

(TRANSVAALSE PROVINSIALE AFDELING)

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SAAKNOMMER: CC 482/85

DELMAS

1987-02-06

I 2.3 Vd 170p 8748-8785

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORE: MNR. W.F. KRUGEL

. PROF. W.A. JOUBERT

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

COURT RESUMES ON 6 FEBRUARY 1987.NAPHTALI MBUTI NKOPANE: d.s.s.

FURTHER EXAMINATION BY MR BIZOS: We were about to deal with the third house meeting. Did you attend that meeting? -- Yes I did.

Was it at the same place, at the home of Mr Vilakazi, accused no. 10? -- Yes the same house.

Was a similar number of people present or more or less? -- It was between fifteen and twenty still.

Were there any people there that were not at the (10) previous meetings? -- Yes there were people who were present at this one yet they were not present at the previous ones.

Would you tell His Lordship about those people who were there? -- Of the people who were not present at the previous meetings who was present this time Maroping is one of them.

Anyone else that you can think of? -- The only time when other people came to attend this meeting it was on the 21st, on the 23rd the people who were there attending the meeting were people to whom we were already used, that means people who had been attending the meetings before. (20)

Yes, who were there? We are talking about the meeting of the 21st. You remember that you were supposed to have the mass meeting on the 19th and that did not go well because you did not have a venue and then the meeting after that. -- 'Yes that is so.

Who was there at that meeting? -- Esau Raditsela came there accompanied by Edith Lethlake.

Anyone else? -- Those are the only people I saw.

COURT: Just a moment you mentioned Maroping just now. Was he at this meeting or at the later meeting? -- No it was a (30)

mistake./....

mistake. I understood Mr Bizos to be talking about the meeting of the 23rd, that is why I made mention of Maroping, otherwise Maroping was at the meeting of the 23rd, not the 21st.

We will probably get to that.

MR BIZOS: Yes, I am sorry I said the third meeting and there may have been a mishearing. Do you know why Esau came there or any of the other people? -- Yes I do know the reason why.

Why? -- The reason for their coming there was because of our failure to find a venue for our mass meeting to be held. Their reason then there was that Edith came there to suggest(10) to us that we hold a meeting together with the people from Zone 7, which means holding the same meeting at the same venue.

Did they say where that meeting was to be? -- What she said was they have acquired a venue at the Roman Catholic Church, Small Farm. The meetings were going to be held at different times, that means we were going to share the venue.

Yes. Was a date mentioned? -- Yes the date was 26 August.

Yes we know that that was a Sunday. Do you recall as to whether there was a suggestion who would have a morning meeting or an afternoon meeting? -- The Zone 7 people were going(20) to hold their meeting in the morning session from 09h00. Then the Zone 3 people were going to hold their meeting from 14h00.

And did Esau Raditsela and Edith Lethlake remain at the meeting of the 21st? -- They did not. All they did was to inform us about the suggestion and then they left us alone, that is the people who were attending the meeting there were left behind, we continued.

Had the meeting started at the time that Esau Raditsela and Edith Lethlake came there? -- It had started, yes.

Did Esau Raditsela address the meeting as such on any (30)

issued/....

issue other than the finding of the venue? -- No Raditsela did not say anything at all. The only person who had something to say was Edith.

And what do you say to the allegation that Raditsela made a speech at this meeting about people standing together in order to fight the councillors? -- I do not agree with that, I deny that that was said.

I do not want you to give His Lordship great detail about this because I did not understand the State to have taken any, to have taken it up with the previous witness, was Mr Chika (10) Selebalo(?) there? -- Yes he was present.

And was there talk about a petition? -- Yes that is true.

Did you arrange for the calling, for the holding of another meeting? -- Yes that is true.

When was that arranged for and did it take place? -- What happened was that we arranged for another meeting to take place on the 23rd at which meeting then an arrangement was going to be made for the forthcoming meeting.

And at the meeting of the 23rd was there any talk about speakers? -- Yes there was a talk about speakers. (20)

Who were going to speak at the meeting, were the speakers about the meeting, on the, at the meeting of the 26th? -- That is true.

And can you recall who it was suggested would speak at this meeting?

COURT: Only suggested or appointed?

MR BIZOS: Was it agreed as to who would be the speakers?

-- Yes it was.

Please give His Lordship a list? -- Myself, Mr Vilakazi.

COURT: That is accused no. 10. -- Accused no. 10 yes. (30)

Mrs Olifant/....

Mrs Olifant, Mr Selebalo and Reverend Jacob Mahlatsi.

Was there any talk as to who would preside at the meeting?

-- Yes there was a talk.

What was the talk? -- A suggestion was already made by Mr Vilakazi, accused no. 10, at the meeting that he was going to invite or get the Reverend Lord McCamel to come and chair the meeting. This suggestion was made prior to the last meeting before the mass meeting which was to be held on the 26th. And on the meeting before this meeting of the 26th Mr Vilakazi reported to us that he could not contact Reverend Lord (10) McCamel, as a result of which then it was suggested at this meeting that if Reverend Lord McCamel is not found to come and chair the meeting then he, Mr Vilakazi, will have to chair the meeting of the 26th.

Was there, in your presence, any discussion at any of these four meetings that you were being considered as a chairman or as an alternative chairman or as a co-chairman or any sort of chairman? -- No not at all.

Can you recall at how many of the four house meetings that you attended Mr Jacob Hlanyane, accused no. 15, was (20) present? -- It was only once, the meeting of the 21st.

Now we know that there was a meeting on the 24th of representatives from both Zone 3 and Zone 7, did you attend that meeting? -- No I did not attend that meeting.

Did you take any part in advertising the meeting of the 26th? -- Yes I did, that is true.

What did you do about that? -- We announced this meeting making use of a loudspeaker.

When did you do that? -- That was the morning of the 26th.

ASSESSOR (PROF JOUBERT): Is a loudspeaker also what is (30)

known/....

known as a loudhailer? -- It could be called a loudhailer. As far as I am concerned they serve the same purpose.

MR BIZOS: Was it attached to the battery of the car or is it just something that is held on the hand? -- It was connected on the car battery.

A loudspeaker then I think we will make it. And did you, do you recall what is said on the loudspeaker? -- Yes I do.

