

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

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SAAKNOMMER: CC 482/85

PRETORIA

1988-02-15 en 16

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

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

VOLUME 347

(Bladsye 19 805 - 19 878)

MATTHEWS THEKISO, d.s.s. (Through interpreter)

EXAMINATION BY MR BIZOS : Mr Thekiso, are you a resident of Tumahole 2007 Nzeke Street? -- Yes.

Up to November 1958 when you were retrenched , were you employed by FEDMIS in Sasolburg? -- Yes.

When did you hear about the rent increase in Tumahole for the first time? -- It was in May 1984.

How did you hear about that? -- There were some notices issued by the office.

Did those notices say that the rental was going to be(10) increased from R26,25 to R37,50 from 1 July 1984? -- Yes.

What were you earning? Were you employed by FEDMIS at the time? -- Yes, I was employed by FEDMIS.

What were you earning per week? -- R90,00 per week.

Just to take one other figure. What was your daily travelling expense from Tumahole to Sasolburg? -- R2,40.

Every week? -- R2,40 per day.

You are married and do you have children? --. Yes, I have children.

When had the last increase been made in Tumahole before(20) 1984? -- The rent was being increased every year.

And from what to what was it increased the previous year in 1983? -- These are the increases I remember. From R12,50 it was increased to R18,15 per month, from where it was increased to R26,25 per month.

Are you giving us three increases over a period of three years? That is 1982, 83 and 84? -- Yes.

Were any reasons given for these increases every successive year? -- Yes, reasons were given.

What reasons did they give? -- They were talking about(30) projects/...

projects to be attended to. The condition of the streets were to be made better and the sewerage system was to be introduced and the electrification was one of the projects which was mentioned.

In 1984 did you have any of these things in your house?

-- No, I had none.

And the purpose for which these increases were taking place, were they the same each year or were they different?

-- The same reasons were advanced each time.

Whilst at home in the middle of July 1984 did you (10) hear anything unusual going on outside your house? -- Yes, something happened.

What happened? -- While I was busy washing in preparation to go to work, a group of people went past singing there. What were they singing? -- They were singing a song "Senzeni na".

Having your attention attracted in this way, did you do anything? -- Yes, I immediately wiped myself and went out to investigate as to what was happening.

What did you see happening? -- On arrival outside (20) the majority of the people had passed my place. There were some people who had fallen behind from that group. I made enquiries from a certain old lady as to what was happening, on which she said that this was people going to the office to discuss the rent issue.

COURT : On what day was this? -- It was a Sunday.

MR BIZOS : Did you join the group? -- No, I did not.

Why not? -- No, it was because I was busy preparing myself and I was running out of time. I was going to work.

How many people were there on this march? (30)

COURT/...

COURT : We have had this about three times from different witnesses. Do we want it over and over again?

MR BIZOS : Well, except at different stages, at different places.

COURT : He did not join in the march, did he?

MR BIZOS : Did you go to a bus stop that morning for the purposes of going to work? -- Yes, I did.

Where and at approximately what time? -- It was at about 10h00.

And where? -- Our bus stop from where we boarded the (10) bus was just behind the beerhall.

And what did you see there? -- While we were standing in the queue there busy boarding a bus, I noticed police vehicles arriving in the immediate vicinity stopping about a block of a street from the point where we were boarding the bus. The police alighted the parked vehicles there, namely a police van. One of them pointed a gun in our direction and a shot went off from that gun. As a result of that shot some things dropped not far from us. When these landed on the ground there I noticed a smoke from that (20) thing which landed on the ground which I did not know what it was at that time. I felt my eyes being affected and my nose by that thing which was smoking on the ground, which resulted in the bus driver closing the doors of the bus and pulling off, as a result of which we then changed the position of where we were standing at the time when this thing affected us. That is we were standing on the side of the direction from which the wind was blowing. Whilst standing on the opposite direction, we then boarded a car there which took us to town from where we caught up with the bus to catch (30) the/...

the bus to work. When I got into the bus I spoke to the driver about what he did.

No, I do not think you can tell us what the driver said. Let me take you back to the bus stop. How many of you were there at or near the bus stop? -- Between ten and twelve. We were not too many.

And how far were you from the vehicle? -- Just behind that. It was quite near.

Could you see anyone attacking the premises of the beerhall? -- No, I did not see anybody. (10)

COURT : Were you behind the beerhall? -- Yes.

Could you see the front of it or not? -- No, I could not see it.

MR BIZOS : And the something that you saw falling after you heard the shot, how far away from you did it land when you were standing there as a group of ten or twelve people? -- (Witness indicates distance)

COURT : 8 Metres.

MR BIZOS : Was the beerhall on fire or did you see anything unusual in the beerhall? -- At that time when I was there, (20) there was nothing happening.

ASSESSOR (MR KRUGEL) : Was the beerhall open? -- When I went past it, it was closed.

MR BIZOS : Did you go past the front of the beerhall when you went to the bus stop? -- When the beerhall is open, you will find the door on the side of it. I went past the door which was supposed to have been open, if this beerhall was open. It was closed.

COURT : Was it usual or unusual for that time on a Sunday? -- No, it was not unusual. On Sundays that beerhall is (30)

closed/...

closed. It only opens at about 14h00.

MR BIZOS : I want to now gone on to September. Do you recall whether you were working during the night of 9/10 September 1984? -- Yes, I was working.

On your arrival from work in Tumahole, did you see anything unusual? -- Do you mean on my arrival from work on what day?

COURT : It must have been the 10th then if it was the night of the 9th onto the 10th? -- We were travelling in a bus from work. This bus stopped in town. We were told to get off (10) the bus all of us because the bus was not going to proceed further than that into the township. The reason given there was that people were assembling at the offices and therefore the bus is not proceeding further than that point.

MR BIZOS : Did you go anywhere near the offices? -- Yes, what happened is that from where I alighted the bus, I went past the office going home to go and have a wash. After having washed myself, I went back to the office to attend those people in whatever they were doing there.

How many people were there? -- There were many. I can (20) say the whole township, residents of the township were there.

And what were they doing there? -- Some were seated and some were standing.

And what were they sitting down and standing for? -- On arrival there I made enquiries from these people there who were present at this point, as a result of which I was told that some people were elected as representatives of the people present there. They were busy speaking to Mr Ganz inside, meaning inside the building.

Did anyone emerge from inside the building? -- Yes, (30)

Mr Mosepedi/...

Mr Mosepedi.

Did you know him? -- Yes, I knew him.

As what and from where? -- I came to know him from the township. I grew up in that township and he was there. In fact, I considered him as a father to me in the sense that he is my father's age group.

And what did he do or say when he emerged? -- When he emerged there he had a loudhailer with him announcing to the people present that they must not go away. He, Mr Mosepedi and the others are still busy talking to Mr Ganz. (10) They must hang around. On which the people responded saying that they must make it quick, because they have been waiting there long. They want to go. Mosepedi went back. Not very long Mosepedi came back for the second time and announced that it has been decided here that everybody present here or any resident shall have to pay rent according to his or her income and what he or she can afford in paying rent. The community present there did not agree with that, as a result of which then he again went back. He came back for the third time now and made the following announcement to the (20) people that the rent is going to remain at what it is. There is no increment which is going to be effected. There was an applause by the people and they dispersed.

Did you know councillor Hlalele? -- I know him, yes.

Was he at this gathering? -- Yes, he was. He was standing with us outside.

Do you remember what he was wearing?

COURT : Just tell me, Mr Bizos, on what basis is this evidence admissible? Are you just leading evidence to contradict other witnesses or are we eventually coming (3

to/...

to the point where we have to come?

MR BIZOS : No, although it contradicts ... (Court intervenes)

COURT : I must really say, I do not know why you lead this evidence. Why do you lead this particular evidence now?

MR BIZOS : The state led evidence on this meeting.

COURT : Yes, so Hlalele said he was not there or he said something. I do not know what he said. Now you lead evidence to say Hlalele is wrong. Where is this case going to?

MR BIZOS : It creates what he was wearing, if the answer is what I believe it to be, a probability as to whether - let(10) me try and be careful - as to which version your lordship is going to believe about the meeting that took place in Johannesburg.

COURT : Yes, that had nothing to do with what happened in September of 1984?

MR BIZOS : Except that if in fact .. (Court intervenes)

COURT : Well, on the basis of strict law, is this a collateral matter and if so, are you allowed to lead it? Because where is the case going?

MR BIZOS : It is not a collateral matter, with respect, if(20) it is capable of being used as a fact upon which a probability may be argued on one or other of the matters that have been put in issue.

COURT : Surely merely on credibility. On that basis then one would have no rule as far as collateral matter is concerned.

MR BIZOS : I am happy to leave the question there. I do not think it is sufficiently vital to have a long argument for me to press the issue.

COURT : It is not merely this issue that we are dealing (30) with/...



with at the moment which may be neither here nor there.

It is a question of approach to the case. We have to finish the case at some stage. If you lead a lot of evidence that is irrelevant, then we get a lot of irrelevant cross-examination on it. Where is the case going to end? Because I have told you my circumstances. At the end of the year I am just going on long leave. I am sorry for the accused, but do not look at me at the end of this year, because it would not be me to blame.

MR BIZOS : Let me address your lordship on that issue. (10)  
We ourselves are not unmindful of this difficulty and your lordship's difficulty and your lordship must realise ...  
(Court intervenes)

COURT : I have no difficulty at all. It is your difficulty and your clients' difficulty and the state's difficulty. It is not my difficulty. I am just worried for your sake.

MR BIZOS : Thank you, but let me submit to your lordship something in relation to our difficulty. We do believe with the greatest respect that your lordship is correct that a lot of evidence has been led in this case, which is not (20) strictly relevant to the points in issue. Unfortunately, there is evidence there which we did not choose to put there in the first instance. We do not know, to take this example, this very issue as an example. The meeting that was held in Johannesburg was given high priority and a lot of evidence-in-chief was led about it and it would appear that it was particularly relevant to the issues in this case. We have now called another witness to rebut what happened in Johannesburg.

COURT : Yes, and I did not stop you on that witness at (30)  
all/...

all.

MR BIZOS : Yes, I do agree with respect, but now, if in truth and in fact what I have in my statement is going to be repeated with the witness, it makes nonsense of the state's evidence about that meeting. Not only on the basis that he cannot be believed. The collateral issue is a matter which has no bearing, and on which no probability either way can be raised. As to whether a man has slapped his wife or not - may be a matter of credibility which has no basis upon any of the issues, but what Mr Hlalele was wearing or might (10) have been wearing on 10 September, throws considerable light as to what his attitude might have been at the meeting that was held in Johannesburg on 18 July.

COURT : On that basis, if that is raised, you lead evidence he was wearing a pink shirt, the state comes back and says no, it was a green shirt, where does the case end? If you raise it in cross-examination initially and he says no, I had a green shirt on and you cross-examine him on that and the state would have led another witness to say he had a green shirt on, I would have ruled them out of order. (20) Now, you are allowed to lead five witnesses to say he had a pink shirt on. What is sauce for the goose is sauce for the gander.

MR BIZOS : No, I agree in relation to the general rule. I have another difficulty in relation to this point in issue. Assume that I do not lead this evidence, having put it in cross-examination, I did not put it in cross-examination.

COURT : Yes, I think you said something about a shirt.

MR BIZOS : Assume that I do not lead this evidence, the argument that your lordship is going to be faced with (30)

is/...

is that a proposterous suggestion was made to the witness in cross-examination and not a title of evidence was led to support it and it is going to be used that is it likely that the version given in relation to the meeting of the 18th could have been given if in fact there was a title of evidence as to what he was wearing at the meeting of the 10th, but I think we have actually said enough to cover the point and any criticism that may be levelled against us in argument, and I will leave the point there, but the only point that I want to make is this, that we have had evidence in this (10) case about what happened whilst most of our clients were in jail, whilst most of our clients were in solitary confinement. It was led in great detail by the state. Your lordship asked questions about it, the learned assessors asked questions about it. Are we now to say that all of that is irrelevant?

COURT : What specific evidence are you referring to? I think we must not beat about the bush, but pinpoint particular issues like this question of the shirt. Is it no good saying in general, because I do not know what you are referring (20) to.

MR BIZOS : Well, I am referring to the funerals that took place in the Vaal after the arrest of the accused. We spent a lot of time on them. In chief a lot of evidence was received in relation to that. Great enquiry about it in relation to detail.

