COURT : Houses? (10)

MR BIZOS : Households. If the leader of the family is declared ... (Court intervenes)

COURT : 116 families then.

MR BIZOS : Families.

COURT : And they were taken to the taxi-rank?

MR BIZOS : No, that came a little later, because there was a reprieve.

COURT : Well, where were they taken to then?

MR BIZOS : That they got notices that they were to go away.

— That is during my time. There was no such. (20)

There was no suggestion of any removal of the 116 families during 1984? — No.

It never came to the notice of your council? — If you are talking about them that had to leave, leaving for Kwa-Ndebele?

To leave the township? — That is not so. The position is, because of the putting up of the new structures, the houses for the new township which was being built there, this township was expanding towards the old township. It came to a point where some people who were resident in the old township(30) had to be moved because they had to give way for the putting up

of the new houses and be temporarily accommodated in another area until such a time that they were to be allocated with another accommodation in the township, not that they were supposed to have left the township.

I am sorry that that what you say is partly correct in relation to a later date. Just listen to me please. Did it ever come to your council's notice that the 116 families were said to be there illegally and did they get notices to go away without it being specified where they should go? But that they feared that the only place that would have them is Kwa-(10) Ndebele? — I am - there was no such, in fact what I am saying is, as it is being put to me about these people, the 116, earlier mention was made of people who qualified in terms of Section 10(1)(a) and (b). The people referred to here, the 116, are the people who qualified in terms of Section 10(1)(d). At our own as a community council before any notice or any allegation was around in the town that some people would have to leave the township, we went and spoke to the authorities as a council, pertaining to people who qualified in terms of Section 10(1)(d) who are in the township, that those people (20) be allowed to remain there until such a time when they qualified like the others, that is attaining their qualifications which would allow them to remain there for ever, and this was agreed upon.

Do you agree that during May to July 1984 there was public debate and uncertainty in the minds of these identified 116 families that they were going to be moved out without being told where they might go? — On that again I will have to explain. After having made the necessary arrangements and came to an agreement about these people and having given (30) them accommodation, having put them aside at a particular

... / place

place, Mr Nkabinde went to these people and said to them that they are being put there in preparation for them to be taken to Zwa-Ndebele. This was now something new, a new talk altogether started by Nkabinde to these people who were peacefully there. Up till now, at this present moment, those people are still staying there.

There was a letter from Mr Jonker saying that only 10(1)(a) and 10(1)(b) people were being re-housed? -- Well, that one is a letter that you referred to earlier, saying that it was addressed to the secretary. I did not know about it. It (10) never came to me. I did not come to know about the contents of the letter.

But you see, it was not only that letter, but the newspapers published it, public statements were made, statements were made by officials. What I am putting to you is that you are being less than fair to Mr Nkabinde in your last answer? -- Well, unless you allow me to explain and elaborate about this question of the paper, as to what was the ultimate end of the discussion pertaining to the paper.

We will come to the ultimate end, but just listen to (20) the question, please. Do you know whether the Action Committee during April, May, June 1984 was very busy trying to avoid the eviction of the 116 families or not? Do you know whether that was so or not? -- I do not know which are those people. Nobody was going to be removed from there as I have already said.

Do you recall that on 20 June 1984 the Chief Commissioner from Pretoria came to your community council, which Chief Commissioner was in Pretoria? -- I invited him. I invited him to come and put this record straight about the people who (30) did not qualify. These people who did not qualify will have

to be given the right to qualify like all of us who later ended up qualifying.

Was the Chief Commissioner of Pretoria's visit considered necessary in order that there should be some official disclaimer from the government that people would be moved out? -- The Chief Commissioner did not come to Leandra to address the community of Leandra. He came here to meet the community councillors which took place in Evander and we, the community councillors, then in turn invited the Chief Magistrate in coming to inform the community as to what the decision was, (10) that everybody qualified to stay there and in fact we are all the same, pertaining to living conditions.

Do you know whether before the Chief Commissioner came there, whether the Civic Association - sorry, the Action Committee, whether the firm Worksmans on behalf of the Action Committee had made representations to the Honourable G. de V. Morrison - that representations were made to Dr Morrison on behalf of the Action Committee with in turn acted on behalf of the community and that the commissioner - the fact that the commissioner visited you on 20 June to make this announce- (20) ment was communicated to Worksmans by a letter on 6 July 1984? -- I would not know that, because I was not informed about what was happening with the Action Committee and what was the request by the community to the Action Committee which resulted to the correspondence between the Chief Commissioner and the attorneys,

It may throw some light on a bit of evidence that you gave that the person who actually dealt with it in Worksmans office was Mr Bam. Do you remember, you told us that he came to one of your meetings where you raised an objection? -- Yes, (30) unexpected.

Do you also claim the right to exclude anybody that you do not want from anyone of your meetings? Do you claim the right to exclude people? -- If there was any problem amongst the community or within that community which problem was affecting the community and of which I knew, I would not have said I do not need these people to attend this meeting, but because there was no such that I knew of, that is why I said I do not need those persons there.

By the way, Mrs. Sjina Duncan was not the White woman who was there. It was another White woman? -- I do not know (10) that. I was only told that they are the people who were there.

And you see, the reason why they were concerned was because they were concerned about the plight of people such as these 116 families? -- I did not come to know about the plight of anybody with reference to the 116 families.

And do you agree that at this meeting where Mr Bam and the White woman were, that this was in April 1984? -- Do you mean the meeting I had called?

The meeting at which these persons were present? -- I have earlier made mention of this, that at some of the meetings (20) it was made clear to us that we are not welcome at these meetings, that is the meetings of the Action Committee. I do not know what those meetings were about.

You have given a date in relation to this meeting ...

(Court intervenes)

COURT : You and the witness are not on the same wave length again. You ask him about an April meeting where Mr Bam and the White woman came, and then he asks you is that the meeting that he called. Then you tell him no, it is the April meeting. He refers to a meeting he called, a public meeting he called (30) where two people came, two Whites that were not wanted there.

... / Is

Is that the meeting you are referring to?

MR BIZOS : I thought I made it clear when he raised the query, I am talking about the meeting at which three White women and Mr Bam came.

COURT : There may have been a lot of those meetings of the Action Committee and he refers to the Action Committee. Just tell him it is the meeting he called.

MR BIZOS : I have no specific instructions that this was a meeting that he called. This is why ... (Court intervenes)

COURT: Just tell him it is the meeting that he says he (10)
called?

MR BIZOS : At the meeting that you say you called at which the three White women and Mr Bam were present, are you able to admit or deny that that was in April 1984, to be more precise 22 April 1984? -- I cannot remember the exact date, but the meeting referred to is the meeting which I had with the community to explain to the community as to how are we going to work this out. That is the removal of them changing position of residence.

WITNESS STANDS DOWN.

(20)

COURT ADJOURNS.

COURT RESUMES.

IN COGNITO WITNESS NO. 19, still under oath

CROSS-EXAMINATION BY MR BIZOS (continued) : You gave a date as September. I am going to put to you that it was 22 April 1984 that this took place, where these three White women and Mr Bam the attorney, were present? -- I did say that I was not sure.