Please tell His Lordship what you said?

COURT: Is this now in the Reverend Mahlatsi's car? -- Yes that is so. (10)

Yes what did you say? -- We were announcing, sort of inviting the people at Zone 3, the residents of Zone 3, to come to a meeting where our problems, that is the problems of the residents in Zone 3, are going to be discussed. And we emphasised that especially the question of the increase on rentals. We further requested them in this invitation that they must try and come in big numbers because we want them, while being at this meeting, to choose their own or elect their own committee who will deal with matters affecting the residents of this particular zone. (20)

MR BIZOS:

As far as you were concerned was there any purpose, other than those which you mentioned on the loudspeaker, in holding this mass meeting? -- No there was no other reason whatsoever except those that I mentioned.

Yes. Well it goes without saying, well was it for the purposes alleged by the State in the indictment, in order to further a conspiracy by the African National Congress and the Communist Party and the UDF to overthrow the government by force? -- No, that is not correct because our house meetings were attended only by the residents of Zone and none of (30)

the/....

the organisations mentioned were represented at any of the meetings we held. I therefore deny that that was the purpose.

Or they say further that it was for the purpose of getting the people of the Vaal to cause riots to take place? -- I do not agree with that because in all the meetings we held there nothing was ever said about riots.

Now other than the using of the loudspeaker do you know whether your meeting was advertised in any other way? -- What I know is we distributed a very few pamphlets for the Evaton Ratepayers Association. This was done in two streets only. (10)

But your own meeting, was that, did you have anything to do with any pamphlets? -- Our pamphlets, that is pamphlets with reference to our meeting, were distributed by Mr Vilakaz on the afternoon of the 25th.

Did you take any part in it? -- I was not there, I was at work.

I see. Do you know anything about any children being used to distribute pamphlets? -- Not on the 26th, I do not know.

COURT: Why limit it to the 26th?

MR BIZOS: Or at any time, were children used in your zone (20) to hand out pamphlets as far as you know? -- I know of the pamphlets on the 25th but I cannot tell the Court whether any children were used in distributing those pamphlets which Mr Vilakazi had with him to be distributed on the 25th because I was at work.

Let us come to the 26th itself. At what time did you arrive at the Roman Catholic Church, Small Farms? -- At 13h30.

Did you go there alone or together with others? -- I was in the company of one of my neighbours.

When you arrived there had people begun to gather at (30)

the/....

the venue of the meeting? -- Yes that is so.

And did you see any person who approached you? Shortly after your arrival? -- Yes on my arrival there Esau Raditsela was already there.

Did he approach you? -- Yes he approached me.

In your own words please tell us what passed between you and Mr Esau Raditsela? -- In approaching me he requested that I hold the meeting there because he himself was in a hurry on a certain thing that he had to rush.

COURT: What was this certain thing? -- He did not tell me (10) as to where he was going to. Although of course he did tell me that he will be back very soon, or he will not be long where he is getting to.

MR BIZOS: What was your understanding when this request was made, were you going to chair the meeting for the whole time or only a portion of the time? -- I understood that to mean that I was going to chair the meeting for a short time.

COURT: And that he would take over from you? -- Yes that is true.

MR BIZOS: That is what you understood. Did he give you (20) anything? -- Yes he handed me a list of speakers.

Was this inside or outside the hall? -- Outside the hall, it was quite some time before the meeting started.

Did you agree to preside over this meeting? -- Yes I did.

Now

ASSESSOR (PROF JOUBERT): When did you agree? -- At the time when he requested me while he was telling me that he was still getting somewhere and then he was asking me to chair the meeting I agreed immediately then.

MR BIZOS: We know that at the meeting at which you were (30)

not/...

not present - I will just get the date -

COURT: The 24th.

MR BIZOS: Of the 24th, the joint zone meeting, it was there suggested that, in your absence, that Lord McCamel was going to chair it and that if he was not available Mr Petrus Mokoena, accused no. 6, was going to chair it and that you were the second alternative so to speak, if he was not available you were going to chair it. Did you know anything about this discussion on the 24th, before Raditsela came to you? -- No I did not know that. (10)

Did you have much experience in chairing mass meetings Mr Nkopane? -- Yes I had enough experience in holding a meeting with the community.

What sort of meetings had you presided over up to now? -- Prior to that I was a member of a school committee where I held a position of the secretary, so then during that period it happened that I had meetings with parents. That is the experience which I am talking about which I acquired prior to this meeting in question.

COURT: Are you referring to private meetings with parents (20) or mass meetings? -- I am talking about a meeting where all the parents of the children at that particular school are invited to attend that meeting.

And were you there the chairman? -- Yes it happened that I chaired the meetings.

MR BIZOS: For how long had you been involved on the school committee? -- It is from the year 1981 until up to 1984, at the time of my arrest.

Is this the school in which your children were pupils? -- At two different schools where my children were attending (30)

as/....

as pupils. What happened is I had a term at the other school, which term expired and again I was engaged at the other school as a school committee member.

And you agreed to chair this meeting? -- Yes I agreed.

Alright. Now I want to deal with something that has been raised in cross-examination. Did you announce that there was to be an independent chairman and that he was not available and that is why you became the chairman, did you announce that? -- No I did not because I did not even know about that.

Yes. Now you have heard that among my other ^{things} sins I put (10) to Reverend Mahlatsi that that was said? -- Yes I heard that.

And was what I put correct or incorrect? -- Incorrect.

Right. After I put this incorrect information did you do anything about it? -- No I did not do anything about it.

Right. And having taken that out of the way for the time being at least, let us start with what in fact happened at the meeting. Did you open the meeting? -- Yes I did.

Yes. What did you say? -- What I said was, to the people there, the audience, that we held some meetings, that is the house meetings in Zone 3, at which meetings we looked into (20) our problems as residents of that zone as a result of which then on looking at these problems we then decided that it is not enough for us to decide on what can be done, the best thing for us to do was to call a mass meeting. I also informed the audience there that we agreed at our house meetings that with the permission of the residents will have to elect a committee which will look into the matters of the people in Zone 3. I then put it to the people there that if, with their permission, we can discuss this, we can start discussing the rental issue after which then we will have to hold elections, that is (30)

after/....

after the meetings, after the discussions, we will then hold elections. It was accepted.