COURT : No doubt, if you lead evidence on the funeral it will be allowed, I am sure, but if a witness said that he had a sjambok in his left hand and you lead evidence to say he had it in his right hand, it is just not worth it. (30)

MR BIZOS/...

MR BIZOS : I do not think in fairness to me that I have conducted that sort of cross-examination in this case or indeed in any other case. I do not think that that is my speciality in this milieu.

COURT : Very well.

MR BIZOS : But I take your lordshp's point.

COURT : You can think about your question and repeat it tomorrow and we will take the adjournment now.

COURT ADJOURNS TO 16 FEBRUARY 1988.

K1149

COURT RESUMES ON 16 FEBRUARY 1988.

(10)

MATTHEWS THEKISO, still under oath

MR BIZOS : My lord, I thought about the matter raised by your lordship about the attire of Mr Hlalele and I must confess that it is not my phrase, but I think it is an apt one from one of my colleagues. There has been so much evidence about what people wore during the state case, that one other will not make any material difference, but taking it a little more seriously, in my respectful submission, it is relevant. However, tenuous relevancy may be to the state of mind of the person who was wearing it. There (20) is a suggestion in the defence case that he may have been, what is the expression, running with the hares and hunting with the hounds and it may be on that basis that it is relevant.

COURT : Well, it is disallowed.

FURTHER EXAMINATION BY MR BIZOS : During 1984 when you went to this gathering outside the administration office, did you know of the existence of any organisation that had organised the people to assemble at the administration board? -- No.

Did you attend a meeting during February 1985? -- (30)

Yes/...

Yes, I did.

Do you remember where this meeting was? -- Yes, this was held in a hall.

COURT : In Tumahole? -- Yes.

MR BIZOS : Do you remember the day of the week that it was in? -- It was during the week. I am sorry, it was a weekend. I cannot say on what day of the weekend this was.

And what was that meeting about? -- On making enquiries there on my way home from work, I got the information that that meeting was about rent. (10)

COURT : It was not in the official offices? It was a public meeting, but not of the administration? Not held by the administration? -- It was not a meeting called by the officials of the administration board.

MR BIZOS : Who presided at this meeting? -- Mr Mosepedi was chairing the meeting.

Do you remember what he said? -- Yes, what he said was because of the fact that the rent has been kept at R26,20 it is therefore necessary according to him for the community to elect a committee which will have to address the (20) grievances of the people and take them up with the authorities.

Did you know of the existence of any committee to try and do that prior to February 1985? -- No, I did not know of an existing committee.

Was any further detail given as to what this committee would do if it was elected? -- Yes, there was.

What discussion was there about that? -- Yes, after Mr Mosepedi's address somebody from the audience also got up and addressed the meeting saying even though the rent (30)

has/...

has been kept at the amount of R26,50 there is still going to be some problems to be encountered by the residents because of the retrenchment which had taken place and most of the people are out of employment, which therefore means that they would not be able to pay this very R26,50 which then will create problems in that sense.

Do you know the name of this person who addressed this meeting in this way? -- No, I do not know that person's name.

Did any other person speak at this meeting? -- Yes, (10) there was another speaker.

Do you know the name of this person? -- Yes, Mrs Mafohla.

Can you recall what she said? -- Yes I can.

What? -- In what she said she was supporting what had been said by the chairman and the second speaker after the chairman and in addition to that she said it was necessary for this committee to be elected there by the community to avoid this committee being referred to as people who decided to act on their own, because it may happen that when they go to the administration offices, only to find (20) that they are being told nobody elected them.

Did anyone else speak at the meeting? -- Yes, there were other speakers whom I cannot remember nor do I remember what they said. After those people that I have referred to that I cannot remember nor do I remember what they said, another speaker known as Ace Magashule addressed the meeting.

And what did he say? -- What he said is that he also agrees with what has been suggested by the previous speakers in the election of the committee. He also in addition said that the people shall have to unite in order to be able to (30)

do/...

do something which will in fact be of value.

COURT : All this is very interesting. Just tell me where are we going? What was decided in the end? -- A committee was elected.

And what was the committee to do? -- This committee's duties were to look into the grievances of the people and discuss that with the office.

To get a further reduction of rent? -- Yes.

MR BIZOS : Was this committee given any name? Was it only a committee or was there an association formed at this (10) meeting? -- Yes, the committee was given a name of Tumahole Civic Association.

Was there such a body in Tumahole prior to February 1985? -- No, there was no such.

I may indicate to your lordship, that this is the purpose for which this evidence is being led. I would appeal to your lordship to exercise some patience in relation to the evidence that we are leading, because the state case here is that an affiliate of the UDF must have been responsible for what happened in July 1984. If we are allowed to (20) establish that a civic association was only formed in February 1985, it is particularly relevant to the question that your lordship will have to decide between the state and the defence.

COURT : A little bit of advice, Mr Bizos, it might help matters along. The question could have been asked of this witness "Have you ever heard of the Tumahole Civic Association?" He would have said "yes". The next question would have been "Do you know when it was founded?" and the answer would have been "In February 1985" and that is the end (30)

of the matter. Then the state can cross-examine on this.  
Why lead all this evidence?

MR BIZOS : Because circumstantial detail lends credence to that which we want to prove.

COURT : Yes, the moment he is cross-examined on it, surely, you can open it up in re-examination, but if he is not cross-examined on it, it stands. Why do we need all this detail?

MR BIZOS : We are indebted to your lordship for the advice that your lordship has given us, but may I on this issue (10) say the following. That the state was granted an opportunity in leading circumstantial detail in relation to what happened in Tumahole. They alleged that that was the work of the UDF through its affiliate, the Tumahole Civic Association.

I submit that the manner in which I have led this witness is consistent with the practices in our courts to lead some circumstantial detail and with the greatest respect although I do appreciate your lordship's intervention, but to do it in an impatient manner, which suggests that the evidence led this morning has been a waste of your lordship's time, (20) I submit with respect is not fair to the manner in which a party ought to be allowed to present his case and I may say so also with respect that your lordship's intervention although I think that I will continue to do what I think I have to do, may be disconcerting to one or other of the witnesses that your lordship asks questions to try and short circuit, where we would like them to go to ... It is with regret that I say this, my lord, but I do believe that your lordship ought to trust us to be able to lead a witness in a relevant manner. (30)



COURT : Well, I have had experience from both sides in a way in which evidence has been led and in which cross-examination has been conducted and it asks a bit much of me to ask me to blindfoldedly trust what counsel is doing, but go ahead.

MR BIZOS : Thank you, my lord. Were people elected to this committee? -- Yes, people were elected.

Who were they? -- I remember Mr Mosepedi, Mrs Mafohla, Lister Skosana and Modisapodi, Tom Letsoeny, Ace Magashule, Sam Magashule. I was also elected on that committee as (10) Matthews Thekiso.

Was your committee called upon to meet any officials? -- Yes, on invitation by Mr Ganz we had to meet them.

Did you meet Mr Ganz? -- Yes, that was during February.

Do you know whether or not any other meeting was held before the meeting with Mr Ganz by the community? -- I heard of that one. I was not present at that meeting. I had gone to work.

Was there any report to your - at your committee at any meeting that you attended as to what had happened (20) at that public meeting? -- Yes, I was informed that the resolution by that meeting from the community was that they want to pay R18,50 per month.

Were you present at any meeting that your committee had with Mr Ganz? -- Yes, I was.

Do you recall when that meeting was? -- If I still remember well it was during February.

1985? -- Yes.

Was there any proposal made by your committee to Mr Ganz? -- Yes, there was some suggestion put forward to Mr Ganz. (30)

Because/...

Because of the decision which was taken by the meeting held at the community hall, by the community, we had to put forward the discussion about the R18,50 which was decided upon.

Did Mr Ganz respond to his proposal? -- Yes, his response to this suggestion was that according to him he feels it was going to be much better for him, Mr Ganz, to call a meeting with the community in order to discuss this personally with them.

Was another meeting held? -- No, there was no other (10) meeting held.

What happened to the payment of rent after that? -- The payment of rent stopped then. It was never paid.

COURT : Totally? -- Totally not paid.

MR BIZOS : Do you know anything about any legal action which was instituted by one or other of the people in Tumahole against those who were claiming rent from you? -- Yes, Mr Mosepedi.

COURT : What did he do? -- What he said to me was that he has come to know about this increase, that this was unlaw-(20) ful and he therefore said that this was going to be taken to court.

When was that? -- Sometime during the year 1985.

MR BIZOS : Thank you, my lord, I have no further questions.

K1150

KRUISONDERVRAGING DEUR MNR. JACOBS : Die huis wat u bewoon in Tumahole, wie se huis is dit? -- Dit is my huis.

Of u vader s'n? -- Dit is my eie standplaas.

En hoeveel is julle wat in die huis woon? -- Ons is vyf persone op die huidige oomblik.

Net jy en jou vrou en jou kinders? -- Ja.

(30)

Jy/...

Jy het vir ons gesê in jou getuienis as ek reg onthou dat gedurende 1984 het jy die oggend agtergekom daar gaan mense - daar is mense wat sing en verby gaan? -- Ja, dit is wat ek gesê het.

Kan jy vir ons sê wanneer dit was in 1984? -- 15 Julie.

15 Julie, het jy gewerk? -- Ek was veronderstel om werk toe te gaan.

Watter tyd moes jy aan diens meld? -- My skof begin om 14h00, maar die bus wat ons gebruik as vervoer vertrek Parys om 10h00 in die oggend. (10)

Het jy of was jy 10h00 by die busstop? -- Ja, ek was na die busstop toe gewees.

En hoe laat was dit toe hierdie mense by jou huis verbygaan? -- Enige tyd voor 09h00.

Woon jy in die ou deel wat bekend staan as die ou deel van die lokasie of in die nuwe deel? -- Die plek is nou verdeel in twee en ek val onder die nuwe gedeelte wat bekend staan as die nuwe lokasie, maar my huis se voorkant is aan die grens van die twee gedeeltes. Dit is die straat wat h grens vorm. (20)

En jou huis, is dit loopafstand van die bus af? Die bushalte? -- Nee, dit is ver van die bushalte.

Moet jy ry om by die bushalte te kom? -- Nee, ek loop te voet.

Hoe lank neem dit jou van die huis tot by die bushalte? -- Ongeveer tien minute van my huis af.

Op pad na die bushalte van jou huis af die oggend, het jy enigiets opgemerk? -- Nie op pad waar ek geloop het nie. Ek het niks opgemerk nie.

Nie baie mense in die straat gesien nie? -- Nie op (30)

daardie/...

daardie oomblik nie. Dit was net normale mense wat h mens kon verwag het om te sien op daardie tydstip daar.

Het jy nie h beweging van polisievoertuie gesien nie? -- Waar? In die straat?

Ja? Waar sou jy anders polisievoertuie sien? Vertel vir ons? -- Op pad na die bushalte toe met die straat af het ek geen polisievoertuie opgemerk nie.

Het jy enigiets gehoor terwyl jy geloop het na die bushalte toe, skote wat klap? -- Nee, ek het niks gehoor nie. toe ek vir die eerste keer iets gehoor het, was terwyl (10) ek in die tou van die bus gestaan het by die bushalte.

Wat het jy toe gehoor? -- Terwyl ons daar by die busstop gestaan het in h tou, het polisievoertuie op h stadium daar te voorskyn gekom en tot stilstand gekom. Die polisiebeamptes het uitgeklim met vuurwapens. Die een rig sy vuurwapen op ons en ek hoor toe h skoot afgaan.

Is dit die eerste skoot wat jy hoor daardie dag? -- Ja, dit was die eerste keer.

Het julle nie toe in die bus geklim nie? -- Ja, ons het nie in die bus ingeklim nie, want onmiddellik na daardie (20) skoot, het die busbestuurder die deur van die bus toegemaak en weggetrek na die dorp toe waar hy gaan staan het.

Hoekom het julle nie voor die tyd ingeklim nie? -- Daar was h tou gewees. Die busbestuurder was besig om die geld in te vorder en kaartjies uit te reik vir die mense wat alreeds besig was om op te klim. Hy het die deur toegemaak vir die mense wat nog op die grond was wat nog nie in die bus was nie, toe hy weggetrek het.