You see, by July 1984 was there a feeling of apparent certainty that people would not be moved? -- Will not be moved from? (30)

From Leandra, from your community? -- I am now getting

... / confused

confused if you go back to people who were supposed to be removed and that the people had the feeling that nobody was going to be removed, because what I said was, people were temporarily going to be moved from the place where they were living to another place in the same community.

Listen to what I have to say to you, either admit it or deny it or say you do not know, so that we can get on. That in July 1984 for the first time there was an acknowledgement by those in high office in the government that they had a responsibility to house people, whether they were there (10) lawfully or unlawfully in terms of Section 10 of the Urban Areas Act? Do you recall that? -- Yes.

Do you recall that a couple of months later in September 1984 the correctness of what had been said in July came into question?

COGHT : Who questioned it?

MR BIZOS : The public generally and more particularly the people in your community? -- I do not know about that.

Listen to what I have to say and tell us whether you know about it or do not know about it or whether you agree with (20) it, that during September in the early part of October it became clear that only so-called permit holders were to be re-housed? -- That is not so.

Well, I am going to put to you that it is so and that so-called lodgers were not being allotted houses? -- That is not so.

And that as soon as a house was found for the permit holder the structure on his or what had once been his property and where he was now a permit holder would be destroyed and that the lodgers were left to fend for themselves? -- That (30) is not so.

And at that stage the so-called waiting place came into being. -- No, this was already there. At the time, that is the very beginning of the demolishing of the place, that is the old township, there was such a place.

And the so-called lodgers were in the main members of the extended family of the permit holder? -- Not all of the people who had to move to the waiting place were sub-tenants, that is the lodgers. Even the stand owners, that is the permit holders, some of them had to move to the waiting place.

Because no house has at yet been allotted to them? -- (10)
As I have already said, in preparation for them to be allotted houses, we had to move them from the place where they were living at the time.

Do you agree that the so-called waiting place is near the taxi-rank? -- Yes, I do agree, because that is the place that was prepared for that and the only place which was available for us to use as a waiting place.

COURT : The taxi-rank?

MR BIZOS : Next to the taxi-rank. -- Not necessarily next to the taxi-rank. What happened is just outside the old (20) township we allocated that place as a waiting place putting up structures towards the taxi-rank.

Do you agree that there were not toilet facilities and no water in the so-called waiting place? -- At this place, which is the shanty township, which is the waiting place, a person puts up his own toilet, like it was originally in the old township where they lived before.

And water? -- At that time there was no water yet in the immediate vicinity but now we have made water available near them. (30)

Do you agree that it is on a steep decline starting off

... / from

from the road? -- It is on a steep decline like the old township which is in fact situated at such a place, which is a decline.

And do you agree that with the first real rains of the summer of 1984 most of the shacks that had been put up by the people in the waiting place were washed away? -- Not even a single one was washed away.

I am going to put to you that they were washed away and many people lost their possessions? -- If there were water floods in those shacks it was just as normal like it happened (10) in the other parts of the township, not that the whole shack was washed away.

Well, I am not for one moment suggesting that the shacks were sort out to have particularly heavy rain. What I am putting to you is that the possessions of the people were washed away? -- That I cannot dispute. As I have already said, we do experience that problem in the whole of that township.

Even in the properly constructed houses? -- No, I am talking about the shacks.

Did the Action Committee in its meetings condemn the (20) way in which the people were being treated by the authorities? -- I am not clear. In respect of what?

The state of affairs that people had been taken out of their homes, that they had been put into the waiting place in shacks without water, with make shift toilet facilities? -- Pertaining to toilet facilities I hear it for the first time today that that was the feeling from the people, because what happened there is. Each and every person on arrival on a site where he is to put up a shack, that person must put up a toilet for himself. In other words, what I mean is, this (30) person will come from where he originally comes from to the

... / waiting

waiting place with his own toilet, because he must have had one before.

COURT : The buildings that were taken from the people, were they shacks or were they well-built houses? -- Some of them were shacks and some were houses which were owned by the stanz owners.

MR BIZOS : And even though one might call it shacks, because they were not done according to plan, they were mainly of corrugated iron?-- Even my own house was made of corrugated iron. (10)

COURT : Did they take the corrugated iron with or did they have to leave it behind? -- They took it with.

MR BIZOS : Yes, that was as far as the holder was concerned, but tenants? -- The tenants had their own structures put up and therefore this belonged to them.

Tell me, did you consider this a satisfactory state of affairs for people to live in at this waiting place as a councillor and chairman of the council? -- This was done after having spoken to the community. I would speak to the people first and explain what the position is. Then these people (20) would move and go to this waiting place to go and stay there under the same conditions which conditions were applicable at the time of their removal in preparation.

The question was whether you thought that it was a satisfactory way of dealing with people? Taking them out of the place they had been living in since 1909, putting them in a waiting place under the conditions that you saw. Did you consider it as a satisfactory state of affairs? -- I do not understand when it is being put to me knowing the condition of the place, that is the waiting place, as if there was (30) any difference from that place to the original place from where

these people came. We requested the people that they be removed to that place because we were busy preparing for them a better place on the premises which they occupied prior to moving to the waiting place.

You see, was there not a dispute at the time that the people concerned with the Action Committee say that this had been done against the will of the residents and your council contending that it was done with their consent? -- No. The meeting which I mentioned here which was attended by the Whites, is the meeting at which this was made clear to the (10) community and at which meeting it was agreed with the community that this procedure be followed. It was not that it was done by the councillors at their own.

Do you agree that some time after the establishment of this waiting place, a great number of people that had moved there all of a sudden received notices under the Slum's Act to vacate them, without their being offered alternative accommodation? -- I do not agree with that, because if there was such a notice it was supposed to have been addressed to us as community councillors in order to approach the community (20) and discuss it with them.

Is your answer - are you able to deny that there were notices under the Slum's Act for people to move out? -- I am not quite clear on that, because I never received such a complaint.

Do you know whether lawyers acting on behalf of the Action Committee, newspaper men and women and others asked for an unequivocal statement from the authorities that those in the waiting place would not be moved to Kwa-Ndebele? Do you know about those calls? Please say categorically that you will (30) not move these people in the waiting place to Kwa-Ndebele? --

I do not know about that.

Do you know whether or not that in the main the answer was no comment? -- I do not know about that. I did not see it.

As a result of what was happening at the waiting place are you able to admit or deny that a perception was created in your community that this waiting place was a strategy or a trick in terms of which the authorities were trying to get people away from that area and try and settle them in Kwa-Ndebele? I am not saying that that was the intention. I am asking you whether you are able to admit or deny that that (10) was the perception that was created in the community as a result of this state of affairs? -- That I would not know, unless the community had told me what their perception is. Then I would have explained to them the manner in which I was able to explain.

Did the officials hold out - told the community this was done with the consent of your council, the establishment of the waiting place?

COURT : Do you mean they addressed the whole community?

MR BIZOS : No, that whenever the question arose, whenever (20) people asked, whenever the newspaper people asked them, they said that the council agreed.

COURT : Yes, but you say the officials told the community. Now you say that the officials told certain newspaper men. You must give the witness some clarity, you know.