And we have had evidence that there were approximately 1000 at this meeting?

COURT: Why do you not ask the witness to give us his opinion or estimate of the number of people present?

MR BIZOS: I am sorry My Lord, I thought it was common cause, the lowest is, the lowest was put at 800 and the highest at 1500.

COURT: Well just ask the witness how many people, according(10) to him, were present?

MR BIZOS: According to you how many people would you say were present, and please do not be influenced by my 1000, give an estimate of your own. -- Well my estimation of the people present there was about 800.

Before any business was discussed did you call upon anyone to do anything? -- Yes, because of the reason that we were now there together with the Zone 7 people at this meeting I requested that Mr Matlole, accused no. 17, open the meeting for us with a short prayer. (20)

Did he do that? -- Yes he did that.

COURT: Was his name on the list? -- Yes his name was on the list.

As a speaker or also as a person who would open the meeting with a prayer? -- If I may explain that. This is what I wanted to make clear. When Mr Raditsela, Esau, asked me to chair that meeting he made it clear to me that the Zone 7 people who were supposed to have had their meeting at 09h00 that morning were unfortunately not able to hold their meeting then at 09h00. As a result of which then we had to be together (30)

at/....

at this meeting, that is the Zone 3 people meeting, but prior to his having mentioned that to me I knew already that the Zone 7 people could not hold their meeting in the morning because the Ratepayers Association had their meeting during the morning session of that day, therefore the venue was occupied. Now what happened is this, when he requested me to chair the meeting in the afternoon he then said to me "Look Mr Matlole and you will have to work together as co-chairpersons at this meeting because now it is being attended by Zone 7 and Zone 3 people, it is now a Zone 7 and 3 meeting." (10)

Yes? -- As a result of which then I requested him to pray for the opening of the meeting, although his name was appearing on the list of speakers I decided to ask him for a prayer.

So does that mean that nobody's name was on the list as appointed to open the meeting with a prayer? -- No not at all, what happened is the list had the names of the people but it was not specified in remarks for instance that this speaker is going to deal with this and this person is going to deal with this, no.

ASSESSOR (PROF JOUBERT): The list you mention, was that a (20) list handed, a list you had in your hand or was it a programme distributed to the audience? -- The list I had with me was only for the person who must know about the speakers. It was not a programme which was distributed to the audience.

COURT: So you had, yes continued? -- That is because the agenda was already known to everybody attending that meeting as the question of being the rentals which were being increased. Therefore I only had the names of the speakers.

So there was just a list of names and it was not set out what they would do, whether they would open with a prayer (30)

or/....

or whether they would have a speech or whether they would start a song? -- That is so.

Was the Reverend Mahlatsi's name on that list? -- Yes his name was on the list.

As the first name? -- No. If my memory serves me well his was not the first name.

Yes, thank you.

MR BIZOS: Did he deliver a prayer, Reverend Mahlatsi? -- No he did not.

In addition to delivering the prayer did Mr Matlole, (10) accused no. 17, say anything more? -- Yes he was a speaker.

Very briefly do you recall what he said and what subjects he touched on? -- I remember him explaining to the audience there as to what Vaal Civic Association is, what kind of an organisation it is, and what has it got to do or what is it going to do for the people and what the aims and objects of the Vaal Civic Association are.

And did he touch on any other subject? -- As he had already explained to the audience that the Vaal Civic Association was going to assist the people pertaining to their (20) grievances he made an example about the committee, that is the Zone 7 committee which had done something with reference to the problem which was affecting the school children.

Yes, well we have had evidence about that. We will not ask you to repeat the details at this stage. What do you say to the suggestion that Mr Matlole, accused no. 17, incited the crowd or the masses, as the indictment speaks of, incited the masses in his speech to do anything unlawful, did he do that? -- No I do not agree with that.

Do you recall who the speaker after Mr Matlole was? (30)

-- I/....

-- I am not going to bind myself in saying I remember who was the next speaker after who but what I am going to try and do is to tell the Court who the speakers were at this meeting, without their chronological order.

Right, who is the next speaker that comes to your mind?

-- If my memory serves me well Mr Vilakazi was the next.

Was his name on the list? -- Yes his name was on the list.

Was he on the platform? -- Not at the time when I called upon him, he was not on the platform. (10)

What did he do when you called him? -- Who did what now? Myself or him?

Mr Vilakazi, what did he do as soon as you called upon him to speak. Accused no. 10? -- When I called on him he got up and came forward and started a song which he sung, namely Hlanganani Basabenzi.

Yes. You as a chairman, did you rule him out of order for doing this? -- No I did not.

Well any reason why not?

COURT: Except for the practical one that he could not. (20)

-- It is because I did not find it necessary to stop him singing.

MR BIZOS: Yes. Is it unusual for people to sing at meetings?

-- Well what I know with us, the Black people, wherever we are meeting together we are people who like singing, at all the times wherever we are together. Which means then even then at meetings there are singings.

And did Mr Vilakazi, accused no. 10, sing a solo or was he joined by the people present? -- They joined him in the singing. (30)

And/....

And you as the chairman, did you join in? -- Yes I also joined in the singing. Although all I knew there was the tune of the song, otherwise I did not know the words and as a result I was just humming the tune with the people who were singing.

COURT: Holding the list in front of your mouth? -- No with my mouth closed and then sort of trying to hum with the people with the tune.

MR BIZOS: With the tune, yes. Well we know that this is a trade union song which calls for workers to unite. Did you see anything unlawful in this being done at your meeting or (10) that it was inciting anybody to do any, perform any unlawful act? -- Not at all.