Nadat die bus weggery het, het u toe agtergekom of mnr. Hlalele se winkel aan die brand is? -- Nee, ek het (30)

niks/...

niks opgelet nie. Wat dan gebeur het daar is dat ons n  
privaat voertuig gekry het as vervoer en dit het ons dorp  
toe geneem.

Is mnr. Hlalele se besigheid, die supermark en die slaghuis,  
in die nabyheid van die bushalte? -- Nee, dit is n entjie ver  
vanaf die bushalte. Dit is die busstop agter die biersaal  
en dan gaan n mens by ander winkels verby. Eers na dit sal  
jy by Hlalele se besigheid kom.

Daar was die busstop is, kon jy nie die besighede sien  
van Hlalele nie? -- Die ander kan n mens sien, maar syne kan(10)  
jy nie sien nie, want dit is heel agter.

As jy sê dit is n entjie ver, hoeveel treë sal jy sê  
is dit omtrent van daardie busstop af tot daarso? -- Vanaf  
die bushalte by die biersaal gaan n mens twee strate verby.  
Net voor die derde straat kry jy Hlalele se winkel. Jy  
gaan by hierdie een verby en dan n straat en dan by ander  
winkels en dan eers by die blok waar Hlalele se besigheid  
geleë is.

Om dorp toe te gaan moet jy verby Hlalele se besighede  
ry? Dit is nou Parys dorp toe, bedoel ek? -- Nee. (20)

Het u kennis gedra dat mnr. Hlalele se winkel afgebrand  
is? -- Ek het nie daarvan kennis gedra nie. Ek het later  
daarvan verneem toe ek teruggekôm het dat die winkel gebrand  
was.

Ek wil dit aan u stel u was baie meer aktief in die  
politiek in Tumahole as wat u hier vir die hof te kenne  
gegee het? -- Nee, ek was nie veel betrokke nie.

En voor 1985, reeds al in 1984 was jy betrokke by  
die politiek in Tumahole? -- Nee.

Het jy in Tumahole skool gegaan? -- Ja.

(30)

Watter/...

Watter standerd het jy daar gepasseer? -- St. 5.

Was n tak van COSAS in Tumahole? -- Behalwe om te hoor dat mense daarvan praat, het ek nie geweet van die bestaan van die organisasie nie, want ek het nie eers geweet waarvoor dit was nie.

ASSESSOR (MNR. KRUGEL) : Hoe oud is u? -- 35.

MNR. JACOBS : Johannes Skosana wat ook bekend is as Lister, ken jy hom goed? -- Ja, ek ken hom, want ek en hy het by dieselfde komitee gedien.

En hy was ook die voorsitter van die Tumahole Students Organisation? -- Nee, dit weet ek nie. (10)

En Tselane Mosai, het jy hierdie persoon, dit is n vroulike persoon, bekend? -- Ek ken haar nie.

Is sy nie ook n lid van die Tumahole Students Organisation as die vise-voorsitter nie? -- Nee, dit weet ek nie.

Weet u van hierdie Students Organisation wat georganiseer het daar in Tumahole? -- Ek weet nie van n organisasie wat iets georganiseer het nie.

Weet u enigiets van Tumahole Students Organisation af? -- Ek weet niks daarvan nie. (20)

Nog nooit gehoor van so n organisasie nie, tot vandag toe? -- Ek het later daarvan gehoor dat daar wel so n organisasie was wat te doene gehad het met die "casts". Dit is n groep wat "games" maak. Dit is n organisasie wat te doene het met drama.

HOF : Is dit n toneelgroep? -- Ja, dit is n toneelgroep.

MNR. JACOBS : Wanneer het jy nou van hierdie toneelgroep gehoor wat die TSO is? -- Ek het eers later daarvan gehoor dat daar so n organisasie was wat dit gedoen het, maar ek weet nie daarvan nie, want ek het dit nog nie bygewoon (30)

nie/...

nie. Ek was dalk by die werk gewees toe hulle dit gedoen het.

Ek vra wanneer het jy dit gehoor? -- Dit is nou in die jaar 1986 dat ek gehoor het die organisasie het met dit te doene gehad.

Het jy 'n persoon met die naam van Seloane Mashanyane geken? Dit is ook 'n vrou. -- Ek ken haar nie.

Het jy haar nooit in Parys gesien nie? -- Ek glo nie dat ek so 'n persoon gesien het nie, maar ek is seker nie, want ek ken nie die persoon nie. (10)

Ene Joma Marumo, ken jy hom? -- Ek ken hom ook nie.

Ace Magashule het jy reeds genoem. Het jy hom geken? -- Nie voor ons by hierdie komitee as lede gekies was nie.

Was dit die eerste keer wat jy Ace Magashule gesien het en dit is op die vergadering waar julle op dieselfde komitee verkies was? -- Ja, dit was die eerste keer wat ek hom gesien het.

Fezile Dabi, het jy hom geken? -- Nee, ek ken hom ook nie.

Nooit van hom gehoor daar in Parys en in Tumahole nie? (20)  
-- Ek het vir die eerste keer van die persoon se bestaan gehoor nou verlede naweek. Daar was 'n bruilof gewees daar toe dit gesê was dat hy besig was om te trou op daardie bruilof.

Het jy voor dit nooit van hom gehoor nie? -- Nee, ek het hom nie geken nie.

En Vuyo Dabi? -- Ek ken hom ook nie.

Glad nie? -- Ek ken hom nie.

Nog nooit van hom gehoor nie? -- Nee, ek het nog nooit van hom gehoor nie. (30)

En/...

En Doe Marumo? -- Dit is ook n onbekende persoon aan my.  
Ook nooit van hom gehoor daar in Parys nie? Of in Tumahole? -- Nee, ek het niks gehoor nie.

En Tate Makgoe? -- Ek ken hom ook nie.

En Mapaseka Lethea? -- Ek ken haar nie.

Nog nooit van haar gehoor daar in Tumahole nie? -- Nee, ek het niks gehoor nie.

En Bernard Molokoane? -- Ek ken hom ook nie.

Ook nooit daar in Tumahole van hom gehoor nie? -- Ek het nog niks van hom gehoor nie. (10)

Wil jy nou vir die hof sê as dit beweer word dat hierdie Tumahole Students Organisation al in 1980 ongeveer tot stand gekom het en al die tyd gefunksioneer het in Tumahole, dat u het nooit van hulle gehoor daar nie? -- Ek het nog nooit daarvan gehoor nie.

En hierdie persone wat ek nou vir jou genoem het, was die bestuur van hierdie Tumahole Students Organisation in 1984 en jy sê jy ken hulle ook nie, behalwe die paar wat jy uitgesonder het? -- Ek ken hulle nie.

Ken jy n persoon met die naam van Peter Lekgoale? -- (20)  
Ja, ek het hom leer ken in die jaar 1986.

Van waar is hy? -- Van Tumahole lokasie.

Hoe oud is hy? Hoe n ou persoon is hy? -- Omtrent 25 plus is sy ouderdom.

En waar het jy hom leer ken? -- By aanhouding waar ons aangehou was.

Wanneer was dit? -- Junie 1986.

Was jy toe aangehou gewees? -- Ja, ek was aangehou gewees.

Vir politieke aktiwiteite in Tumahole? -- Ek weet nie, (3

want/...



want ek was nie gesê hoekom ek aangehou was nie.

Nadat jy nou hierdie Peter Lekgoale ontmoet het daar in aanhouding, het jy weer met hom te doen gehad daarna? -- Nee, ons het nog nie eers mekaar ontmoet nie.

Ek wil dit ook verder aan jou stel dat die Tumahole Civic Association het in Junie 1984 tot stand gekom? --

HOF : Ekskuus, praat ons van die Tumahole Civic Association of die Tumahole Students Organisation?

MNR. JACOBS : Dit is Tumahole Civic Association wat ek nou stel in 1984. (10)

HOF : Mnr. die tolk, dit is die Civic Association? -- Nee, ek weet nie daarvan nie. Waarvan ek wel weet is dat dit eers in 1985 tot stand gekom het.

MNR. JACOBS : Weet u of daar dan 'n "interim committee" vir hierdie Tumahole Civic Association gekies was in 1984, Junie? -- Nee, dit weet ek nie van nie.

Toe hierdie vergadering wat julle bygewoon het wat jy nou sê in Februarie 1985 plaasgevind het toe daar 'n komitee gekies was, deur wie was daardie vergadering georganiseer? Weet jy? -- Ek het nie geweet nie. Ek was op pad van die (20) werk af huis toe toe ek by hierdie vergadering aangedoen het. Eintlik het ek nie eers geweet dat daar 'n vergadering gehou word nie. Dit was toevallig dat ek daar gesien het daar is 'n vergadering.

Stem jy nie saam dat mense wat op hierdie komitee gekies word, is mense wat aktief is in die omstandighede van die mense van Tumahole nie? Dit is mense wat werk? -- Nee, dit het ek nie geweet nie.

Dit is eienaardig dat jy wat heeltemal 'n passiewe soort van mens daar was gekies was op die "civic association". (30)

Wat/...

Wat het jou populariteit daar so opgestoot? Vertel vir die hof? -- Ek was baie welbekend met die mense in Tumahole. Verder sedert 1976 was ek n sterk lid van n kerk. Die kerk wat ek bygewoon het, het n organisasie gehad met die naam van "Men Association". Ek het daarmee te doene gehad as n lid. Dit is hoe ek so goed bekend geword het met die meeste van die mense in Tumahole.

Het jy baie rondbeweeg daar in die woongebied gedurende 1984 en 1985 tussen die mense daar? -- Die meeste van die tye as ek moet rondbeweeg daar, is die dae wat ek nie werk nie (10) en meeste van die dae was net naweke en as ek uitgaan het ek altyd na die kerkdienste toe gegaan wat gehou word. Ek het nie sommer so uitgegaan nie.

Jy sien, die komitee wat gekies was in Juniemaand 1984 wil ek net vir jou stel dat daarso was n komitee gekies en dit het bestaan uit J. Mabena? -- Ek het nie geweet van die bestaan van daardie komitee nie.

Ken jy die persoon J. Mabena daar in Tumahole? -- Nee, ek ken hom nie.

Ook nog nooit van hom gehoor nie? -- Nee, ek het (20) nog nie van hom gehoor nie.

Mnr. Mosepedi is die man wat by SAFFAS werk. Is dit reg?

ASSESSOR (MNR. KRUGEL) : Is dit nog steeds van die komitee?

MNR. JACOBS : Dit is nog steeds van die komitee? -- Ja.

Hy was gekies as die vise-voorsitter van hierdie komitee? -- Ek het nie daarvan geweet dat hy by daardie komitee gekies was nie.

Jy het ook vir die hof vertel hoe goed jy hierdie mnr. Mosepedi ken, dat hy kon n tweede pa vir jou gewees het, (30

dan/...

dan weet jy mos of hy georganiseer ... (Mnr. Bizos kom tussenbei)

MR BIZOS : That was not the evidence. "Die tweede pa", that was not the evidence.

COURT : Like a father to me.

MR BIZOS : When asked the age. Only in relation to the age. He is like my father, in the sense as old as my father. That is what was said.

MNR. JACOBS : Het jy hierdie mnr. Mosepedi baie goed geken?

-- Ja, ek ken hom goed. (10)

Het jy voor hom groot geword? -- Ja.

En was hy baie goed bekend met jou en vertrouwd met jou en was hy soos n tweede vader vir jou gewees? -- Ja.

Het jy baie by sy huis gekom? -- Ja, hy het seuns daar by sy huis van sy eie wat saam met my gespeel het.

Hierdie mnr. Mosepedi was die vise-voorsitter van hierdie organisasie wat gestig is in Juniemaand 1984? -- Nee, ek het dit nie geweet nie.

Het mnr. Mosepedi nie gepraat hoe dat hy nou werk onder die mense en organiseer omtrent hierdie huurverhoging nie? (20)  
-- Nee, hy het nie.

Ken jy n persoon met die naam van D. Dunywa? -- Nee, ek ken hom nie.

Nog nooit van hom gehoor daar in Tumahole nie? -- Nee, ek het nog nie gehoor nie.

Jy sien, hy was die sekretaris van hierdie organisasie?  
-- Ek weet nie daarvan nie.

Ken jy n persoon met die naam van Mafola? -- Nee, ek ken nie Mafola nie.