MR BIZOS : The word what I wanted to use and I stopped myself because of the possibility - held out generally, said to people who asked them, who queried this said it was with the consent of your council. -- What I want to say on that is, unless they were making it clear to the people that we as (30) the council first had to speak to the community about it, it

... / was

was per agreement between the council and the community that this temporary living place was allocated to the people as a waiting place, which message was then again carried over to the officials by the council which was a go-between between the community and the officials. Then that is correct.

Do you agree that by the end of 1984, beginning of 1985 your community and the community at Huhudi were national talking points in the newspapers in relation to the application of the government's policy of removal of people from their place of residence? Do you agree that the newspapers wrote(10) about you and Huhudi? -- That I would not dispute, because I do not know how the reporters or the newspaper people work. That they have done without having communicated with me to find out from me as to what the position is and what the circumstances are in order to be able to give a proper report about this.

Did the statement of Dr Viljoen of the Ministry of Co-operation and Development towards the end of 1984 come to your notice that no community would be moved without its express(20) consent? -- I find it difficult to answer this question, because I am not clear whether it is with reference to my community or whether this was with reference to the people in general. I am not clear on that.

Everyone including your community? -- That is why we had to talk to the community prior to removing them and did not just remove them without having had a talk with them.

Do you agree that a substantial portion of your community believed and said that you have sold your community out by suggesting to the officials that the community had agreed (30) to it? -- That is not clear, meaning that what you are putting

... / to

to me is not clear, because it was per agreement with the community after having had a talk with them about their removal. That they allege that they have been sold by us by agreeing to their removal, that to me does not make sense.

COURT : But this was not a removal. This was a temporary location in order to erect new housing? -- That is correct.

MR. BILLOS : Where was the housing for 18,000 people? -- Which are these now, the 18,000 you are talking about?

You were asked the question by His Lordship and you answered it. I thought that it was agreed that your community (10) consisted of 18,000 people? Do you agree with that still? -- We did not agree on 18,000. I remember even saying it is about 1,400.

Is that what you consider your community 1,400? -- About that.

Well, the record of your evidence yesterday will speak for itself. Did you ... -- I am sorry. You spoke about 18,000 and I spoke about 14,000. Sorry.

Not 1,400? -- Yes, I made a mistake when I said 1,400. I am sorry. (20)

Where was the housing for 14,000 people, if we take your figure? -- The people were living in the corrugated iron house structures which were put there and the houses which were existing there. There are new houses being put up. Some of the people are already living in those houses. That was the accommodation for the number I have given.

Do you want to see Mr Jonker's letter that only 712 houses would be made available and only for people who had 10(1)(a) and 10(1)(b) - would be accommodated? Do you want to see it? -- The letter to which I am being referred was addressed (30) to the people who were in authority prior to our taking over.

... / Immediately

Immediately when we took over from them, we went on with further arrangements pertaining to that.

What was the further arrangement other than arranging for the waiting place? -- Above that there is already a place where infra-structure has been done and there is another place which has been allocated on which infra-structure has still to be done.

Why could the people not stay where they were? You, as a councillor, did you ever say "But we cannot agree to this. Let the people stay where they are until the infra-structure (10) is provided"?

COURT : How do you do that? Right through the shacks? You have got to lay your pipes, you have got to make your roads for a new housing scheme.

MR BIZOS : First of all, the place that has been there since 1909, there are not all shacks.

COURT : Was it a properly laid out township with roads, piping in, electricity and all that, toilets?

MR BIZOS : I believe that schemes of urban renewal can be introduced without moving. (20)

COURT : Go ahead. Are you also putting to the witness that 18,000 people were put in the waiting place because that is what you have put so far?

MR BIZOS : No, I have not put that.

COURT : Yes, because I put it to him that it was merely a temporary location to awaiting new housing and then you said for 18,000 people and then you had a debate about 14,000 people.

MR BIZOS : No, with respect, Your Lordship misunderstood the question.

COURT : That may well be. (30)

MR BIZOS : I said with respect were the 712 houses - that is

... / precisely

precisely what I put and I am sorry that Your Lordship did not understand it - to accommodate 18,000 people. That is what I said.

COURT : But the 18,000 people were not going to be accommodated in 712 houses. There were existed houses as well all over the place.

MR. BIZOS : Your Lordship has not with respect the facts correct.

COURT : Well, go ahead.

MR. BIZOS : Were any of the houses that were there since (10) 1909 going to remain behind? -- No, those are old houses. They are being demolished in view of having piping laid there in order to put up new structures.

But not on the site that the old place was on. A new farm was bought in order to build the 712 houses? -- That place is too small as it is right now while I am talking here. The new houses were are being put up, have already come into the old township where it was demolished.

And what I am asking you is this, did you as a councillor in 1984 say that people should not be moved out of the (20) substantial structures in which they are living until housing is available for them? -- No, I would not say that, because the planning of the new houses in the township moves up into the old township where it is. In so saying then it would mean that I am now stopping people from allocated houses because it would mean they cannot go on with the building of the new houses up to the point where the plan indicates.

During 1984 was there any plan or any study to build more than 712 houses? -- Yes, that is the very plan I am referring to. That plan itself, the planning goes right up into the (30) old township.

COURT : Are you saying that the 712 houses were to be built on a new piece of ground but that they extended that and increased a number of houses and then moved into the old township? -- No, what I am saying is this. Of the 712 houses which were to be built, some of them, according to the planning there, they are moving up into the old township. That means that some structures which are there in the old township are to give way for these houses to be put up. As it is right now there is a school which is in fact according to planning on the old township premises which had to be demolished. (10)

You also talk about infra-structure elsewhere. Was there another place where infra-structure was put it? -- Yes, that is a new place altogether after this planning I have been referring to. They have acquired another piece of place which I referred to on which infra-structure is being done.

Is that on the basis that houses will be provided or is that on a self-help basis that the infra-structure is put in but the people can build for themselves? -- Yes.

MR BIZOS : When was the decision made to build more than 712 houses? How long ago and when was the first public statement (20) made that there would be more than 712 houses? -- This happened some time towards the end of 1985, that this place was acquired for the additional building of the houses. I only held a meeting with the community some time this year, early this year at which meeting I made it clear to the community about the acquisition of the new place on which houses were going to be built.

Let us leave out the end of 1985 for the moment and let us come to 1984. Do you agree that there was no declared intention by anybody to build more than 712 houses anywhere? (30) -- That is not so. We kept on informing the community that

we are busy on a project of trying to get additional houses above the given figure as councillors.

I challenge you as a chairman of that council to produce any piece of writing or any minute or any document of any public nature in which prior to the end of 1984 the authorities had any intention to build more than 712 houses for your community? -- Unfortunately I had a letter in which it was being said that there is going to an additional of 150 houses, but his was burnt in the fire.

Who was the letter from? -- It was a letter from the (10) Development Board.

A letter to you in 1984? -- Yes, which was addressed to us in a meeting during the year 1984. That is a letter which was to be discussed by us at the meeting.

Would you agree that 712 houses or even as you now tell us about the private letter that you had in your home of another 150, could not house 14,000 people?