Yes. Could you please give us as briefly as you can what Mr Vilakazi said? -- Mr Vilakazi explained to the audience that he was also not satisfied about this question of the rental. He further made it known to the audience that some people staying with him in Zone 3 approached him for some advice as to what can be done on this. It was on those reasons that he decided to work in such a way that a meeting be held with the people. And as the VCA representative in Zone 3 he found (20) it really necessary to hold the meeting there because he was of the opinion that it was going to be helpful to have a committee representing Zone 3 and he further made it clear to the audience that the reason why he could not have had a meeting prior to this to form a committee was because of the lack of venue at which he could hold a meeting for the election of the committee. He further drew the attention of the audience there to the fact that the increase on rentals is not according to what was being said by the councillors at the time when they were campaigning for their election as (30) councillors./....

councillors, because some of them made promises in the campaign that there will not be any rental increases and further said to the community that they were going to work hand in hand with the community in a proper way, and some even went further to say should they fail as councillors to work hand in hand with the community then they will be bound to resign as councillors. He then made an example with a councillor at Rotunda who resigned at the request of the community. In this because they agreed with the community in fact also admitted that they are failing to do their work. (10)

Do you recall anything else that Mr Vilakazi said? -- He made a call that the councillors should resign.

Now did he say anything in his speech which was any indication to you that he was calling for anything violent or unlawful in relation to the councillors? -- Not at all. From the speech he made there there was no such which he uttered there which could have caused the people to understand him in that way.

The, did he make any gesture or shout anything when he completed his speech? -- Yes he shouted "Amandla". (20)

Did anyone respond to this shout? -- Yes the audience responded to that by saying "Awetu".

Well did you as the chairman say that this sort of thing must not happen? -- No I did not because I know that as a common practice, it is a usual thing that happens and people are used to it.

When did you first hear this expression "Amandla" and the response of "Awetu", when did you first hear it? -- It was in 1956 during the bus boycott strike in Evaton. At the meetings which were held then this Amandla-Awetu was used. (30)

you/...

You say that it was a bus boycott? -- Yes.

And did you hear it thereafter from time to time elsewhere?

-- Yes during my school days as well. For instance when we were having a debating society in the hall, if say a speaker had said something which in fact was pleasing to others or somebody felt this was a good point then that person would say "Amandla" then the response from the audience would be "Awetu". At times at the closing of this debating society for the day there was a shout of "Amandla" and then the people there would respond by saying "Awetu". (10)

Do you recall who, well who was the next speaker that you recall? -- I remember Mrs Rina Mokoena as a speaker there.

Was her name on the list? -- Yes it was on the list.

Would you please tell us briefly what Mrs Mokoena said?

-- What she said was she also finds this question of rental being a very difficult thing or heavy burden. She even went further to say the rent which we are paying at present is far above the means and further said that if there was going to be some increase on the present amount we are paying then it is going to be worse difficult. She even made mention of the (20) fact that she is in arrears with the payment of the rental at that time as a result of which then she said she finds herself in a very difficult situation. She further then requested the women present there to stand up and give help to the men about this question of rentals. Because they the women are the people in fact who are experiencing the worst difficulty in the sense the children will always go to their mothers asking for money. That is how much I can remember about her speech, that is Mrs Mokoena's speech.

Although she gave His Lordship varying versions of (30)

what/....

what she says she said what do you say to the suggestion that Mrs Mokoena said at this meeting that if the councillors did not resign they would be killed. Did she say anything like that? -- She never ever said that there. I was even surprised to hear her saying that in this court that is what she said.

Can you recall who the next speaker was? -- I remember a Mrs Matsaneng who requested to be given a chance to speak.

Was she a listed speaker? -- No she was not.

Do you recall what Mrs Matsaneng said? -- She spoke about the difficulties which are going to be experienced by (10) the people, the community there, because of the increased rentals. She went to an extent of saying that the women must also stand on their feet and look into the question of the rentals and see what assistance can they give to that. And also encouraged the women to join the organisation VOW, in order to be able to help one another while being members of VOW in the sense of helping themselves or other families with groceries in the sense of forming a bulk buying scheme.

Yes VOW is this, did you know what VOW stood for at the time? -- At the time yes I came to know because she explained (20) it as Vaal Women's Organisation.

Yes, you told us that she was not a listed speaker but she spoke. Do you recall who the next speaker was, either on the list or off the list, do you recall who spoke? -- Mr Malindi was also a speaker there, that is accused no. 5.

Can you recall what he said? Well I am sorry could I ask a preparatory question to that. Was his name on the list? -- Yes his name was on the list.

Did he stand up to speak as soon as you called his name out? -- What happened is this, I called accused no. 5's (30) name, /....

name, he did not show up, as a result of which then I spoke to accused no. 10 who knew accused no. 5 and made a report to me that this person, namely no. 5 accused, is not here yet. That was because accused no. 5 was not known to me at that time.

Now you saw the witness Masenya here? -- Yes I did.

Did you know him before this day? -- Yes quite well.

Now can you recall whether he did anything before accused no. 5 spoke? -- Yes I do recall that.

Well do you recall that he spoke or do you recall whether or not he spoke before no. 5 spoke? -- What I remember about (10) him is that he spoke but he did not finish what he wanted to say or what he was busy saying when a certain woman interrupted him which then made it difficult for him to continue in what he wanted to say.

C.518 Yes, I just want clarity. Do you recall that to have been before or after accused no. 5 spoke? -- No if my memory serves me well it is before accused no. 5 spoke.

Let us deal with it then. Please tell us what did Mr Masenya say before being interrupted by this woman? -- If I still remember well Masenya said that he is with the people, (20) that means he goes along with the people's perception about the rent as a resident of Zone 7 and being aware of the problems experienced in that zone. He then thereafter started saying something about the councillors which I could not hear to be able to tell His Lordship as to what he was saying about the councillors. He was then interrupted by this woman. The interruption by this woman was that he, Masenya, must declare his stand with reference to the councillors or before he can say anything ill or speak ill about the councillors he himself will have to declare his disassociation with the (30) councillors/....

councillors because he himself once stood as a candidate for election as a councillor in 1983. As a result of that Mr Masenya could not continue speaking at this meeting.

COURT: Why not? -- Because then that resulted in a disorder of the meeting in this sense that some people were saying he must speak, some saying no he must not speak. This was happening in that situation of a disorder. That is what made it difficult for him to speak. I tried to call the audience to order so that he Masenya could speak. With the help from Mr Vilakazi, accused no. 10. When the meeting was called (10) to order Masenya then at that stage did not want to speak. I called on him, Masenya, to continue with his speech wherein later on remarks by me I said everybody here at this meeting is entitled to voice his or her opinion and feelings. That is why we are holding this meeting.