Ook nooit van hom gehoor daar in Tumahole nie? -- (30)

Nee/...

Nee, nog nie.

Hy was ook 'n lid van hierdie komitee van daardie organisasie? -- Ek het nie daarvan geweet nie.

Ken jy 'n persoon met die naam van Tseleng? -- Nee, ek ken nie die persoon nie.

Ook nog nooit van hom gehoor in Tumahole nie? -- Nee, ek het nog nooit van hom gehoor nie.

Nog 'n verdere lid van hierdie komitee. Ken jy 'n persoon met die naam van B. Molokoane? -- Ek ken hom nie.

Ook nooit van hom gehoor daar in Tumahole nie? -- (10)  
Nee, nog nooit nie.

Jy sien, hy was ook 'n lid van hierdie komitee? -- Nee, ek weet nie.

En wat ook reeds al genoem is wat ook op die Tumahole Students Organisation gedien het en wat ook op hierdie komitee verkies is, die verdere persone V. Dabi, wat jy sê jy nie ken nie, nê? -- Ek ken hom nie.

En dan T. Makgoe? -- Nee, ek ken hom nie.

Ace Magashule was ook lid van hierdie komitee? -- Ek het nie geweet dat hy lid is van 'n komitee soos daardie een (20) nie.

En J. Marumo en D. Marumo, die Doe, hulle altwee was lede van hierdie komitee? -- Nee, ek het dit nie geweet nie.

En S. Moshanyane was ook lid van hierdie komitee? -- Nee, ek het nie geweet van hierdie komitee nie.

En dan die laaste persoon wat ek wil noem is W.N. Thebani. Ken jy hom? -- Nee, ek ken hom nie.

Toe julle nou 'n komitee - as komitee die eerste keer bymekaar gekom het, het mnr. Mosepedi of Ace Magashule nie daar gesê wat het hierdie mense al in die verlede gedoen (30

in verband met die huuraangeleenthede in daardie gebied nie?

-- Ek volg nie die vraag nie. Wat is die vraag?

Op julle komiteevergaderings, die eerste komiteevergaderings? -- Ja.

Het hy nie teruggerapporteer op daardie komiteevergadering en gesê "Kyk, dit het ons alreeds gedoen in verband met klagtes van die inwoners en huuraangeleenthede" nie? -- Nee, ons het dit nie gedoen nie.

Hierdie organisasie van julle, het hulle nie saam gewerk met ander organisasies in die Vaal nie - in Tumahole nie?(10)  
-- Nee.

Het hulle nooit saamgewerk met Tumahole Students Organisation toe hulle gegaan het om mnr. Ganz te ontmoet nie?

MR BIZOS : Who is the "hulle"? The student organisation or the witness's committee?

MNR. JACOBS : Ek praat van julle organisasie, die Tumahole Civic Association? -- Nee, ons as Tumahole Civic Association alleen het mnr. Ganz gaan sien.

Weet jy van 'n organisasie wat daar bestaan het met die naam van Prohumanism? -- Nee, ek weet nie daarvan nie. (20)

Was dit nie 'n soort van 'n kerklike organisasie gewees nie? -- Nee, ek weet nie daarvan nie.

Was hierdie organisasie Prohumanism nooit teenwoordig toe julle as Tumahole Civic Association daarna met die outoriteite onderhandel het saam met julle op enige stadium nie?  
-- Nee, nie my organisasie nie.

Wanneer is die eerste keer - het jy al ooit gehoor van hierdie organisasie bekend as Prohumanism? -- Ek het nog nie daarvan gehoor nie.

Tot vandag toe? -- Tot vandag wat ek hier staan, ja. (30)

Jy het vir die hof gesê dat die dag toe jy daar in Septembermaand na die afskaffing van huur afgekondig is, gegaan het, het mnr. Mosepedi kort-kort uitgekom en verslag gedoen? -- Ja, hy is die persoon wat daar uitgekom het en weer teruggekeer het na binne toe.

Toe het jy gesê hy was 'n verteenwoordiger van die inwoners gewees? -- Ja, dit is wat ek gesê het, omdat ek alreeds vroeër gesê het dat met my aankoms daar is ek in kennis gestel dat daar afgevaardigdes was wat besig was om te onderhandel namens die gemeenskap. Dit was gekies (10) daar deur die gemeenskap by die kantore. Dit is hoekom ek so gesê het.

Wanneer was hulle gekies, sê jy? -- Met my aankoms daar was hulle alreeds gekies. Wat gesê was, was dat hulle alreeds binne-in die kantore is.

Was hulle gekies daar net voordat hulle in die kantore ingegaan het? -- Ek kan nie sê dat hulle daar gekies was nie. Ek het gehoor dat hulle daar by die kantore gekies was.

Weet u die name van die ander verteenwoordigers? --  
Wat ook daar gekies was as afgevaardigdes deur die gemeen-(20)  
skap?

Ja? -- Ek onthou net van die twee. Ek kan nie die res onthou nie.

Wie is die twee? -- Mr Manzi en Mr Matsobane.

En dan natuurlik ook hierdie ander persoon wat die rapport kom doen het, Mosepedi? -- Ja, dit is die derde persoon.

Hoeveel nog? Hoeveel verteenwoordigers was daar wat die gemeenskap verteenwoordig het daar? -- Hulle was 'n klomp gewees wat daar binne was.

Toe hulle uitgekom het, het jy gesien wie was die ander (20)  
verteenwoordigers/...

verteenwoordigers wat daar was? -- Ek het net bewus geword van die twee. Na die aankondiging van wat daar plaasgevind het, is ons toe weg.

Maar toe hulle uitgekóm het voor die aankondiging, het jy die mense gesien wat die verteenwoordigers was wat uitgekóm het nou? -- Ja, ek het hulle gesien. Dit is juis die rede hoekom ek in staat is om hierdie twee nog te kan identifiseer dat ek hulle gesien het.

HOF VERDAAG.

HOF HERVAT.

MATTHEWS THEKISO, nog onder eed

(10)

MR BIZOS : Your lordship on an earlier occasion granted leave to Mr Jerry Tlhopane, accused no. 14, to attend as an out-patient at the St John's Eye Hospital. I have the card with the request from the doctor who has seen him for him to report again tomorrow. Would your lordship grant him leave for that purpose? Tomorrow is the 18th.

MR BIZOS : Leave is granted.

VERDERE KRUISONDERVRAGING DEUR MNR. JACOBS : Toe die mense nou, die afgevaardigdes uit die saal gekóm het, behalwe die drie wat jy nou genoem het, het jy enige ander van (20) hulle herken? -- Ek het nie veel ag geslaan op die ander mense nie.

Het jy vir Lister Skosana daar gesien? -- Ek het hom nie gesien nie.

Tom Letsoenyo? -- Hy ook nie.

Ace Magashule? -- Ek het hom ook nie gesien nie.

Kan u vir die hof sê, het u enige vergaderings wat deur die gemeenskap gehou was gedurende 1984 bygewoon in Tumahole? -- Ek het in 1984 geen vergaderings bygewoon nie.

Ek wil dit aan u stel dat op 4 November 1984 was daar (3)

h "residents' meeting". En op hierdie vergadering was die afgevaardigdes van die Tumahole Civic Association amptelik verwelkom by die vergadering? -- Nee, ek weet nie daarvan nie.

ASSESSOR (MNR. KRUGEL) : Waar was die vergadering gehou?

MNR. JACOBS : Dit was in Tumahole gehou. -- Nee, ek weet nie daarvan nie.

Gedurende 1984 weet jy dat daar beswaar gemaak was teen raadslede in Tumahole? -- Ek weet nie daarvan nie.

Weet u daarvan dat daar in 1984 en daarna geëis was (10) dat raadslede moet bedank? -- Ek weet nie daarvan nie.

Weet u dat daar beswaar gemaak word en geagiteer was op vergaderings teen verhoogde huishuur? -- Ek weet nie daarvan nie.

Jy het nie eers geweet die mense is ontevrede met die verhoogde huishuur nie? -- Dit het ek van gehoor tussen die inwoners in die lokasie waar mesne gepraat het.

Het hulle nie gepraat van die vergaderings wat gehou word nie? -- Nee, niemand het van vergaderings gepraat nie.

Het julle nie gehoor dat hulle die raadslede beskuldig(20) dat hulle die oorsaak is en dat hulle "sell-outs" en "puppets" is nie? -- Nee, ek weet nie daarvan nie.

Die optog wat jy van vertel het wat jy daar in Julie-maand 1984 die oggend gesien het, was dit nie in protes teen die verhoogde huur en in protes teen die raadslede nie? -- Op watter stadium praat u nou van? Is dit die stadium wat hulle by die kantore gestaan het of was dit die tyd wat hulle by my huis verby is?

Toe hulle by jou huis verby gegaan het? -- Nee, ek het nie geweet wat daar aan die gang was nie.



Ek wil jou verwys na 'n sekere dokument, die SASPO National en dan net jou kommentaar daarop hoor. Dit is BEWYSSTUK W64 in volume 11 en op bladsy 7. Dit is 'n dokument wat gekry was by beskuldigde nr. 14.

ASSESSOR (MNR. KRUGEL) : Het die publikasie 'n datum?

MNR. JACOBS : Ek sien nie 'n datum op hom nie. Al wat ek kry is volume 5 nommer 4 bladsy 7. Sê net vir my voordat ek jou daarna verwys, het jy ene Bonakele Ngalo geken daar in Parys? -- Nee, ek het hom nie geken nie.

Ek wil op daardie onderste - die opskrif daarvan (10)  
 "Tumahole - a tragic price for more rent." Dan vanaf die tweede paragraaf wil ek vir jou voorlees "On Saturday July, 14 twelve thousand Tumahole residents gathered in an open field outside the township. A rally was called to invite Tumahole's town councillors to explain why rent and service charges had been increased by as much as R15,00 a month. The councillors failed to arrive. Angered by this, the residents marched to the councillors' homes to get explanations."

Kan jy vir ons sê of jy enigiets weet dat die mense buite in die veld versamel het voordat hulle daar geloop het? (20)  
 -- Ek het nie daarvan geweet nie, glad nie.

HOF : Die berig verwys na 14 Julie en die optog was op 15 Julie. Hierdie was op die Saterdag. U verwys na die optog van die Sondag.

MNR. JACOBS : Weet u enigiets van 'n optog die Saterdag?

HOF : Weet u iets van 'n vergadering op die Saterdag in 'n oop stuk grond van twaalfduisend mense? -- Nee, ek weet nie daarvan nie.

MNR. JACOBS : Was daar die Saterdag enige insidente met die polisie daar in Tumahole? -- Nee, ek weet nie daarvan nie. (30

Went jy of die Maandag na die Sondag daar enige insidente was by skole deur studente? -- Is dit na die Sondag wat ons van praat.

Ja? -- Wat ek onthou is dat daar baie polisie in die lokasie was en die kinders - wat die kinders betref, ek is nie seker nie, maar hulle het gesê hulle gaan weg. Met die gevolg is dat die kinders die skoolperseel verlaat het en is toe na die lokasie toe.

Ken jy die persoon wat daar op bladsy 7 staan met sy hande heel voor, die hele lot daar, in die middel van die (10) bladsy met sy hande in die lug? -- Ek ken hom nie.

U sê u het nooit enige vergaderings dan bygewoon in Tumahole gedurende 1984, openbare vergaderings of komitee-vergaderings nie? -- Ek het geen vergaderings bygewoon nie.

Het u geweet, het u afkondigings gesien van vergaderings wat gehou sou word? -- Gehou te word waar?

In Tumahole? -- Nee, ek het nog nie 'n kennisgewing of 'n aankondigingsdokument gekry van daardie aard nie.

Geen pamflette of plakkate wat vergaderings adverteer nie? -- Nee, ek weet nie daarvan nie. (20)

Weet u van enige mense van UDF wat op enige stadium daar in Tumahole opgetree het by enige vergadering? -- Nee, ek weet nie daarvan nie.

K1151 RE-EXAMINATION BY MR. BIZOS : Were any charges brought against you after your detention? -- No.

Which church do you belong to? -- Presbyterian.