COURT : Are you putting it to this witness there there would be no private housing at all? Nobody could put up his own house or remain in his house own? That everybody was going (20) to be moved and moved into the 712 houses?

MR BIZOS : Yes. Your Lordship has not had the facts clearly given to Your Lordship by the witness and Your Lordship is, with the greatest respect, labouring under a misapprehension in relation to the facts. There was an area in which the community lived, on which they had freehold, which were very large stands, on which structures were put with corrugated iron where you could possibly have had as many as twenty or twenty-five people living on one stand, because they were freehold, people were getting rent for their freehold (30) property and that had put up fairly stable but unplanned

... / structures

structures in which they were living. The plan was to wipe all that out.

COURT : But that was expropriated I take it from what you put in 1974?

MR BIZOS : But people were allowed to stay there and the expropriation took some time and that people became stand holders with a certificate that they had the right to occupy whilst no other accommodation was available. What happened in 1973 and Mr Jonker's letter is clear on this - 1983, I did not want to put it to the witness, but the letter makes it clear that(10) all the people that lived in the location that was established in 1909 would be removed. They would be put into 712 houses in the new place and that only people with (a) and (b) rights would be considered for re-settlement. Let me make it quite clear what the defence case is, on instructions from the local community, so that there is no misunderstanding, it was realised that these people could not be accommodated in the 712 houses. That the people who were the immediate relatives of the people who had 10(1)(a) and 10(1)(b) rights became very concerned about their future. They were concerned (20) about their jobs at Secunda and Sasol and the persistent rumours which were not being denied and which no comment was made on by officials, that they were intended to - that the only place that they could go to was Kwa-Ndebele, were persistent.

COURT : Kwa-Ndebele on the other side of Bronkhorstspuit?

MR BIZOS : I am informed that people have to travel something like eighty or ninety miles to Kwa-Ndebele in order to go and work in Pretoria and elsewhere, and this was the perception of the community that was living there and that is why this(30) community found itself with the trouble that it did and not

as a result of any incitement by the UDF.

COURT : I understand that now, but it does not seem that the witness agrees with you.

MR BIZOS : Well, I think that the last question that I put to him is on the assumption that we prove to Your Lordship's satisfaction and I am not making the letter available to Your Lordship and the State at this stage, that there were only going to be 712 houses and that only 10(1)(a) and 10(1)(b) people were going to be accommodated. The question that I want to put to the witness is and I do not care, with (10) respect, whether he agrees or disagrees, that you cannot accommodate 14 or 18,000 people in 712 houses?

COURT : He said to you that he had a letter which was burnt in his house where another 150 houses were allocated to them.

MR BIZOS : This is why I added 712 or 862 would not accommodate 14 or 18,000 people and that this community was very, very worried about its future and that it was a matter of public debate and it was a matter of debate in the community that had really reached national proportions during 1984 which is the period with which we are dealing. (20)

COURT : Yes.

MR BIZOS : Do you agree that 712 houses or even 862 would not accommodate between 14 and 18,000 people? — Yes, that is true, I quite agree, that cannot happen, but as I have already said, we are still busy trying to acquire some more place on which accommodation could be put up. We have already acquired a site which could accommodate 100 stands.

It may be that this happened in 1985, I do not know, we will go and check it, but please let us confine ourselves to when the troubles in your community really started. Can (30) you please tell me this, do you agree or do you not agree that

there were members in your community who did not have Section 10(1)(a) or 10(1)(b) rights? -- I have agreed with that already.

Did anybody ever publicly explain in any official document or any public statement from the Development Board what would happen to the people who could not be accommodated in the 712 houses? -- I have already made mention of that earlier saying that that is the first step we took to protect these people, which resulted in our having had a meeting where the chief magistrate had a letter which was read to the people (10) in order to make them comfortable to stay there in peace, informing them that what is being done for the other people, that is the other portion of the community, is going to be done for them as well.

Do you agree that the notices under the Slum's Act gave the people in the waiting place until 19 November ... (Court intervenes)

COURT : The witness has no knowledge of notices under the Slum's Act.

MR BIZOS : As a councillor, did it ever come to your notice(20) that there was a problem in 1985 with the people in the waiting place? -- Yes, I will say what happened there is this. The area in which we live, there are trespassers and this problem started there because of a trespasser not originally from the people who had been there temporarily accommodated.

I am going to put to you that notices under the Slum's Act were issued on people who had rights under the Urban Areas Act? -- In answer to your previous question I was trying to make it clear that I am talking about the 116 people for whom we had arranged and if you are talking about the notice, (30) then it must be made clear that is whether one of those

... / people

people or a person who happened to be a trespasser there, who is not one of the 116 referred to.

Well, I am going to put to you that from September 1984 that the removal of people from their original place and from the waiting place was being justified by the authorities by saying that the council has agreed to all this? -- The removal of which people?

COURT : What removal are you talking about? Were people actually removed?

MR BIZOS : Out of their houses from September. (10)

COURT : But it is common cause that the council and the people agreed to a temporary removal to the waiting place. You say from the waiting place elsewhere.

MR BIZOS: I said both.

COURT : You say out of their houses and from the waiting place?

MR BIZOS : Yes.

COURT : Now where were they moved from the waiting place?

MR BIZOS : They were told to go away from there and were not told where to go and it was incline that the only place that would take them was Kwa-Ndebele. (20)

COURT : But was anybody in fact removed?

MR BIZOS : Yes, people were told to go away and they would move from one place - they would be told to move from one place and they would take their shack and they would put it to another place.

COURT : Do you mean next door?

MR BIZOS : Around the area where they were probably born in some instances.

COURT : That is not a removal, but any way. Have you got any comments? -- Nobody was removed from our jurisdiction to (30) another area, except the people who were shifted to a place

in our jurisdiction which place we agreed upon. Even the 116 we were discussing. None of them was removed from that jurisdiction.

MR BIZOS : Would you please tell us at which meeting your community as a whole decided that the homes in the original location would be pulled down and people could go to the waiting place? At which meeting was that decided? -- This is the meeting you were asking me about, the meeting where I said the Whites were not welcome.

How many people were present? -- We had invited the (10) whole community. I did not count. All I can say, it was well attended by many people.

How many people? Hundreds, thousands, how many? -- I am not in a position to give a figure. All I can say is, the community attended the meeting.

COOPER : Was it in a hall? -- Yes, the hall which we usually use for holding meetings.

Was it full? -- Yes, it was so full that some people had to stand outside.

MR BIZOS : And was a motion put there that a waiting place (20) would be established? -- Yes, that is where we discussed this with the community. Then thereafter we started with the work and then it went on.

And there was no one against this proposal? -- No nobody.

You see, I am going to put to you that that evidence of you cannot possibly be correct? Let me tell you why. The meeting where Mr Bam and the White women were present happened in 1984? At that stage everyone was against the removal, I am going to suggest to you, and there was no talk of the establishment of a waiting place? And the reprieve of the letter that (30) or the commissioner coming to tell you that nobody would be

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moved, was in July? The question of the waiting place arose after that. So, it could not have been the meeting that you are talking about? -- It was at a meeting where we agreed about this, not necessarily a meeting which was a meeting immediately before we started with this. It was in fact after some time that this meeting was held that the houses which were being put up were nearing completion and then thereafter this had to be started, that is the temporary residence.