MR BIZOS: How did you call on Masenya to continue, do you recall? -- I called on him by his name. He is well known to me. I called on him by his name saying "Masenya come on, come and carry on from where you stopped". Masenya did not react to that invitation of mine as a result of which then I took (20) it he does not want to speak any more.

Did Mr Masenya speak thereafter at this meeting? -- Yes later towards the closing of the meeting he asked a question.

Right we will come to that more or less at the time when we discuss what happened towards the end of the meeting. Do you recall who the next speaker was after this incident with Mr Masenya? -- Mr Malindi, accused no. 5.

Would you please tell His Lordship what you recall accused no. 5 having said at this meeting? -- At the beginning, introducing his speech Mr Malindi said he was happy to see the (30) elderly/....

elderly people of that community having gathered there to come and discuss the question of rental and to see them having gathered there to elect the committee as referred to. He further said this meeting that I am attending now, referring to our meeting we had, reminds me of the, reminds him of the meeting that he had attended that morning, that is the Rate-payers meeting which was held in the morning, because that meeting also displayed a unity, a good unity. He further went on to say in the meeting of the Evaton people which he had attended earlier the following was discussed. The problems (10) people experienced during some time pertaining to their stands in Evaton. He further made mention of the fact that that meeting was a success. He further made mention of the question of the rentals which was being discussed at this present meeting, meaning our meeting we held where he was a speaker now. At this meeting he made mention of these men, with reference to the councillors, saying that they made promises at the time of their election which promises they did not fulfil. This being at the time of their election in 1983 they made promises about rentals that there will not be any (20) increases in rentals here we are today, just the next year after they are being elected, there are rent increases already. He further made mention of a meeting he had attended the previous day, namely the 25th, that was in Zone 13.

Did he say where precisely in Zone 13 that was held? -- Yes he said the venue was at St Michael's Anglican Church. He further made mention that the meeting he had attended, that is the one in Zone 13 the previous day, resolved that the increased rent, that is the increase itself, will not be paid, they are not prepared to pay that. Secondly the other (30) resolution/....

resolution was that Monday the 3rd they will not be going to work, that will be a stay away. On that day they are going to hold a rally. That is how much I remember of his speech.

Before mention was made by Mr Malindi of this meeting at St Michael's Anglican Church did you know anything about that meeting? -- No I did not even know about that meeting.

And you told us that as far as you can remember that was all that was said by accused no. 5. Can you recall what he said about councillors? Other than what you have told us? -- Yes what he said about the councillors further was that if (10) they are failing with what they are supposed to do in their work it will be better for them to resign.

Did he or did he not mention any decision having been taken about councillors at the meeting of the 25th? -- What he said was a resolution was taken by the people at that meeting on the 25th that the councillors should resign because they are failures in their duties.

COURT ADJOURNS FOR TEA. COURT RESUMES.

NAPHTALI MBUTI NKOPANE: d.s.s.

FURTHER EXAMINATION BY MR BIZOD; Now Mr Nkopane you told (20) us that accused no. 5 spoke, that he mentioned what happened at the meeting of the 25th and do you recall what happened after that? -- After that then somebody got up and said that that person was in favour of taking a resolution for a stay away.

Who was that person, do you recall? -- Mrs Matsaneng is the person I am talking about.

Yes. And do you recall anything else that she said? -- No not Mrs Matsaneng.

Anyone else speak and say anything about it? -- Yes (30)

Mr Maroping/....

Mr Maroping was the next person who spoke.

Yes. What did Mr Maroping say? -- What he said was instead of a stay away and a rally he proposes that we march on that day of the stay away to the Administration Board offices to go and make them aware of our grievances. Because he felt it will not help anything to stay away and be busy with a rally.

Did he say why being busy with a rally would not help? -- His proposal was it is worthwhile going to Houtkop than holding a rally, taking the people's grievances to Houtkop to be attended to. (10)

Just before we go any further before this day did you know the erstwhile accused no. 4 before His Lordship, Lazarus More? -- No I came to know him after my arrest when I was with him in custody.

Did he speak at this meeting at all? -- I did not see him at all at this meeting.

And I am going to read to you what is alleged in paragraph 76(7) and ask you whether he or anyone else said anything like this.

COURT: It is a reference to the indictment. (20)

MR BIZOS: A reference to the indictment yes.

"The accused Mohapi Lazarus More addressed a meeting and informed the audience that he was a member of COSAS and stressed that the increased rent also affected school going youths and that activists in COSAS would help the activists of VCA in the struggle in the Vaal Triangle. He attacked the council members in his address and incited the audience to destroy and stone everything which belonged to the Black Local Authorities."

Now you told us that you did not know Lazarus More at all. (30)

Did/...

Did any other person say anything like this at this meeting?

ASSESSOR (MR KRÜGEL): What was the reference there please?

MR BIZOS: The reference, 76(7). -- I have already said that I did not see Lazarus More at all at that meeting and no one else ever made a speech or addressed that meeting using those words.

Do you recall, after Mr Maroping said that having the rally will not serve the purpose and you must go to Houtkop, do you recall whether anybody took this suggestion up or whether there were any speeches or any questions about it? (10) -- What I remember is that somebody got up and supported the proposal by Mr Maroping that we go to Houtkop with our grievances to go and talk there.

When you say go to Houtkop just one or two people or a lot of people? -- No what this person said was in most cases when a small number of people goes to a place with grievances it is usually taken that these people are not in fact telling the perception of the people and therefore he was suggesting that we go there in a big number, those who can afford going there.

COURT: Was that Mr Maroping's or the other gentleman's (20) suggestion, the supporter of Maroping? -- The supporter who was supporting Mr Maroping.

MR BIZOS: And was there any more discussion about this suggestion that you should go to Houtkop? -- Mr Masenya then raised his hand with the intention of asking a question. In fact he requested to ask a question.

Was he given an opportunity to do so? -- Yes I gave him the opportunity to do so.

And what did he ask? -- His question was what is going to happen to the families of the breadwinners who may be (30) arrested/....

arrested in the whole thing, that is people who get arrested in the procession of the march.

Yes, did anyone respond to that? -- Yes.

Who? -- Old man Matlole.