I want to take you back to the February meeting at which you say that the Tumahole Civic Association was formed. When it was proposed that such a civic association should be formed, did any of the people present object to its (30)

formation/...

formation on the ground that there was a civic association in existence ... (Court intervenes)

COURT : We have not heard any evidence yet that it was proposed that a civic association be formed. We heard evidence that it was proposed that a committee be elected and that committee was later named TCA. Whether you call that a civic association or not, does not matter to me. That is the evidence.

MR BIZOS : I will rephrase the question. Was there any proposal to form a civic association at the February meeting? (10)

MNR. JACOBS : Ek mag net sê ek het geen getuienis gelei oor die Februarie vergadering nie, behalwe oor een aspek. Ek het nooit onder kruisverhoor geneem die dele wat hy nou sê nie. Dit is nuwe getuienis wat mnr. Bizos nou lei. Dit vloei nie voort uit kruisondervraging wat ek oor die vergadering gedoen het van 14 Februarie nie. Of van Februarie 1985 nie.

MR BIZOS : I submit that I am entitled to clarify the position. The cross-examination was directed that there was (20) a Tumahole Civic Association in existence in February. I am entitled to in view of that suggestion to the witness in cross-examination, clarify the position.

COURT : Well, you led evidence-in-chief that it did not exist before February 1984.

MR BIZOS : Yes, but the witness ... (Court intervenes)

COURT : He had never heard of it before.

MR BIZOS : Yes, that is correct.

COURT : And the committee was formed and it was called the TCA. (30)

MR BIZOS : Yes, what I want to get from the witness is this and I submit that I am entitled to try and get it, but because he was cross-examined about his lack of knowledge of what was happening in 1984 and because he was present at the meeting in February 1985, if in fact there was a proposal and nobody said but it is not necessary to form such an organisation because we already have one, then it establishes a probability in favour of the defence version that there was no civic association during 1984.

COURT : The evidence was that the proposal was that a (10) committee be elected to represent the people. That committee was called the TCA. The Tumahole Civic Association. And that is your evidence.

MR BIZOS : Yes. Cross-examination was ... (Court intervenes)

COURT : Cross-examination was that it existed prior to that.

MR BIZOS : That is so. I am entitled to ask that if anyone in fact said at the February meeting "It is not necessary for us to have a committee or an organisation or called anything, the Tumahole Civic Association because there is (20) already one in existence. Because the whole meeting ... (Court intervenes)

COURT : That is not the question you wanted to ask.

MR BIZOS : I thought that that was the original question.

COURT : The original question was a proposal to form a civic association. That is where we started off.

MR BIZOS : No, that was the preamble to the question and your lordship reminded me that there was no specific ... (Court intervenes)

COURT : Yes, ask your question.

(30)

MR BIZOS/...

MR BIZOS : At the meeting where the committee was elected and where the committee was called the Tumahole Civic Association, did anyone say that it is unnecessary to elect such a committee or to form such an association because there is one already in existence? -- No, nobody ever said that.

COURT : In February 1985 were there people in detention - people of Tumahole in detention? -- No, that I do not know.

NO FURTHER QUESTIONS.

- - - - -

MAXALA SIMON VILAKAZI, d.s.s. (Through interpreter)

EXAMINATION BY MR BIZOS : You are the erstwhile accused (10) no. 18 in this case? -- That is so.

How old are you? -- 27.

Are you still unmarried? -- Still unmarried, yes.

Did you get up to St. 10, but you failed to get your matric? -- I did not pass St.10.

Do you live at 572039 Zone 3, Sebokeng? -- That is so.

I want to start with the meeting of 16 June 1983. Were you at a meeting on that date? -- Yes, that is so.

What meeting was it? -- It was a commemoration service.

Where? -- Zone 12, Roman Catholic Church. (20)

At this meeting, did anyone have anything to say about the civic association? -- Yes.

Who said that? -- Mr Phillip Masia.

What did he say about the civic association? -- He made a call to this meeting that it was necessary for the residents to form an organisation which will have to do with the residents.

Did he outline what the organisation would like to do once it was formed? -- Yes, he did.

What/...

What did he say? -- Although I cannot remember exactly what his words were, but he first made mention of the problems that were being experienced by the residents in the township.

Did you know Mr Masia? -- At the time of his address, yes, he was known to me.

How was this suggestion received by the people present? -- It was accepted by the audience there.

Was there a meeting held shortly after the meeting of 16 June 1983? -- Yes, there was.

Do you remember the date? -- Yes, I do. (10)

What was it? -- On 18 June which was a Saturday.

Where was this meeting? -- Roman Catholic Small Farms.

What was the purpose of this meeting? -- The purpose of this meeting was to accommodate the people who could not make it to attend the meeting the first day, which was the 16th. Secondly, that there was a proposition for the formation of the residents' organisation and there was again a call made at this meeting of the 16th about a formation of the youth organisation and it was announced at this meeting of the 16th that those interested in the formation of (20) these, shall have to meet at this venue where this meeting of the 18th was held.

What was decided at the meeting of 18 June 1983 about the civic association? -- The attendance at this meeting was not well. Even then there were two groups then formed from this meeting, dividing the audience into two, namely the first group being that of those who had interest in the formation of the youth organisation and the second group being that one which had interest in the formation of the civic association. (30)

Did/...

Did you go to one or other of these groups? -- Yes, I first went to the youth group and later went over to the other one which had to do with the civic association.

What was the decision about the civic association at the meeting of the 18th? -- The decision taken there was that because of the people who are showing interest in the formation of that organisation, it was therefore necessary to devise some means or discuss some ways of what to do in order to have that organisation established.

Was any decision made as to what should be done in (10) order to have it established? -- Yes, there was a decision.

What was it? -- That there was to be some surveys conducted.

What sort of surveys were to be conducted? -- With a view of identifying the residents' problems and demands. For instance, certain areas would have needed a better conditioning of the roads et cetera.

Were any of the accused still before his lordship present at this meeting of 18 June 1983? -- Yes.

Who? -- Accused no. 5.

(20)

Anyone else? -- No, I can only remember accused no. 5 having been present there.

Was any committee formed in relation to the civic association at the meeting of the 18th or was there a call for any committee at the meeting of the 18th? -- At this meeting of the 18th, it was just a number of people, a group of people together who showed interest in the formation of the civic association. It was therefore decided that this group will have to do some work in preparation for the formation of the civic association. We then later decided (30

to/...

to name this group and therefore it was given a name.

What was the name given to this group? -- The Vaal Action Committee was it named.

ASSESSOR (MR KRUGEL) : Sorry, this is not plain. The group that you are talking about, does that consist of all the people who got together for considering forming a civic association or was a committee elected from those people to form the action committee? -- What I am saying is, at this meeting we had two groups. Those interested in the formation of the youth organisation and those interested (10) in the formation of the civic association. Now, in this case here I am talking about the group as a whole which was a group interested in the formation of the civic association, that was named, not that some people from that group were elected.

MR BIZOS : Do you remember who was the person that chaired the group that was interested in the formation of a civic association? -- Does it mean that day there.

Yes, the 18th? -- No, I do not quite remember. Under correction it could have been Dorcas Raditsela. (20)

And the group in relation to the youth, who was chairing that? Do you recall? -- The same applies to that group. I would not say exactly with certainty who chaired that group, but I would say accused no. 5 was in a leading position because of the utterances he made to the group.

After the meeting of the 18th, were you a member of any committee, either in relation to the civic association or to the youth organisation? -- I ended up being a member of the committee.

Which committee? -- Vaal Action Committee. (30)

What/...



What was the purpose of this committee? -- This was to work towards the formation of the residents' organisation.

Were there any of the accused before his lordship members of this action committee after the 18th? -- Accused no. 5, Mr Malindi and long some time after the formation of the Vaal Action Committee, accused no. 22, Thabiso, also came and became a member.

Were any surveys done? -- Yes, it was.

Did Thabiso, accused no. 22, take any part in those surveys? -- No, at the time when he came to join the (10) action committee, we had already done our surveys.

What about the youth organisation? Let me ask you this. Do you know whether any youth organisation was formed between 1983 and September 1984? -- No, there was no youth organisation which was formed.

Did the action committee of which you were a member prepare for the launch of the VCA? -- Yes, it did.

And was inaugural meeting of the VCA called? -- Yes, it was.

Do you remember the date? -- Yes, I do. (20)

Yes, what was it? -- It was on 9 October 1983.

There are just a few questions that I want to ask you about this launch. Did any of the speakers advocate any violence? -- No, there is no such.

Did anyone speak about the revolution? -- No, nothing of that sort was said.

Did you consider that you were forming an association for the purposes of overthrowing the government by force? -- No, there is nothing like that.

Or an organisation in order to make the country un- (30) governable? -- No, there is no such.

Was/...

Was there a group what has been described as lead singers, a group of leading the singing? -- No, there was no such an arrangement. Any person who felt like leading a song, would just start singing and lead that song.

Were you a part - were you personally a part of any organised group to lead the singing? -- No, I was not amongst such a group.

I now want to go to August 1984. Were you invited to anyone's home for a meeting? -- Yes, I was.

By whom? -- My cousin, accused no. 10. (10)

That is Mr Bavumile Vilakazi? -- Yes,

Did you go to this meeting? -- Yes, I did go to the meeting for which he had invited me.

What was the purpose of that meeting? -- I would not say exactly what the purpose of the meeting was, but at the time of the meeting the following was discussed there. The question of the coming increase on rent was discussed and the formation of the local organisation or group of people living in that area was also discussed.

COURT : What do you mean by that? -- By that I mean, what (20) was discussed there is a formation of the area meeting.

Of VCA? -- Yes, that is so.

And where was that? In what area? -- Zone 3.

MR BIZOS : You yourself, were you elected to any post at the launch of the VCA? -- No, I was not.

Can you recall which of the accused were present at the meeting in August 1984 to which you have been invited by your cousin? -- Yes, I can.

Who? -- Mr Nkopane.

Accused no. 8. -- Accused no. 10 and accused no. 15. (30)

ASSESSOR (MR KRUGEL) : Mr Hlanyane? -- That is so.

MR BIZOS : Were Mr Esau Raditsela and Miss Edith Lethlake at this meeting? -- They did arrive there and they did not stay. They left again.

Do you know what the purpose of their visit was? -- I do not know what their purpose was, but I later came to know that they had come there to notify us about a meeting which was to be held the coming Sunday.

Did they stay there and did they take part in the deliberations of the meeting? -- They did not take part (10) in discussions.

Was there any talk about a petition at this meeting? -- Yes, there was.

What talk was there? -- What was said was by a person known as Selebalo who was present at this meeting, is that he, Selebalo, attended a councillors' meeting at which it was said that if there were any grievances pertaining to the increase of the rent, then a petition must be drawn and be submitted to the council.

Was there any discussion on the information that was (20) brought to the attention of the meeting and was there any decision made by the meeting? -- Yes, a decision was taken about a petition.

What was the decision? -- The following was said. Selebalo was suggesting that we write our names on a piece of paper he had with him. The meeting there did not agree with that suggestion by him. Instead it was agreed upon the election of a committee which was to draft this petition.

Who were the members of this committee? -- Myself, Mrs Oliphant, Mr Selebalo. I cannot quite remember who (30)

the/...

the fourth person was, but if my memory serves we well, I am under correction, Mr Nkopane was the fourth person.

COURT : Accused no. 8.

MR BIZOS : Were any arrangements made to meet - to draft this petition? -- Yes, there was an agreement of meeting the following day.

Was a time and place fixed? -- Yes, an offer was made by Mr Selebalo that we meet at his place for the discussions the following day. Time was mentioned although at the present moment I am not quite certain about that time it was. (10)  
I estimate it to have been between 08h00 and after 08h00.

Did the meeting take place? -- I do not know because I did not attend that meeting.

Why not? -- I was committed by my employers' work. I was at the time employed by SACHED and I therefore had a lot to do which had bearing on my work.

COURT : What does it stand for? -- South African Committee for Higher Education.

MR BIZOS : In what capacity were you employed? -- I was second in charge of the store-room of SACHED. That is in (20) charge of the stock.

Do you know whether the petition was ever drafted? -- I do not know because I never heard of it any more.

Did you attend the meeting of 26 August 1984 at the Roman Catholic Church hall at Small Farms? -- Yes, I did attend it.

ASSESSOR (MR KRUGEL) : The afternoon meeting?

MR BIZOS : The afternoon meeting? -- Yes, that is quite so.