Do you agree that there was strife in your community during 1984 as a result of the housing situation, whether (10) it was a removal or anything else? There was a strife in your community? -- I do not agree, because if there was any confusion amongst the community there, they were supposed to have informed me. We had spoken to them and when we started this they knew about what was happening and therefore there could not have been a confusion pertaining to that.

Would you agree that when you said in your evidence-in-chief that the Leandra Action Committee was started in 1981 that that was not entirely correct?

MNR. HANEKOM : U Edele, ek dink die getuienis was dat die (20) getuie het sedert 1981 self in die komitee gedien. Hy het gesê die komitee is in 1981 tot stand gebring.

MR BIZOS : He agreed that it was formed in September - he agreed under cross-examination that it was formed on 8 July 1983.

COURT : Well, if he has already agreed on that, why do you come back to that?

MR BIZOS : Because his evidence goes unchallenged where he says in his evidence-in-chief that he was on the Leandra Action Committee from August 1981 until he became a councillor in (30) September 1983.

COURT : When did he agree that it was formed in July 1983?

MR BIZOS : Yes, he did.

COURT : When did he agree?

MR BIZOS : During cross-examination.

COURT : When? Today or the day before?

MR BIZOS : No, today.

COURT : All I have on July 1984 is this communication of Worksmans.

MR BIZOS : No, 1983. If Your Lordship is trying to place it, Your Lordship will recall that I put to the witness (10) that 160 people went to Mr Botha to tell him about it and he said he could not negotiate with so many and that they should elect ten and that is when the Action Committee came into being. The witness agreed to that.

COURT : Yes, I do not seem able to find it. I recollect that he spoke about ten people or at most ten he said. I do not remember the date. My note is as follows: 160 people turned up at Botha's office, the superintendent with a copy of this meeting. Yes, I was present. They had gone to say that they were not satisfied with the rentals for the new (20) houses. Not about the renewal. Then you said Botha said it was impossible to negotiate with 160 and they must elect 10 representatives. Yes, they were elected. Only one demand was on rental - the demand was on rentals not about removals. The minutes were shown to the witness, two sections, rents and the qualifications and he said well, I cannot say that I have seen it before. From the names of the people I am inclined to say I know something of it. Then you put to him you became a member of the Action Committee headed by Jabu Maziya and then there was a dispute. He said there was no Action (30) Committee headed by Jabu Maziya. Just before the election

of the community council we came together in order to prepare for the elections. Then you put to him 10 people, the Action Committee were to take over the function of the temporary council because the people expected the authorities to say that their representatives had agreed to a removal and he said no, not in that way. I see no date here.

MR BIZOS : Could I just put a question to the witness which would clarify this?

COURT : Yes.

MR BIZOS : Do you agree that the Action Committee only came (10) into existence in 1983? After a temporary council? -- No, that is not so.

When do you say did the Action Committee come into existence? -- That was during 1981 when I was also a member of the Action Committee.

Who was the chairman of the Action Committee in 1981? -- During our time there was no chairman. We were just members of the Action Committee. It was for the first time decided on a chairman after I had left the Action Committee.

Was a chairman only elected to the Action Committee in (20) 1983? -- Yes, it started during that time.

Well, I am going to put to you that the evidence will be that there was no Action Committee until 1983? There was the advisory committee or the temporary council? -- Before answering this last statement, while the temporary council was there, we then came together and formed an Action Committee.

- Is it correct that you did not have anything to do with the Action Committee as soon as you were elected to the council? -- Yes, but it was per agreement that seeing that I am now in the community council, I will have to leave one body, which (30) is the Action Committee to belong to one side or one body.

Did you as a councillor with your fellow councillors want the Action Committee to continue as a committee holding public meetings in your community? -- Yes, we accepted the Action Committee as people who will have to look into the interests of the community as a result of which then we agreed to meet with the Action Committee. If I may explain or elaborate on that?

Yes? -- For instance when this was seen in the newspaper, the article about the removal of the people, we called a meeting which meeting was attended by the community and the Action (10) committee, at which meeting the community instructed the Action Committee to go with us to the chief director, because it would appear from the article or what was made known in the newspaper that this comes from the chief director. Now, they must accompany us to go and listen on behalf of the community what we discuss, that is us as a council with the chief director.

And did such meeting ... -- I am not finished yet. We investigated this and went as far as the chief director who in the presence of the Action Committee denied any knowledge of the article which was being referred to in the papers, (20) that he does not know anything about that. On our way back when we were supposed to go and make a report back to the community, it is only then that the Action Committee decided not to go along with us, that is the relationship between us and the Action Committee was strained.

Could you please tell us of one meeting in the public or committee meeting that you attended of the Action Committee after you were elected a councillor? -- Yes, I did. What happened is, after we had been to the chief director in the company of the Action Committee pertaining to the report in (30) the newspapers, we were supposed to have been waiting for the

minutes which were to come from the chief director about our discussion we had with him, in order to convene a meeting after receiving that. Prior to our receiving those minutes, for us to convene a meeting, the Action Committee decided to call a meeting ... (Court intervenes)

COURT : A public meeting? — A public meeting, yes, which public meeting I decided to attend. The reason being that I was expecting us to be together after receiving the minutes in order to call a public meeting and make a report back. While being there attending that meeting, it is then that (10) this man started talking ill about us at this particular meeting.

MR BIZOS : Could you put a date on that, please? It is of some importance. Try and put a date on that.

COURT : Before you put a date on it, this man being Nkabinde? — Yes, being Nkabinde as a chairman.

MR BIZOS : When would you say that was? — Unfortunately I cannot remember the date. That is why I placed this meeting as a meeting immediately after our having been to the chief director as a result of the report in the newspapers. (20)

COURT : How long was it after the meeting with the chief director? — The first Sunday after we had been to the chief director.

When did you go to the chief director? — At Witbank in his office.

When? — Let me put it this way. It was a Sunday when we had a meeting about this paper, which is the newspaper which was being a problem to us and after that Sunday, that is during the week, we went to see the chief director. After having been there, the very first Sunday then a meeting was held. (30)

MR BIZOS : Unfortunately that still does not enable us to

place the meeting that you are now referring to.

COURE : Well, he does not remember when they were with the chief director.

MR BIEOS : You remember that you were elected to the council in 1983? -- Yes.

Do you remember the month? -- I remember the month, although I cannot remember what the date was.

What month was it? -- Some time in October.

How long after that did you go to the director together?
-- That I will have to think about now. If I am not mis- (10)
taken, under correction, it could be in January.

January 1984 ? -- Yes.

It was shortly after your election to the council? -- Yes.

Well, you are not far wrong, because our information is that you actually went to the chief director at Witbank on 20 February 1984? -- That is why I said I cannot be sure of the date.

And it was the Sunday following 20 February 1984 that you say that you attended the meeting of the Action Committee, the public meeting of the Action Committee? -- Yes. I at- (20)
tended that meeting.