No. 17. Very briefly what did he say? -- In reply to that Mr Matlole said as people who have now agreed on this, that is what we have been discussing, the talk, we are bound to unite. And further said that Masenya must not lose hope because it does not mean that when you only march then the police can just arrest you without finding out as to where are you off to. (10) He then quoted some words from the Bible in explaining that to him where Gideon was talking to God about cowards. I do not understand the quotation well but that is what he said to him, something pertaining to that.

You have already told His Lordship that you do not remember the order in which people spoke but did a taxi driver have anything to ask or say? -- Yes a taximan did ask.

What did he ask? -- What he asked was he has come to know that whenever there is a stay away taxis are being stoned. Now he wants to know what the situation is going to be on (20) Monday with reference to his knowledge of the taxis being stoned during stay aways.

Did anyone answer him? -- Yes Mr Malindi, accused no. 5 did.

Do you recall what he said? -- I beg your pardon?

Do you recall what Mr Malindi said? -- Yes I do.

What did he say? -- Mr Malindi's reply to that was this is the wish of the people, that is the people there, that we march and further said he hopes that our march is going to be a well behaved march. He further added that as far as he (30) knows/....

nows he has never heard of taxis being stoned in Sebokeng, well but seeing that this taximan has got that fear and he wants his taxi to be safe the best thing for him to do is not to let his taxi operate on that day, because as agreed there nobody will be going to work on that day. As a result of which then no taxis will be busy, it will not be a busy day for taxis to operate in anyway. That is what he said provided our aim about the stay away is a success.

Did he say anything else? -- Yes he further said if that is accepted, that is the question of the stay away, then (10) the office bearers of the VCA will notify the taxi people that taxis were not to operate on that day. May, (according to the witness) instead of "will", may.

COURT: May not operate? -- No, no the officials of the VCA may instead of will inform, may.

That they will not operate or that they shall not operate or that they may not operate? -- Well if they understand it is just the same, they may not operate.

MR BIZOS: Yes. I think the correction was that the VCA officials may inform and not ... (20)

COURT: Yes that correction I picked up and then I attempted to clarify the second part of the sentence.

MR BIZOS: Oh I see, as Your Lordship pleases. Did that satisfy the taxi driver? -- Yes he was satisfied because he was in agreement with this feeling that the rent is rather heavy on the people.

Was anything mentioned about the buses? -- Yes Mr Malindi said if it was necessary or if it was to be done it could be done by the office bearers of the VCA in one way or another to let them know, that is the bus people know, after a decision (30)

has/....

has been taken.

Let them know what? -- To request them not to let their buses operate as the community has requested that there be no operation of buses so that they, the people, the community, could attend to the problems of the rent.

Do you recall whether anyone else spoke or whether anyone asked any questions? -- Somebody did ask a question.

Yes? -- The question by this person was what will be done if there were people who will go to work on that day of the 3rd which was the Monday. (10)

Yes? -- That one was also answered by Mr Malindi.

Yes, what did he say? -- Mr Malindi in reply to that said because of our aim that our march was going to be a peaceful one, the stay away was going to be a peaceful one and this question, the grievance about the rental has a bearing to all of us in the township it was for the benefit of everyone there to take part in the stay away as well as the march. But that one who will choose to go to work it will be, it may be that that person feels that he or she can afford to pay the rent. He further said there is nothing we can do (20) about such people. In other words they can go to work if they want to, that is their decision.

ASSESSOR (MR KRÜGEL): Did he say that, or is that your conclusion, I am not quite clear? -- That is what he said.

MR BIZOS: Do you remember anyone else speaking? -- Yes in a form of a question again.

Yes, who was that? -- It was a woman from the audience.

Yes what did she ask?

COURT: Do you know her name? -- No I do not know what her name is. She was asking about our agreement not to pay (30)

the/....

the increased rent. As to how does one go about it, say for instance there were other people who may decide to go and pay. The reply came from the audience there to that question. Somebody answered saying if we have agreed here at this meeting of the residents, as residents, that we are not doing that and somebody decides to defy that, that is our decision, and goes and pays that rent it simply means that that person can afford to pay that rent. We are not going to do anything to that person, we just leave that person as he or she is. Then from the platform somebody added to that - I cannot quite remember (10) if it was Mr Vilakazi.

What was added? -- What he added was just to confirm what the previous speaker had said in reply to the question that whoever will go and pay will simply be indicating that he or she can afford to pay.

Do you recall whether there was any further speaking? -- Yes there was.

Who was it? -- Mr Kabi.

Did you know him before? -- I knew him but I was not close to him. I knew him by his name and that he was the chair- (20) man of the Evaton Ratepayers Association.

COURT: Do you know his first name? -- I heard here the other day him being called Caswell.

Well no do not tell me what you heard in court because it was very very tentatively that he was called Caswell.

MR BIZOS: Could I have a moment My Lord. It is confirmed. It comes from accused no. 6 My Lord. And do you recall what Mr Caswell Kabi said? -- Yes I do recall what he said though not in full details.

Yes will you just give us a very brief account of (30)

what/....

what he said? -- What he said was he is happy to see that we are holding that kind of a meeting and they are also having the same difficulty and experiencing the same problems in Evaton. For instance the problem of their stands which are being re-planned by the council.

Do you recall him saying anything else? -- No I cannot remember anything more than that.

Do you recall him referring to Councillor Diphoko in any way? -- No I cannot recall him making any mention of Councillor Diphoko. I do remember him making mention of (10) Rabotapi in this sense that whenever he was referring to the Evaton council then he would say Rabotapi's council, that is how he made reference to Rabotapi. That is all.

Do you know Mrs Olifant or did you know Mrs Olifant at this meeting? -- Yes I came to know her, she was present at our meetings in Zone 3.

Did she speak at this meeting, at the meeting of the 26th? -- Yes she did.

Do you recall what she said? -- Yes I do.

Tell us very briefly what she said please? -- She (20) spoke about the difficulties which are going to be created by the increment on rentals to the community. She further encouraged the women to join VOW as an organisation. That is all I remember.

After some hesitation you told His Lordship this morning that Mr Mahlatsi was on the list of speakers.

COURT: Was there some hesitation?

MR BIZOS: That is how I recall it My Lord.

COURT: I do not think there was hesitation, he thought about it. (30)

MR BIZOS:/....