I want you in your own words to please tell his lordship about what you remember happened at that meeting. -- (30)

On my arrival at this meeting it was just immediately after the prayer and after that what I remember happening is Mr Matlole - I beg your pardon. What happened is, after the prayer there was some opening remarks made by the chairman. After that - in his remarks if I remember well the chairman made mention of the elections pertaining to the Zone 3 people. It is only then thereafter that Mr Matlole addressed the meeting, in which he said how much important it was for people to join an organisation. Particularly he referred here to the VCA. I do not quite remember (10) exactly the gist of his address except to say that he made mention of the importance of people joining an organisation and thereafter I remember him making mention of the problems which were being experienced about the school children. Due to the fact that this happened some time ago, I am not going to be in a position to follow the sequence of the happenings or of the speakers. I will just mention what I remember somebody saying at the meeting.

Who do you remember speaking next? -- I remember accused no. 10 addressing there. In his address he made mention (20) of what happened with reference to the councillors in Ratanda. What I still remember him saying in his address was that there are certain people who are under the impression that a trade union is there to look into the problems of the residents, saying no, that is not the position. There are organisations which have to do with that. At some stage a certain man got up to say something at this meeting and this person was interrupted by someone who said this person must not speak, because this person once stood as a candidate to be elected into the council. Accused (30)

no. 5 also addressed that meeting, in which address he said that he, accused no. 5, attended a meeting the previous day which was held in zone 13, saying to this meeting that the people at that meeting he had attended the previous day, resolved that they were going to take a stay-away on this day of the 3rd. After which then another man also addressed the meeting. If my memory serves me well a Mr Maruping who said what does it help us to stay away without doing anything. Saying further that the stay-away does not in fact worry the people who are the cause of the increase (10) of the rent. For these people to be concerned about the stay-away, a march is to be taken to them to go and draw their attention to the fact. After him another person got up and asked as to what was going to happen in case some people who are responsible for families were to be arrested during the march procession. On which the answer was "Look, what we are going to be involved in here is not against the law. All we are engaged in here is to go and speak to the people responsible for the increase of the rent" and then this person sat down. At some stage I do not remember (20) exactly at what stage, there were other people who also had something to say in address to this meeting, namely the females.

COURT : A female or females? -- Females. I remember Mrs Oliphant addressing this meeting in which address she made mention of the women organisation namely VOW, in which she said it was advisable for women to unite, because they are the people who receives moneys from the men and which moneys they can put together in forming a grocery bulk buying scheme which may serve them better. I remember the two (30)

women. I have mentioned Mrs Oliphant and the other woman who shouted that man down saying he once was involved with the elections of the council. I am not quite certain of the number of the females that addressed that meeting. It could be three or four, but I am not certain what the number is.

MR BIZOS : Can you recall any other person who spoke at this meeting at this stage? -- Not quite, except to remember that Esau Raditsela had something to say there because he was in charge of the elections of the zone 3 people.

Before we come to those elections. Did any of the (10) persons who spoke at this meeting advocate violence against the councillors? -- No, there is no such.

Or damage to their property? -- That did not happen at all.

Were there any decisions taken or any resolutions taken at this meeting? -- Yes, there were.

Do you recall what they were? -- Yes, some I do recall what they were. Not everything.

Please tell us the ones you remember? -- A resolution about a stay-away which was going to be there and a resolu-(20) tion that there was going to be a request to the councillors to resign and a resolution about a march to Houtkop and another resolution which said if the councillors are not resigning, we are not going to buy from their businesses. Those are the resolutions I remember.

You told us that Mr Raditsela had something to say about the elections. Did he take any part in the discussions during the meeting when speeches were made or when the resolutions were being taken? -- He did not have anything to say to the meeting, except to take part in the elections. In (30)

fact/...

fact, at his time of arrival there, it was just about the closure of the meeting which was held. Just before the beginning of the elections.

Did Mr Raditsela come there alone? -- No, he was accompanied by Edith Lethlake and others.

Was anything brought to the meeting at the time that Mr Raditsela and Miss Lethlake came to the meeting, any object? -- Yes, they had an old VCA banner which was a UDF banner.

What did they do with it? -- They brought it along (10) into the meeting place, that is the hall and went up to the stage where it was put behind the people who were on the stage.

Did you stay for the elections? -- Yes, I stayed there for the elections.

And was a committee for zone 3 elected? -- That is so, yes.

Did you become an office bearer of zone 3? -- No, I was not even elected there.

You told us that it was resolved that there would be (20) a march. Was a date fixed for the march? -- Yes, there was a date fixed.

What date was it? -- 3 September 1984 was the date.

From what you heard at the meeting, did you know or think that there was anything unlawful in the stay-away that was called for and the march that was going to take place? -- No, it never occurred to me.

COURT ADJOURNS UNTIL 14h00.

COURT RESUMES AT 14h00.

K1152

MAXALA SIMON VILAKAZI, still under oath

MR BIZOS : My lord, may I just raise one matter with (30)  
your/...



your lordship and I would ask your lordship for an indulgence in relation to tomorrow. If your lordship would be pleased to give us between half an hour and twenty minutes at the end of the day, an earlier arrangement which will facilitate certain travel arrangements which have to be made. Otherwise the traffic at 16h00 to get to the airport and other matters would just make it a little difficult. Approximately half an hour to twenty minutes at a convenient time tomorrow, then we can confirm ... (Court intervenes)

COURT : We will adjourn half an hour earlier tomorrow. (10)

MR BIZOS : Thank you my lord.

FURTHER EXAMINATION BY MR BIZOS : Did you go on the march?

-- Yes, I did.

What time did you set off from your home on the morning of the 3rd? -- I do not quite remember, but my estimation is about 08h30.

And what route did you follow to the Roman Catholic Church Small Farms? -- I went through Evaton, but I did not reach Small Farms.

What happened?

(20)

COURT : You mean you did not reach the church? -- That is what I mean.

MR BIZOS : How did that come about? -- I realised on arriving in zone 7 that I was late for the march to find it at the church premises and I noticed that the march had already passed Masenkeng. Only the tail of the march was still visible in the vicinity of Masenkeng. I therefore joined the march from behind, that is the tail of the march, the procession.

From the moment you left Evaton to the time you joined (30)  
the/...

the march, did you see any road obstructions along the area of the streets that you travelled on? -- No, there were no obstructions on the road.

Did you see any property being destroyed or having been destroyed along the way? -- No, nothing of that sort.

Did you go anywhere near Venters, the teachers training college near Masenkeng? -- Yes, at the point where I joined the march, it was in the immediate vicinity of this school.

Was it being attacked or was it burning or was there any evidence of it having been attacked or set alight? -- (10) No, there was nothing at all there.

You told us that you joined the march near Masenkeng and at what portion of the march did you join?

COURT : The tail end.

MR BIZOS : As you were going along, did the march increase in number? -- Yes, it was growing.

Did you see anyone being forced to join the march? -- No, nobody was ever forced.

Were there any obstructions on the road you were marching on? -- No, there were no obstructions at all. (20)

Did you see any bus stop shelters, bus-ticket office or any other property of the transport company being destroyed along the way? -- No, we went past such places, but none of them were damaged.

As you were proceeding along the march and as you were reaching the BP Garage were you still at the tail end of the march? -- No, I had moved up front.

COURT : Right to the front? -- Not right at the front, but I was about to reach the front of the march.

Did the march stop or slow down as you were approaching (20) the/...

the Fowlers bus stop? -- The march slowed the pace in that vicinity.

Could you see any reason for the slow down? -- Yes.

What was it? -- There was a group of people joining from the front.

Where was that happening? -- There is a street which joins this one, that is the intersection with a street going towards the stadium and then next to that intersection there is a lane. Our march, that is the head of our march, had just passed that point when that happened. (10)

Which way was the march heading when that happened? -- The march was at that stage heading for Houtkop in the direction of the post office.

What did you see, how large was this group and did you see where they were coming from and how did they come to be there? Do you know? -- As a result of the march slowing down the pace, I looked up to see what was happening in front. It is then that I noticed a group of people joining the march in the front and to say the number or the size of the group, I will say the group was not more than the people (20) on the march itself.

Was it a small group or a large group? How many people would you estimate joined the march at that point? -- If I was to give an estimation I would say approximately two hundred.

Were they carrying anything, this group that joined? -- Yes, they were also carrying placards.

Did the vanguard of the march that you were part of, go up the lane? -- No, I earlier said that the vanguard of our march had just passed the lane. (30)

COURT : In which row from the front were you? -- I am not sure of how many rows were there, but what I can say is this. I was just at the beginning of the second quarter of our march from the vanguard backwards.

MR BIZOS : Did you see any group of people coming down from the lane to join your march? -- I did not see people coming down the lane to join our march.

ASSESSOR (MR KRUGEL) : May I just ask another question on the position of the witness in the march. Can you estimate how far from where you were near this intersection was it (10) to the front of the march, the front row? -- I estimate the distance to have been approximately from the entrance of the court building, that is in the front here to the statue in the park, that is the plain itself.

COURT : Would you say about the length of a football field or a soccerfield? -- Slightly shorter than the length of a soccerfield.

How much shorter? -- How much shorter that could be that I am estimating, I find it a bit difficult to give an estimation of that, except to say in my estimation this (20) was slightly shorter than the length of a soccerfield.

Yes, well, we think that the distance from the steps to the statue would be approximately one hundred metres, but that is on recollection. -- If that is the court's estimation, then I would say the distance then could have been eighty metres.

MR BIZOS : You told us you did not see anybody coming from the lane. How did the people join you? Did they join you as one whole group or as individuals or as small groups? How did they join you? -- With the exception of the group (30) that/...

that joined the vanguard of the march, I would say the rest of the people joining the march were in two or three, groups of two or three people together joining.

Did your own march have placard bearers or placards?

-- Yes, there were placard carriers.

What happened to the two lots of placard carriers? --

I cannot exactly tell what was happening there at the time of the joining of these people, except to say that the on-coming people who joined the vanguard of our march ended up having joined the march and being the leaders of our march. (10)

Were there any marshalls trying to regulate the march you were on? -- Yes, there were.

What happened to them when the march slowed down? --

They were busy trying to get the people on the march and saying to the people who are already on the march not to be worried because there are other people busy joining on this march. Therefore trying to keep a control of people to be on the tarmac. That did not delay for a long time. We again started moving.

Whilst you were in the vicinity of the Fowler bus stop (20) or the turn to the right towards the post office, did you hear any shots being fired? -- No, I did not hear any shots being fired.

Did you hear anyone shouting out that or about a dog being anywhere or any reference to any dog? -- No, I did not hear anything about a person making reference to a dog.

At the time that you were marching, did you know where the late Mr Caesar Motjeane was living? -- I did not know, nor did I know him.

When you were in that immediate vicinity of the Fowler (

bus/...

bus stop and the turn to the right and the intersection there, did you see any smoke coming from the south/eastern side, that is on your left-hand side in front and on the left?  
-- Yes, I did notice smoke there.

Did you know that that smoke emanated from or might have emanated from the house of any councillor or the late Caesar Motjeane or anybody else's house? -- I did not think of anything in that line because the smoke I noticed there was not a kind of a smoke which one could associate with a house which was on fire. (10)

What sort of smoke did you think it was? -- I just said to myself it was ordinary smoke which one finds when people burn some rubbish.

COURT : Where did you see the smoke? -- I had just passed Fowler bus stop whilst still on the march when I noticed that there was a smoke on my left.

Directly on your left or towards the front or the back?  
-- I am not quite of my position at the time that I became aware of the smoke, whether I had just passed the smoke slightly or what the position was in relation to the smoke (20) from where I was. It could be that I had just passed it. I am not certain.

So, it was to your left but behind you? -- That is what I think happened.

MR BIZOS : Did you proceed on the march? -- Yes, we proceeded on the march.

What was your eventual destination? -- Houtkop.

Did anyone suggest at any stage to you or to anyone else within your hearing that you were on your way to the councillors' houses? -- No, there was nothing like that, nothing at all. (30)

Did/...

Did you go past the post office? -- Yes, we went past the post office.

Did you see the post office having been damaged or being damaged or attempts being made to damage it? -- No, I did not see anything.

Was the - were the people on the march quiet as they were marching along? -- They were singing.

What were they singing? -- A song "Siyaya e Houtkop" was sung.