You see, because I am going to put to you that you did not attend any public meeting of the Action Committee, but can you please explain to His Lordship how you came to give your evidence-in-chief that this attack against you and the council system came to be made in July/August 1984? -- I did not pin it down that particular date. What I said is, at the meetings which were being held during those months or during that period, I did not say exactly when.

I am going to put to you that your definite statement (30)
was that it was during July/August 1984 and I am going to

suggest to you that in the absence of your remembering, that for a person that does not remember when something happened, how did you come in your evidence-in-chief to say that it happened in July or August 1984, because those are months of some importance to this case. I want to know how you came to that? -- My evidence is that the beginning of the whole thing was at the first meeting that were held after our having been to the chief director. That was for the first time for me to realise that we are not being accepted, the relationship is strained. At a later meeting, which is the meeting I placed (10) in August/September, it is then at that meeting that I placed during that period that it was made clear that we are not being accepted, because we are working with the Boers.

You see, I am going to suggest to you that you are now prevaricating ... (Court intervenes)

COURT : I do not think that that is correct, because in his evidence-in-chief he said that there were two meetings. He attended two meetings of the Action Committee and this is the second one he is talking of.

MR BIZOS : There was only one meeting. The Boers were (20) mentioned and he mentioned them this morning after he was at the chief director's office and his evidence-in-chief was that after this was said, he never attended any other meetings. If we read the evidence-in-chief together with what he said to Your Lordship a short while ago ... (Court intervenes)

COURT : You will remember you asked him how many meetings he attended and he started off by telling you of the first meeting and there it was left, but in chief he had spoken of two meetings.

MR BIZOS : I asked him at what meeting this was this (30) morning. He said this morning - a short while ago that the

meeting where they said because they work with the Boers. I then asked him over and over again to try and establish when that meeting was and he said it was after they went to the director. And if we read that together with the next sentence in his evidence-in-chief "After that we did not attend any meetings any more."

COURT : Well, you can address me on this. Continue with your questioning.

MR BIZOS : Do you say that you went to a meeting of the Action Committee during July or August 1964? Do you say that now?(10)
— Yes.

Before or after the chief commissioner had come to speak to your council? — It is after the chief magistrate had been there.

I am just reminded of what you said a short while ago, that the reason why you went to this meeting where the Boers - where you were accused of being a collaborator of the Boers was because - you went to this meeting because you expected a joint meeting to be called. Do you recall that? —

COURT : Just a moment. You speak of the chief commissioner(20) and now you speak of the chief director.

MR BIZOS : Yes, I have finished with that question.

COURT : Very well, make it clear to him that we are speaking not of the chief commissioner but of the chief director now?
— Are we going back now?

Yes, we are jumping about a bit. — Well, let us go back then.

MR BIZOS : It may be that - you can ask these questions and I will be happy to answer them, but do you recall a short while ago in placing this meeting - and if you do not mind, we (30) will go back - you told His Lordship that the way you fixed

the date was that it was the Sunday after you had been to the director's meeting. Do you recall that? -- Yes, that is what I said.

Do you recall a short while ago saying that it was at that meeting where you were accused ... (Court intervenes)

COURT : Did he say that?

MR BIZOS : He did.

COURT : Was it at that meeting or did you say that in connection with the September meeting?

MR BIZOS : No, it was before I mentioned anything about (10) September.

COURT : Well, my note does not have that. We went to the chief director. We were in the presence of the Action Committee who denied all knowledge of it. On the way back the Action Committee decided not to go along. The relationship became strained. Then you put it one meeting of the Action Committee. Can you mention one meeting of the Action Committee that you attended after becoming a councillor. Now bear in mind that he had mentioned two in chief. After we had been to the chief director we were supposed to wait for the minutes. Prior (20) to us receiving it, the Action Committee called a public meeting. I attended. There this man started talking ill of us, Nkabinde. That meeting was after the meeting with the chief director the first Sunday. We have not spoken of Boere yet.

MR BIZOS : What does Your Lordship understand of speaking ill?

COURT : I do not know. Anything could have been said.

MR BIZOS : With the greatest respect I do ... (Court intervenes)

COURT : You can ask the witness what he meant by "started talking ill of us", but you cannot jump to conclusions. (30)

MR BIZOS : How did Mr Nkabinde speak ill of you at the meeting

... / after

after the director - after you met the director? -- By that I mean, what he said to the meeting was, that he is not satisfied about us, because he has got a feeling that we are on the side of the Boers, although he did not specifically say to the community there what were the results of what we had gone to see the chief director about.

And did you then decide that you would not attend any other meetings as you told us in your evidence-in-chief? -- No.

Well, your evidence-in-chief was precisely that.

COURT : What? That is not true. He said he was at two (10) meetings.

MR BIZOS : Yes, but at the meeting at which the Boers were mentioned, the next sentence was, that is what I am referring to, that after that I decided not to attend any meetings further.

COURT : May be there were two meetings where the Boers were mentioned. We do not know. Ask him the question and then we will know that.

MR BIZOS : I think I have tried my best to make the point and if Your Lordship feels that ... (Court intervenes) (20)

COURT : You can consider your cross-examination during the adjournment and ask the questions that you feel fit, but just stick to the correct facts.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

K319

IN COGNITO WITNESS NO. 19, still under oath

CROSS-EXAMINATION BY MR BIZOS (continued) : Up to the time that you attended the public meeting where you heard that you were executing the will of the Boers, had there been any difficulty between you and Mr Nkabinde before that? -- Yes, as (30) I have already mentioned that it started on our return from

Witbank. Thereafter.

Before you went to Witbank, was there any trouble between the two of you? -- No.

So, until the time you returned from Witbank, do I understand you to say, that up to that time you were a friend of Mr Nkabinde's? -- Yes, in the community.

And you must have been fairly close because on your evidence you were members of the same Action Committee? -- That is so.

And it must have come as a shock to you to hear at a (10) public his challenging your good faith, that you were made the tool of others? -- I would like to explain that. As I have already said, at the time when he was not successful with the elections, we had a talk with him about the procedure which was followed that the elections were proper. It started during that time that I realised that our talks were not the kind of talks we used to have before.

Is that the first meeting that you had with him?

COURT : That is a different thing. -- It was not a meeting. It was just a discussion like people who were close to each(20) other.

MR BIZOS : Was it just a private discussion between the two of you? -- No, not only the two of us were involved in this talk. It happened that we were together talking about this thing about his not being successful when he was standing as a candidate for elections.

Were the people of the Action Committee together? How many people or how many of you were there when this discussion took place? -- There were Action Committee people present there, because this in fact had to do with the whole (30) community and we were the people who were in fact involved

with the community affairs. We then came together there.

And after this private discussion was the relationship between you and Mr Nkabinde sour, so to speak? -- Yes, but not only with reference to myself. We were together. There were councillors who were elected who were talking to him about what happened, the procedure which was followed at the elections, trying to make it clear to him that procedure followed was the correct one and he seemed not to approve of what we were telling him, as such we could see that he was not happy at all. (10)

Did the relationship between the two of you become sour? -- That is so, because I knew this man and we used to have talks with him. After you had a talk with a person and notice that this is now different altogether the way in which he is talking to me, it is then that you realise that something went wrong somewhere.