MR BIZOS: Well that is what I mean, yes, after giving the matter some thought you said that you remember Mr Mahlatsi's name on the list. Did the Reverend Mahlatsi speak? -- No he did not.

Whilst this talking was going on was anyone making notes of what was going on? -- Mr Vilakazi was busy writing or taking notes when these things were happening.

And when much of the speaking was over were these notes used for any purpose?

COURT: Well is that the correct way of asking the question?(10) Why do you not say were the notes used for any purpose and then your next question is when. Why do you put it on the basis when much of the speaking was over? That is an aspect which is disputed because it runs into who came next and when.

MR BIZOS: As Your Lordship pleases. I am sorry My Lord I thought that it was common cause that the resolutions came towards the end of the meeting. I did not know that that was at the beginning. Well at what stage, or were the notes used for any purpose? -- Yes they were.

What use was made of them? -- After having said we have(20) said enough now to the meeting I requested Mr Vilakazi to read the resolutions so that we can hear what was resolved on. At that stage in fact they were still being taken as proposals, not as yet resolutions.

Yes, and were any proposals put to the meeting? -- Yes.

And when these proposals were put was there any discussion on them? -- What I remember is that they were read one by one and then there was an agreement on them.

COURT: When each one was read you put them to the vote or to agreement? -- Yes that is so, what happened was that after (30)

this/....

this was read, because it was already mentioned earlier, we were then inviting whoever had anything to say finally about that to comment so that we can decide whether this is accepted as a resolution or not.

But did you deal with each resolution separately and ask comments on that proposed resolution while you were dealing with that one or did you take the lot together, read through them and they then say any further discussions? -- We read them one by one and then discussed them separately to make a resolution out of that particular proposal. (10)

MR BIZOS: You told us that a number of people called for the resignation of councillors? Was there any ... -- That is true.

Was there any talk at any stage what should, might happen if the councillors did not resign? -- Yes, what was said was if they do not resign as councillors then their businesses are to be boycotted.

Do you now recall who said that? -- If I am not mistaken that came from Mrs Matsaneng.

Do you recall the different proposals that were voted upon to become resolutions? -- Yes I do. (20)

Enumerate them to His Lordship please? -- The first resolution was that the increased rent is not being paid. The second one was that there is going to be a stay away on Monday. The third one was that there is going to be a march to Houtkop to go and talk to the people there about the grievances of the community in Houtkop.

Other resolutions? -- The third resolution was that we were making a call to the councillors to resign. The fifth resolution was to request the business owners to close their businesses on this day of the 3rd. (30)

Was/....

Was there much debate after these proposals were formally put or not? -- Yes that I can remember. Those are the only resolutions.

Now was there much debate when these were formally put? -- Yes as a result of what I have just told the Court about the questions which were put, that indicates that there were some talks about the proposals which ended up being accepted as resolutions?

Were they put, you have already told His Lordship that they were individually taken, were they put to the vote or (10) was some other way adopted to determine whether the people there were in favour or not? -- They were put to vote.

COURT: By show of hands or popular acclaim or in what way?

-- By showing our hands, lifting our hands up. Some were even voting orally.

MR BIZOS: Is this in substitution of or in addition to the showing of hands?

COURT: You get two votes.

MR BIZOS: Was there any opposition to these proposals? -- No after they were discussed at length in details nobody was (20) opposing these resolutions.

Now these resolutions were taken at a meeting at which over 800 people were present. Was any attempt made to keep them a secret Mr Nkopane? -- No that is not so. Why because when we dispersed after the meeting, taking different directions, the people who attended the meeting were on their way discussing these things openly., Therefore there was no secret about that.

Okay now up to the time that these resolutions were adopted you told His Lordship that Mr Raditsela gave you (30)

an/....

an assurance that he would only be away for a short while, did he in fact come back a short while after he asked you to preside at this meeting? -- Although he did not take time and he was not short as he indicated me to believe it was he took some time longer than what I expected it to be. Eventually he came back. That was towards the end of the meeting which was discussing the rentals, then he returned.

Did he take over the chairmanship during the discussions of the question of the rentals? -- On his arrival there I gave way for him to go on with the elections for Zone 3. (10)

For Zone 3? -- Area Committee.

Who was presiding at the time that the resolutions were taken? -- I was presiding.

Did Mr Raditsela participate in the discussions before the resolutions were taken? -- No he did not because at the time of his arrival we had already taken decisions on the resolutions that they are being accepted as resolutions of that meeting. It was during the time when I was addressing the community or the audience there in thanking them for what they did and attending the meeting that he arrived. (20)

Did he arrive alone? -- No he was not alone at his arrival.

Who did he come with? -- He was in the company of Miss Edith Lethlake and some youth, a group of youth.

Did they have anything with them? -- Two of the youth were holding the Vaal Civic Association banner.

Yes and what did they do with that banner? -- They entered the hall with the banner holding it in the same position as it was when they arrived and took position behind us on the platform, held it like that for some time, and later folded it up. (30)

When/....

When these banner carrying youths came in did they come in quietly or were they doing anything? -- On their way heading for the door, that is the entry door, they were singing. Just at the door in the doorway they stopped singing and entered the hall.

You told us that the elections were conducted by Mr Esau Raditsela? -- Yes he was the chairman at that stage.

Yes, can you recall whether Mr Raditsela said anything when he took over the meeting? -- Over what meeting, I do not understand? (10)

When he became chairman for the elections, you told us that you handed over the chair to Mr Raditsela, did he say anything? -- Yes he said something.

What? -- What he said was to a Zone 3 resident that he has heard that we agreed to electing a committee and he is now therefore here to chair the meeting and to act as an electoral officer as requested by me. Me meaning the witness.

Yes? Did he call for nominations? -- Yes he did.

Now who were nominated for the position of chairman, or I am told I must say chairperson. (20)

COURT: I think we should say chairman.

MR BIZOS: As Your Lordship pleases. -- Myself, Mr Vilakazi, and Reverend Jacob Mahlatsi.

Yes.

COURT: The three of you were nominated for chairman? -- That is true.

MR BIZOS: Did all of you accept nomination? -- No Mr Vilakazi did not accept it.