Did you reach Houtkop? -- No, we did not. (10)

Why not? -- Because when we reached the garage, Hunters Garage, that is where we found the police and on our meeting with the police there they dispersed us.

COURT : Where were the police? -- I was in the immediate vicinity of Hunters Garage when I became aware of the police vehicles which were parked across the road, which is obstructing our movement, right ahead of the vanguard.

MR BIZOS : What did the people on the march do when - what were the people in the march doing when you noticed the police vehicles ahead of the vanguard of the march? -- The (20) first thing I noticed was that the march slowed down the pace to an extent of nearly stopping. At that stage the singing was about to stop and at that stage one of the marshalls then said to the people not to panic, they must just be quiet, they are going to speak - they, meaning some people, will go and talk to the police. While this was still being conveyed to us on the march, that some people were going to speak to the police and therefore we need not panic, this was being said by the marshalls who were running on the sides of the march. The next thing I heard some shots being (30)

fired/...

fired from guns. After having heard the shots being fired I became aware of a helicopter which was flying above our heads. The next thing I smelt teargas. At that stage the march was dispersing, people taking cover in the nearby houses.

Before you heard shots, before you saw the helicopter above your head, did you hear anyone asking you to disperse?  
-- Nobody ever told us to disperse.

Did you yourself take cover in the neighbouring houses?  
-- Yes, I did. (10)

And for how long did you take cover? -- I remained there for quite some time where I was taking cover until I was satisfied that everything was now quiet, which time I estimate to have been about thirty minutes that I was taking cover there.

What did you do thereafter? -- After having satisfied myself that I will be able to go back home, I did so.

Did you see any property being damaged or having been damaged on your way home? -- No, what I noticed at the time was some smoke from the vicinity of the shopping centres. (20)  
COURT : Where? -- I noticed a smoke in the vicinity of the shopping centre in zone 12.

Only there? -- Not only there, even further down in the vicinity of the Indian shopping centre. There I noticed that these were on fire.

Is that now in Small Farms? -- Yes, that was when I was already in Small Farms and from a distance again I could see that there was some smoke in the shopping centre of zone 12 extension. I did not go near that.

MR BIZOS : Thank you, my lord, I have no further questions. (30)



KRUISONDERVRAGING DEUR MNR. JACOBS : Mnr. Vilakazi, toe u die opmars verlaat het en die polisie u nou voorgekeer het en u uitmekaar uit gejaag het, waarheen het u gehardloop? In gebied 11 in of in n ander gebied in? -- Ek het na my regterkant toe gevlug.

Wat is daardie gebied? Gebied 13? -- Ja, dit is gebied 13.

Hoe ver het u ingevlug of het u by die eerste huise wat u by gekom het ingevlug? -- Ek het gevlug tot in die tweede straat vanaf hierdie toneel en toe daar skuiling geneem by(10) die huise daar.

Was daar mense by die huise toe u daar kom? -- Ja, ek het ander persone daar aangetref.

En terwyl u daar geskuil het was u nooit gemolesteer daar nie? -- Nee, ek was nie.

U het ook nie gesien dat die polisie enigiemand anders daar molesteer in die straat nie? -- Ek kon hoor dat daar mense was wat daar buite geskreeu het.

Kon u hoor dit is mense wat skreeu omdat die traanrook hulle oë geaffekteer het of vir watter rede hulle geskreeu(20) het? -- Al kan ek nie met sekerheid sê nie, maar my afleiding daarvan was dat dit as gevolg van die slaan deur die polisie was dat die mense geskreeu het. Dit sê ek omdat toe ons begin het vlug het, het die polisie alreeds sekere mense begin slaan.

Op watter stadium het die polisie mense begin slaan? -- Dit is toe die mense begin vlug het dat die polisie ook begin slaan het.

Waarmee? -- Sambokke.

Was jy op daardie stadium al voor aan die optog gewees?(30)

Voor/...

-- Voor? Wat bedoel u?

Die voorpunt? -- Nee, ek was nie by die voorpunt gewees nie.

Hoekom? Jy was dan so angstig gewees, jy het agter aangesluit en jy het opbeweeg in die optog om by die voorpunt uit te kom? -- Is u vraag hoekom is dit dat ek nie by die voorpunt gekom het nie?

Ja? -- Ek het hier in my getuienis vir die hof gesê dat sekere mense by die voorpunt van ons optog aangesluit het. Met die aansluiting van daardie persone het dit so (10) gebeur dat daardie persone later toe die voorpunt geword het van ons optog. Met die gevolg dat ek dus geen rede gesien het hoekom ek nog verder vorentoe moet gaan nie.

In die omgewing van Hunters Garage voor die uitmekaar gaan van hierdie mense, nadat die polisie op hulle gevuur het, het u daar in daardie omgewing enige rookkolomme gesien? -- Nee, ek het dit nie gesien nie.

In gebied 13, daar waar jy nou gedraai het by die poskantoor en toe nou afgeloop het tussen gebiede 11 en 13 met daardie pad, het u enige rookkolomme gesien in gebied 13? (20) -- Ek het nie opgelet nie.

En na die interseksie waar die groep aangesluit het by julle tot bo by die poskantoor, toe julle daar beweeg het, het jy enige rook gesien in gebied 11 of gebied 12? -- Praat u van die tydstop waar ek in die nabyheid of in die omgewing van Fowler was? Dit is waar ek was toe ek klein rook opgemerk het.

Ek praat van tussen Fowler en die poskantoor nadat u by die interseksie daar verby is? -- Nee, daar het ek geen rook gesien terwyl ek in daardie omgewing was nie. (30)

En/...

En voordat u nou by Fowler se bushalte gekom het, het u enige rook gesien in gebied 12 of gebied 12 uitbreiding? -- Ek het geen rook gesien in daardie twee gebiede, 12 en 12 uitbreiding nie.

Terwyl u by Fowler was, verstaan ek u reg, op daardie stadium toe u die klein rokie opgemerk het was die klein rokie agter u gewees aan die linkerkant maar aan die agterkant? -- Ja, nie veel agter nie.

So, is dit dan ook korrek om te sê dat u het nie dan rook op daardie stadium opgemerk in die omgewing van daardie (10) steeg waarvan u gepraat het wat daar inkom by die interseksie nie? -- Rook in die nabyheid van die steeg? Wat ek hier vir die hof sê is dat ek het bewus geword van rook aan my linkerkant terwyl ek in die nabyheid van Fowler se bushalte was.

HOF : Antwoord nou die vraag. -- Ek het geen ander rook opgemerk nie.

MNR. JACOBS : Het jy op enige later stadium uitgevind waar Caesar Motjeane gewoon het? -- Ek het later bewus daarvan geword dat hy iewers gewoon het daar as 'n mens met die (20) steeg opgaan.

En die rook wat u gesien het, die klein rokie wat agter u was, wat u agter u opgemerk het, was nie daar in die omgewing van Caesar Motjeane se huis nie? -- Dit kan wees dat dit in daardie nabyheid was.

Maar as jy by Fowler is en die rook is agter jou, dan is dit mos teenoorgesteld van waar Caesar se huis is by die steeg? -- My antwoord op u vraag is dat dit kan wees dat die rook wat ek van praat in die omgewing van Caesar se woning was maar my getuienis is terwyl ek in die nabyheid (30)

van/...

van Fowler se bushalte was, n entjie agter my, het ek bewus daarvan geword dat daar rook is.

Net dat ons die prentjie reg kry. Terwyl jy by Fowler se bushalte was, het jy, soos die optog beweeg het, gekyk in die rigting van die steeg, nê? -- Ek het nie direk na die steeg toe gekyk nie. Ek het vorentoe gekyk in die rigting wat ek gestap het. Dit kan wees dat my oog daardie omgewing gevang het met die loop, want n mens kyk nie net reguit na vorentoe nie. Dit kan wees dat ek rondgekyk het ook.

HOF : Waar was u in die optog? Linkerkant, regterkant of (10) in die middel? -- Ek was in die middel van die optog maar meer na links, nie buite nie, maar meer na links.

MNR. JACOBS : Fowler se busstop vanaf die interseksie daar, hoe ver is dit weg? -- Ek weet nie hoe ver dit is nie, want ek sal u sê, ek is nie goed met skattings nie.

Maar gee vir ons n skatting net, min of meer, is dit die lengte van die hof, verder? -- is u vraag wat die distansie is vanaf Fowler se bushalte na die steeg toe?

Na die interseksie toe dan? Hoe ver is dit van daar waar daardie aansluiting is van die pad wat van die stadion (20) af kom? -- (Getuie dui distansie aan)

HOF : Dit is ongeveer 150 meter. -- Nee, dan is daardie skatting te ver. Kyk, dit is nie so ver nie.

Waarom loop u nou so in n sirkel? -- Nee, daar was n misverstand gewees. Ek was net besig om aan die tolk te beduie watter punt ek van praat, nie dat die skatting moet gaan volgens ek aan die tolk beduie het nie. Ek praat van direk hiervanaf waar ek staan met n direkte lyn na daardie gebou toe.

Ek kan nou nie deur twee mure kyk nie. Hoe n groot (30

stuk/...

stuk van 'n voetbalveld? Dit is baie makliker? -- Die helfte daarvan.

50 Meter.

MNR. JACOBS : So, 50 meter direk voor jou was dan die interseksie gewees? -- Dit kan wees.

Skuins agter jou aan die linkerkant sien jy rook? -- Nee, ek het nie so gesê nie. Ek sê ek was in die omgewing van daardie punt gewees. Dit kan wees dat ek alreeds die punt 'n bietjie verby is of net voor ek by die punt gekom het. Dit is die omgewing waarvan ek praat. (10)

HOF : Watter punt? -- Die punt waarvan ek praat is die bushalte van Fowler. Dit is voor ek by die interseksie kom.

MNR. JACOBS : Kom ons maak dit nou nog makliker vir jou. Ek wil nou vir jou 'n eenvoudige vraag vra. Hoe is dit dat jy die rook nou vir die eerste keer opmerk links agter jou? -- Ek weet nie of u my verstaan nie. Ek sê dit kon wees dat ek net 'n bietjie verby was by Fowler se bushalte.

Maar die feit bly nog jy het gesê toe was die rook links agter jou? -- Ek weet nou nie hoe om dit te antwoord nie, want ek sê vir u toe ek bewus geword het van daardie rook (20) was ek in die omgewing van Fowler se bushalte. Of ek nou alreeds verby die punt was of nog in daardie omgewing was, is die beste vir my om vir u te sê dat terwyl ek in die omgewing van Fowler se bushalte was, het ek die rook gesien.

U sien, want my volgende vraag aan u is, hoekom het u dan nie die rook vroeër gesien toe u nog aangekom het na Fowler se bushalte toe as dit links agter jou was nie? -- Dit is miskien omdat ek nie opgelet het nie.

Hierdie groep daar by die interseksie, u wou, volgens ek u getuienis verstaan, die voerpunt van die optog net geva (10)

het/...

het toe u by daardie punt gekom het. Was daar mense aan weerskante van daardie interseksie gewees? -- Ek volg nie die vraag nie?

Het daar op die interseksie weerskante van die teerpad mense gestaan? Wat is moeilik aan daardie vraag? -- Ja, daar was mense gewees wat by die optog aangesluit het.

So, hierdie mense het gestaan aan weerskante van die teerpad daar by die interseksie. Is dit jou getuienis? -- My getuienis is dat terwyl ons aangekom het na hierdie kruising toe, die interseksie, was daar mense gewees wat (10) by die optog aangesluit het. In die nabyheid van daardie interseksie was daar enkellopende persone gewees wat aan weerskante van die pad was.

In die interseksie self op die kruising self, was daar mense in die pad gewees behalwe die groep wat aangekom het? -- Miskien twee of drie wat daar gestaan het. Ek weet nie. Al wat ek sê is, terwyl ons nog aangekom het na daardie punt toe het ek bewus geword van mense wat enkellopend was wat in die nabyheid was van die pad wat later miskien aangesluit het by die optog. Dit kan ek nie sê nie. (20)

Het jy enige mense gesien wat beweeg in die steeg? -- Ek het nie persone opgelet in daardie steeg nie.

Is dit al die tyd totdat jy by die steeg verby is, het jy nooit mense opgelet in daardie steeg nie? -- Ek weet nie. Miskien was daar mense gewees, maar ek het hulle nie opgelet nie.