Did you feel that you still had a seat on the Action Committee? -- No.

Did you formally resign from the Action Committee? -- We made it clear in fact look, seeing that I am on the other (20) side, which is the council body, I will have to resign from the Action Committee, so that the other people can also get the opportunity of being active in the Action Committee.

Could you please tell His Lordship what the attitude of the members of the Board or the township superintendent was to the Action Committee? Did they think that the two could co-exist? -- The Action Committee was chosen by the community, much as the community council was elected by the community according to the law and there was therefore no reason which could have justified a misunderstanding between the two. (30)

Did you as councillors receive any letters from the Action

... / Committee

Committee to attend joined meeting with the Action Committee?
— I would like to explain that. Like people who are working together, it did happen at some stage that they sent a note inviting me to a meeting which note was sent to my house. Unfortunately, the note was sent to my house when I was not home. I am sorry, what I want to correct is this. I confused these things. This about a note or a notice or invitation is before - when I say it is before this, I mean it is before what was asked from me whether we had a joint meeting with the Action Committee. (10)

The question that I asked you was whether any letters were written to you as the chairman of the council to attend meetings with the Action Committee? Could we have your answer to that question? — That is exactly what I wanted to say. There is an invitation letter which is inviting us to a meeting. That is the invitation I am talking about which was received at my place late and I was personally not home.

Is the answer yes, one letter was received? — Yes.

If I were to suggest to you that no less than three letters were written to the council by the Action Committee shortly (20) after its election for a joint meeting, do you say yes or not or you do not remember? — On that I will say there were other letters which were sent but those were received after the relationship was strained. As I have already said that at some stage the relationship was strained.

Do you agree that three letters were sent by the Action Committee inviting you and your fellow-councillors to a joint meeting? — I cannot quite recall, but there were letters which were delivered, except for the one I have referred to as the one which was received late. After the relationship was (30) strained, there were other letters which were received.

Were you accused by councillor Miaki of receiving letters from the Action Committee and not informing the councillors of these letters or putting it before the council? -- There was such a talk from Miaki. When we investigated it further it was clear from Miaki that he got that information from the Action Committee and at the time there were no letters whatsoever which were received from the Action Committee.

Did councillor Miaki resign in protest giving as his reason or as one of his reasons the fact that you received letters from the Action Committee, but that you kept them (10) in your home or did not bring them to the meeting? -- I dispute that. In the letter which was written by Miaki, there was no such reason mentioned which letter is still available at the office.

Do you agree that during 1983 before the relationship between you and Mr Nkabinde was sour, that Nkabinde had no objections to the council system? -- Yes, that year 1983 is the year during which we were spending as candidates with Nkabinde to be elected into the council.

And that he and his family and his friends thought that (20) the council was a good way in which the interests of the community could be served? -- Well, if that is in respect of the period just mentioned to me, I agree to it, because some of his family members supported me in order to be elected as a councillor.

Yes, you were members of the same Action Committee? -- When saying his family, I am talking about his relatives who were in the ward which I represented because he was in another ward.

Did a perception come about, did the idea come about (30) in 1984 that under your chairmanship the council did not want

to have dealings with the Action Committee? -- Do I understand that to mean that I as a person chairing the council was not in favour of them or was it decided by the council which I chaired that they want nothing to do with the Action Committee?

No, the impression created in the community because you did not present letters and because of your attitude to the Action Committee, that you as chairman of the council did not want anything to do with the Action Committee? -- Is that the public perception?

Yes? -- If that was the perception, it was never (10)
brought to my attention. Therefore I do not know about it.

Do you agree that Mr Nkabinde's brother-in-law, Mr Skosana is himself a councillor? -- Yes.

For the reasons that I have given you, I am going to suggest to you that at the end of 1983, beginning of 1984 you were not being called the sort of names that you said in your evidence-in-chief? -- What are the names?

Sell-outs and others that you mentioned? Let us take that period for a start. What do you say about that period? -- Are you talking about the end of 1983, beginning of 1984? (20)

What do you say, that you were not called any names? -- as a class, as councillors by Mr Nkabinde and his family and his friends and the Action Committee? -- That you must make clear. Are you talking about the end of 1983, beginning of 1984?

I think that I made that very clear in my question and I think the interpreter has told you twice? -- I think I made it clear as to when this started that we were not in good terms with them and after we made mention of the 18,000, then I made mention of that as to when that started, that the (30)
relationship was not good.

Let me put to you despite your, what I am going to suggest to His Lordship, non-answer to the question, even during 1984 Mr Nkabinde and the members of the Action Committee left no stone unturned to try and get a re-election because they themselves wanted to be elected to the council. Do you remember that? What do you say to that? -- I do not understand. I am not clear when you say they left no stone unturned. Is the question that they were sort of investigating what we were doing at the time or what is the position?

COURT : I understand it to mean that in 1984 Nkabinde and (10) company told you that your term of office had ended and that they intended to be elected themselves? -- That I am not able to tell, but what I can say is this. When they were talking about the term which had expired, we tried to explain to them that the time had not expired. I am not in a position though to say whether they were doing that because they wanted to be elected in the council themselves or not.

MR BIZOS : Do you know whether they called for a re-election at the time when they thought that your term of office should come to an end? -- What is the question again? Could you (20) just repeat that?

COURT : At the time when they were telling you that your term of office had terminated, at that time they were calling for a re-election? -- Yes, I know that.

MR BIZOS : And do you agree that they petitioned the magistrate? -- Yes, I am aware of that.

During September 1984? -- Yes.

And they wrote to the Leandra community - to the council itself, to this council itself asking for a re-election? --

That is so. In fact that is what they said. (30)

My Lord, this notice came into our possession during the

lunch-hour. Is this the notice which specifically said that your term of office would come to an end within a year, signed by the electoral officer? That would be AAQ(42). — This is the document I was talking about which was discussed in which notice there was a misprint, which notice we tried to go and explain to these people after having got the correct information about it.

If Your Lordship looks at it, it is not a misprint. It just meant that the electoral officer was ignorant of the law that he was administering. It was not a misprint. -- (10) I will understand that if you say he is ignorant of the law which is to be followed, because in fact what was happening there, he was given the position just to supervise the elections and not to sort of play a part about the law part of it.

Was that not precisely Mr Nkabinde's complaint that the boxes were taken away by him and a couple of Municipal policemen in the absence of Mr Nkabinde and his election agent? -- That I am not going to be able to answer, because it is not on my side.

Just for the sake of completeness, you said that it (20) was you who went to the magistrate. I want to suggest to you that it was the Action Committee that went to the magistrate and he wrote to them on 12 September 1984 actually setting out the law correctly? -- We first heard about this letter being referred to here now that there was such a letter as a result of which then we as the council went to see the magistrate. It was not the council who initially went to see the magistrate prior to that letter being sent out.