Well did he give any reasons? -- Yes his reasons were where he is employed he has got to do with the unions and (30)

most/...

most of the time his kind of a job he is doing needs him out of town and he will therefore not be in a position to be available most of the time to attend to whatever duties are meant for him.

Well was his name put forward as chairman at the time of the voting or not? -- Despite his request the audience there insisted that he accept the nomination for election as a chairman. In that way we remained being three nominees.

Was an election held? -- Yes it was.

And who was the person elected as chairman? -- I was (10) elected as the chairman.

Did you get the most number of votes? -- Yes that is true.

Who got the second largest number of votes? -- Reverend Mahlatsi.

Yes. And having got the second largest number of votes was he given any office? -- Yes he was my vice.

I do not want to go through the whole committee but could you please tell us what nominations there were for the position of secretary? -- Mr Ephraim Dibathi was the secretary.

Was any other nomination made for the position of sec- (20) retary? -- Yes there were nominations first.

Yes, who else was nominated for the position of secretary, do you recall? -- They were three in all. The third one was Mr Vilakazi, who ended up being the Vice-Secretary.

C.519 COURT: Who was the second one? -- There were three in number.

I do not know who this third person was.

MR BIZOS: Yes, and who was elected? -- As I have already said earlier Mr Ephraim Dibathi was elected.

And what position did Mr Vilakazi get? -- He was the vice to Mr Dibathi.

(30)

Who/....

Who was treasurer? -- Mr Jacob Hlanyane.

Is that accused no. 15? -- No. 15, yes.

Was there an election for that position? -- Yes there were elections.

And was he elected? -- It was also done in the same pattern.

Yes. And once the other office bearers were elected was the meeting closed? -- Yes that is true.

How was it closed? Can you recall? -- We sang the national anthem Nkosi Sikelele Africa. (10)

And when the people from the meeting dispersed did they disperse in a rowdy and disorderly manner? Shouting and screaming, or in some other way? -- No they were not rowdy. The people left there in a very disciplined manner, and peaceful.

Now did you yourself leave the place right away? -- No I did not.

Did you stay behind for any particular reason? -- As a result of the resolutions which were taken by the meeting there and our having been elected into office I found it (20) necessary to see the chairman from Zone 7 and to have a caucus with him pertaining to holding a meeting together as office bearers because of the task which has been given to us by the community.

In view of the ^{Agenda} gender that you used who was the chairman of the Zone 7 area committee? -- Edith Lethlake.

And did you speak to her outside the Small Farms? -- Yes outside the meeting I did.

Yes. Were there just the two of you or were there other people around when you spoke? -- The committee members for (30)

the/....

the zones were present, that is Zone 3 and 7.

All of them or just some of them? -- Not all of them, some of them, for instance Ephraim Dibathi was not present and Reverend Jacob Mahlatsi was not present, that is from my side.

From your side. And was this a long or a short meeting that you had? -- It was just a short talk which did not last even ten minutes.

Yes. Any decision taken at this short meeting? -- Yes there was a decision taken.

What was it? -- The decision was that the committees (10) according to different areas will have to meet on 2 September.

COURT: Which different areas? -- That means Zone 7 and Zone 3.

MR BIZOS: To meet on 2 September, that would be the following Sunday? -- Yes.

For what purpose? -- The purpose was to plan the march and the putting forward of our grievances at Houtkop because of the decisions that had been taken, namely the non-payment of rentals, the stay away and the march itself.

Was it intended that this meeting of the 2nd should be confined just to the area representatives or were other (20) people to attend it as well? -- It was only for area committees and not any other person.

Now were ... -- May I just correct something there?

Yes. -- Originally I said the meeting on the 2nd was meant for the people from Zone 3 and 7. The correction there is that we ended up agreeing to invite all the area committees who are in fact related to Vaal Civic Association. With the view of coming together, all of us, and discuss the presentation of the grievances by us at Houtkop.

Now was anyone, sorry? -- Because they are affecting (30)

us/....

us all.

Was anyone, did anyone undertake to inform representatives from the other areas? -- Yes Edith undertook to do that, to inform the other areas.

Yes. Now did you know whether or not the Zone 3 area representative on the VCA, Mr Vilakazi, accused no. 10, was going to be there or not? -- I knew that he was not going to be there on the 2nd.

How did you know that? -- That I came to know because of what he told us while attending one of the house meetings (10) in Zone 3.

Did you see accused no. 10 between the time, well after the 26th and before the 2nd?

COURT: 26 August 1984 and 2 September 1984.

MR BIZOS: Of September 1984? -- Yes I did see him.

Do you remember the date on which you saw, or the day of the week on which you saw him? -- That was on the 28th.

Where did you see him? -- He came to my place of residence.

Alone? -- Accompanied by Mr Olifant and Mr Maroping.

Did the four of you have a discussion? -- Yes we did. (20)

What was the discussion? -- This was just an informal meeting. Mr Vilakazi wanted to meet some of us, namely the committee members, because he was going to leave. What he left with us as a message was that on the meeting of the 2nd there we must draw a memorandum. This he said the following way, that we the people in the meeting of the 2nd must propose that a memorandum be written, which memorandum will contain all our grievances which will later be handed over to the offices and the same memorandum will have to contain demands. We agreed on that, that is his proposal pertaining to the (30) memorandum, /....

memorandum, that we the people who are going to attend the meeting on the 2nd, will make such a proposal to that meeting that the memorandum be drawn.

Now you told us that the resolutions of the meeting of the 26th were written down? What happened to those, to the papers on which, or the paper on which the resolutions were written down? Do you know anything about that? -- Yes I do.

Please tell His Lordship about that? -- That document which contained the resolutions was given by me to Mr Esau Raditsela. On that I told him that we, that is myself (10) and my committee from Zone 3, agreed that we request him to print a pamphlet for us which will be used in informing the people in our area, Zone 3, about the stay away and the march.

And did he take the resolutions? -- Yes he did.

COURT: Did he take them on one piece of paper, on a document? -- It was on one piece of paper. What happened is this, when I handed him the document with the resolutions I scribbled the contents of that document on another piece of paper for my own record.

COURT ADJOURNS UNTIL 9 FEBRUARY 1987.

DELMAS TREASON TRIAL 1985-1989

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