CCURT : AAQ(42) is a document headed "Notice Community council for the Leandra Black Township, Leandra" and it is signed (30) by the electoral officer F.J. van Dyk. AAQ(43), that is

... / handed

handed in by consent between the parties is a letter by the Acting Magistrate Evander, District Highveld Ridge, dated 12 September 1984 addressed to The Chairman, Leandra Action Committee.

MR. ELZOS : You see, why I have put all this to you is, that unlike some other places and other people, this Action Committee had no objection to the council system, but that they had objections to firstly how the election had been conducted, as far as Mr Nkabinde had been concerned and secondly, that there was a feeling that contrary to your election platform(10) of standing in close co-operation with the Action Committee once you were elected a councillor and chairman of the council you sort of declared some form of UDI(?) of the Action Committee. You said "Well, I will not have anything to do with that", you personally? -- That is not true, because even after my election as a chairman of the council, I was prepared to go along with the Action Committee with reference to what was being said in the newspaper report, to go and investigate and find out about that.

You see, I want to put to you that until your departure(20) from this spirit of unity, things worked out quite well in this community, because you had a sort of threetier system. Firstly, it being a semi-rural area, Chief Ampie Maysa exercised a fair amount of traditional authority in the community. Do you agree with that? -- I am not clear when you say he was on the side of the rural area. I am not clear what do you mean by that.

COURT : That was merely part of the running up, warming up. The question is, did Chief Ampie Maysa exercise some traditional or quite a bit of traditional authority? -- May I (30) ask a question before answering that?

Yes? -- Do I understand then that to mean that the community would go to him pertaining to traditional customs and report to him for him then to come and put it across to us or what do I understand from that?

MR BIZOS : Without getting into details, although this was not a tribal area, he himself, being a chief, exercised some authority and enjoyed the respect of the vast majority of the people as a chief? -- I do not understand this. I want to be clear on this before I answer the question. Maysa was not a chief. People in the urban areas do not have chiefs.(10) Maysa was an induna, which does not have the same status as a chief.

Well, did everybody call him chief, for a start? -- I would not dispute it that the people called him chief, although he was an induna.

COURT : Other people than his wife, you mean? -- Yes.

MR BIZOS : Let me just put the whole of it, because I am going to suggest to His Lordship that you are a little reluctant to make these or this admission. His traditional authority - there was the authority of the Action Committee(20) or what you, I think, were referring to, the "skakelkomitee" and that there was a liaison with the temporary or advisory council. These three bodies that have worked in harmony up to the end of 1983, towards the end of 1983. -- Yes, I agree with that.

Until you were electec chairman of the community council and I am going to suggest to you that for reasons best known to yourself, you did not want to recognise this established situation that existed in the community up to then of close co-operation? (30)

COURT : It could not continue because the "skakelkomitee"

... / had

had fallen away and the temporary council had fallen away. Do you mean relationship between Chief Maysa ... (Mr Bizos intervenes)

MR BIZOS : And the Action Committee and the council. -- That is not true. I would like to explain what the working relationship was between myself and Chief Maysa.

Yes? -- What happened is. Chief Ampie Maysa as an induna was given authority by the Kwa-Ndebele government to form a body called Ndebele Board, which body was going to represent the Ndebele's in the township, in which board Chief Maysa (10) elected me as well to be a member. This is now going to explain the working relationship between me and him after being elected as a councillor. What I have just been telling the Court about my being elected into the Kwa-Ndebele board by Chief Maysa happened before I was elected a councillor in the community council. After having been elected by him into the Kwa-Ndebele Board in the township, he, Chief Maysa, later said that he is no longer working within the authority or the government of Kwa-Ndebele, because that government does not have the powers, as a result of which then, when (20) he declared himself to be no longer a member of the board of Kwa-Ndebele, I still remained in the board of the Kwa-Ndebele representatives in the townships up to now. In order words, what I am trying to explain is, it is not myself who decided that I am no longer going to work with him or decided to strain the working relationship between myself and him. It is him who said that. On that I am trying to explain to this Court that what is being put to me that immediately when I was elected into the council, I decided not to work hand in hand with the other people, that is not true. (30)

Was an attempt made to shoot Chief Ampie Maysa shortly

... / after

after the 1983 elections? -- That I want to make clear.

I remember that pertinently. This happened before the election of the community council when I was still a member of the Kwa-Ndebele Board under his supervision or with him in the board.

Was there a vigilante group in existence in your community in the last quarter of 1983? -- There were no vigilantes. It was very quiet during that period. There was no reason for vigilantes.

Whilst we are dealing with that, you told us of your house - attempts made on your house. You know of course (10) that the house of Mr Nkabinde has been burnt and that his father's car has been burnt and that his car has been burnt?

COURT : In the last quarter of 1983?

MR BIZOS : No.

COURT : But we are now busy with the last quarter of 1983. He said it was very quiet and then you said well, while we are busy with this.

MR BIZOS : With the question of vigilantes.

COURT : Do not jump about. Put it clearly to the witness. Do you not want to finish off the question of the vigilantes(20) first of all?

MR BIZOS : Well, what I am suggesting to the witness is that they were there in the last quarter of 1983 and they are ruling the roost now and during 1985 and Mr Nkabinde's house - his father's house has been burnt, his father's car has been burnt, his car was burnt outside his place. -- I thought the question was pertaining to the year 1983.

COURT : Yes, well, that is what we thought initially, but it seems to me the question is now much wider. The question now is twofold. One that from the last quarter of 1983 up (30) to the present there has been a gang of vigilantes. That is

... / question

question number one. Answer that first, please? -- I will first answer in respect of the year 1983. There were no vigilantes there. One could walk around the whole night in that area there. There were no problems. In fact there was no trouble at all, except of course when you come across the tsotsi element. That we know is a different thing altogether.

In 1984, were there then vigilantes? -- When one talks about vigilantes, I understand it to be a body which is being discussed by the community and on which the community agrees that they will have to form such a body and then the body (10) is formed. Therefore, this confuses me in the sense that it is being alleged that there were vigilantes here and there was no meeting in which this was discussed that a vigilante group was going to be formed.

Let us just take it one by one in an attempt to dissect this long question. Anything else that was not discussed by the community but the functions in the sense that you have a group of citizens coming together to defend themselves or their property? -- No, that I would not know about, whether there was such a vigilante formed by the people living (20) there.

That is now in 1984, 1985 and 1986? -- I would not know about what was formed since I have left the township on 19 November 1985 as a result of the incident which took place at my residence.

The next part of the question is as follows. Was Mr Nkabinde's house burnt? -- The Nkabinde kraal there, that is the whole family, lives together. That is the father to Nkabinde in question in this case, lives with his son. That living place was set alight. A portion of it was burnt (30) and another portion was not. I am saying the old man's house

or room or portion of the house is the portion which was burnt.

And apart from the old man's house? -- Except for the house, the structure I have been talking about, which belonged to Mr Nkabinde senior, I only heard it being put to me including a vehicle. I am not certain about that. I am not in a position to answer that.

When did this happen? -- If I am not mistaken that happened during the year 1986.

WITNESS STANDS DOWN.

(10)

COURT ADJOURNS UNTIL 6 JUNE 1986.

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-I1-13-101

Document Title:- Vol 101 p 4945-5036. Witness: IC19