As daar mense was dan sou jy dit tog gesien het? -- Indien ek opgelet het, ja, sou ek hulle gesien het.

Maar jy het mos vorentoe gekyk wat gaan daar aan en toe sien jy mos die steeg? -- Ek sê ja, ek het na vorentoe gekyk (20)

terwyl/...

terwyl ek stap. Dit het af en toe gebeur dat ek rondgekyk het, maar nie met 'n spesifieke doel om iets te sien nie. Dit kan wees dat dit in my oog geval het dat ek iets gesien het, maar omdat dit nie veel beteken het vir my nie, het ek nie veel ag daarop geslaan nie. Dit is presies dieselfde met hierdie steeg, dat ek dalk in daardie rigting gekyk het of die steeg in my oog geval het, maar nie mense daar opgelet het nie.

Het jy mense gesien wat van die stadion se kant af, 'n groep mense wat gekom het om aan te sluit by hierdie optog(10) van julle? -- Die klomp mense waarvan ek praat wat ek gesien het, is dié wat van voor af gekom het.

Het jy niemand gesien wat met die pad wat van die stadion af gekom het, aangekom het en daar aangesluit het by julle optog nie? -- Miskien 'n persoon of twee wat van daardie rigting af gekom het en by die optog aangesluit het. Dit weet ek nie. 'n Ander ding wat ek duidelik wil maak is dat as daar 'n klomp mense aankom, is dit merkbaar en 'n mens sal bewus daarvan word dat daar 'n klomp mense aankom.

Kom ons gaan dan nou na die merkbare klomp mense toe. (20) Ek verstaan nie jou getuienis mooi of jy hulle gesien het voordat hulle aangesluit het by julle optog nie en of jy hulle gesien het terwyl hulle alreeds deel gevorm het van die voorpunt van julle optog? -- Volgens my waarneming, onmiddellik na die optog stadig begin beweeg het, het ek gesien dat die mense besig was om aan te sluit by die optog. Hoe ver hulle was by die aansluiting van die optog op die stadium wat ek opgekyk het met die deurmekaarspul wat daar plaasgevind het, kan ek nie sê nie.

So, daar was nou 'n deurmekaarspul daar voor gewees? (30)

Ja/...

-- Ja.

Hierdie mense wat jy nou beweer in die deurmekaarspul aangesluit het, was hulle ook in h optog opgevorm? -- Volgens my waarneming, die mense was in h optog opgevorm gewees toe hulle aangekom het, want met hulle aansluiting hier by ons optog, het hulle ook plakkate gehad.

HOF : So, met ander woorde, sê u dat dit moes h optog gewees het omdat daar plakkate was? -- Dit is hoe ek dit aangeneem het dat dit h optog was omdat hulle ook plakkate gehad het en dit was h klomp persone. (10)

MNR. JACOBS : Was julle optog se voerpunt alreeds besig om reg oor van die huise te loop na julle by die interseksie verby is of hoe ver was julle al by die interseksie verby op daardie stadium? -- Tussen die huise waar nou?

Kyk, die pad gaan tog daarso, nadat hy by die interseksie verby is en hy na regs effentjies swenk, gaan hy mos daar by huise verby.

HOF : Maar wat is die vraag? Wat van die huise?

MNR. JACOBS : Of die voerpunt alreeds by die eerste huise verby of by die huise was. (20)

HOF : Is die vraag vir u duidelik, want die vraag is nie vir my duidelik nie? -- Herhaal die vraag vir my?

MNR. JACOBS : In jou getuienis-in-hoof het jy gesê dat die optog is alreeds by die interseksie - die optog van julle se voerpunt was alreeds by die interseksie verby en besig om te beweeg na die draai. Is dit reg? Dit was in die rigting van die poskantoor, in die rigting van Houtkop? -- Wat ek sê is, die voerpunt van die optog van ons het al hierdie punt verbygegaan. Die aansluitingspad sowel as die steeg. (30)

Dit/...



Dit is wat ek sê. So, hulle was die aansluitingspad reeds verby. Met ander woorde, hulle was verby die interseksie alreeds, die voerpunt?

HOF : Wel, ons het dit nou afgehandel. Hy sê die voerpunt was al verby die steeg. Nou kan u u eie afleidings maak. As u op die kaart kyk, sal u sien dit is verby die interseksie.

MNR. JACOBS : Hoe ver was dit alreeds verby gewees? Was dit alreeds gelyk aan die eerste huise gewees? Dan kom ek by my vraag terug van netnou. Eerste huise aan die linker-(10) kant of aan die regterkant? -- Ek is nie duidelik met die vraag nie. Daar is huise aan die linkerkant van daardie pad, soos die optog gekom het, dit wil sê by die pad wat aansluit by die hoofpad wat ons gebruik het. Dit is die stadion se pad. Aan weerskante daar is daar huise. Dan aan weerskante van die steeg is daar huise. My probleem is, watter huise praat die advokaat van by die huise wat ek nou genoem het?

Ek praat van die huise op die pad soos julle geloop het aan julle linkerkant nadat julle die interseksie verby (20) is? -- Wat van daardie huise?

Is dit waar julle hierdie mense ontmoet het of die mense met die ander plakkate aangesluit het? -- Ek sê die mense het by ons voerpunt van die optog aangesluit na die voerpunt die aansluitingspad sowel as die steeg verby was.

Goed, as u dit nie wil antwoord nie, dan los ons dit daar. As iemand sou beweer het dat die mense het aangesluit by hierdie optog net toe die voerpunt van julle optog die interseksie binnegegaan het, is dit ten minste verkeerd? -- Volgens my waarneming het dit plaasgevind na die (30)

voerpunt/...

voorpunt van die optog alreeds die steeg verby was.

Hoe het daardie groep mense wat van voor af gekom het aangesluit by julle optog? -- Ek het nie presies opgelet hoe hulle by ons optog aangesluit het nie. Ek kan nie sê wat die distansie was wat hulle was toe ek hulle gesien het nie. Al wat ek vir die hof kan sê is dat daar was wel 'n vertraging gewees as gevolg van die mense se aansluiting by ons optog.

Is dit dan ook so, jy maak net weer 'n afleiding daar het mense aangesluit, want jy het nie gesien die mense sluit (10) aan nie? -- Nee, ek sê nie dat ek nie gesien het nie. Ek sê ek het gesien dat mense fisies aansluit by hierdie optog van ons, maar wat gesê was net voor hulle aangesluit het, is wat ek nie kan sê nie. Ek kon sien dat die mense plak-kate gehad het. Tweedens, wat ek daarby bedoel is, hoe die posisies daar verdeel is tussen ons optog en daardie mense wat aansluit, dit sal ek nie kan sê nie. Dit is wat ek nie weet nie.

Wie het vir u gevra wat die mense daar voor gesê het? -- Ek antwoord u vraag as u vir my vra hoe die mense aan- (20) gesluit het. Ek neem aan u wou geweet het wat alles daar gesê is en wat gedoen is.

Nou vra ek weer vir u, wie het vir u gevra wat het die mense gesê toe hulle aangesluit het? -- Ja, maar u vraag is hoe het die mense op hierdie optog aangesluit.

Kom ons toets dit weer. Jy het nou net vir die hof gesê jy het gesien die mense sluit fisies aan daar voor by die voerpunt van die optog? -- Kyk, ek sê ek het opgemerk as gevolg van die optog se vermindering van die pas dat daar mense van voor af aangekom het wat plak-kate gehad het. (30)

Wat/...

Wat die distansie was tussen die twee voerpunte op daardie stadium, kan ek nie sê nie, maar op die ou end later toe sien ek dat daardie mense wat van voor af gekom het sluit by hierdie optog aan. Van praat sê ek, hoe hulle met mekaar daar gepraat het, wie watter posisie sal neem met die aansluiting, is wat ek nie weet nie. Wat ek verder sê is dat die aansluiting van hierdie mense het 'n vertraging veroorsaak omdat daar 'n deurmekaarspul was tot 'n mate daar voor, dat 'n mens nie kon uitmaak wat die oorsaak daarvan was nie, welwetende dat daar mense is wat aansluit. (10)

Is u nou klaar? -- Ja.

Ek wil 'n versoek aan u rig, luister na my vrae en antwoord net my vrae, asseblief. -- Ja, dit is goed.

Nou wil ek vir u weer vra, u het gesien hoe sluit hulle fisies aan. Hoe sluit hulle fisies aan? -- Ek weet nie hoe het hulle daar aangesluit nie. Al wat ek sê is, ek het gesien toe hulle aansluit.

U praat daarvan dat hulle het die nuwe voorhoede gevorm van die optog. Is dit reg? -- Ja, dit is so.

Dan moes u tog seker gesien het dat daardie mense is (20) nou daar, hulle draai net om en nou loop hulle voor, dan het jy mos gesien hoe sluit hulle fisies aan? -- Mag ek miskien vir u verduidelik wat ek daarby bedoel?

HOF : Ja. -- Wat ek daarby bedoel is dat hierdie klomp mense in daardie optog was nie na agter toe gestuur om verder agter te gaan inval nie. Wat ek wel gesien het was dat die mense wel ingeval het by die optog iewers daar voor. In daardie sin sê ek dat hulle die voerpunt was omdat ek teruggeval het. Die distansie het 'n bietjie groter geword tussen die punt waar ek was vroeër en die voerpunt van die (30)

optog/...

optog.

MNR. JACOBS : Maar dit is mos eenvoudig. As hier n klomp mense staan wat ook in n optog is, tweehonderd mense, dit is mos n groot klomp mense en dat jy sal sien of hulle net omdraai en dan loop hulle voor of nie? Wat sukkel jy daarmee? -- Die gesukkel met u is dat ons mekaar nie verstaan nie. Ek sê die mense was nie teruggeneem om agter in te val nie. U sê as ek dit sê, dan beteken dit dat die mense daar voor omgedraai het sommer en n voerpunt gevorm het. Dit is nie wat ek sê nie. Al wat ek sê is, hulle het iewers daar voor (10) plek ingeneem.

Maar u het nie gesien waar nie. Iewers voor maar u weet nie waar nie?-- Wat ek sê is, die mense het iewers daar voor ingeval in die nabyheid van die voerpunt. Dit is waar hulle aangesluit het.

En u is seker hulle het nie n nuwe voerpunt van hierdie opmars gevorm nie? -- Ek sê die mense wat met hierdie optog daar gekom het, op die ou end was die voerpunt van ons optog want hulle het voor ons wat agter was ingeval.

En ook voor die voerpunt van julle optog? -- Ek sê dit (20) is wat gebeur het. Dat die aankomende optog wat by ons aangesluit het, het by die voerpunt van ons optog aangesluit waarop hulle geëindig het as leiers van ons optog aan die voerpunt, want op n latere stadium het ek opgemerk dat ek verder teruggeval het vanaf die posisie waar ek was.

Is dit dan so, het hulle net daar voor stelling ingeneem en in hulle spore omgedraai en toe vorm hulle die voorhoede, die leiers? -- Ek weet nie. Dit is miskien so.

So, met ander woorde, jy het nie gesien hoe sluit hulle aan nie? -- Wat ek gesien het is dat daar mense is wat by (30)

ons/...

ons optog daar aangesluit het. Wat se leiding hulle geneem het, wat se posisie hulle ingeneem het, weet ek nie.

En as daar enige getuienis in hierdie hof is wat sê dat daardie mense het van die voerpunt tot by die helfte ongeveer van hierdie optog ingefiltreer tussen julle in, dan is dit heeltemal verkeerd? -- Wie dit ook al gesê het het dit dalk so opgelet. Dit is nie wat ek daar waargeneem het nie.

Maar sal u saamstem dit is tog nie wat gebeur het volgens jou getuienis nie. Dit moet dan vals wees? -- Ek kan nie sê (10) dit is vals nie. Dit kan gebeur dat mense op 'n punt twee verskillende dinge sien. Ek kan nie sê hy lieg nie.

Ek wil dit aan jou stel jy kan nie vir die hof vandag vertel hoe daardie mense aangesluit het by die optog nie, omdat jy vir die hof leuens vertel en daar nie mense aangesluit het nie? -- Ek wil dit aan u stel dat daar wel mense was wat daar aangesluit het by die optog van ons.

Dan wil ek dit nog verder aan u stel dat daardie mense wat daar heeltemal 'n deurmekaarspul by die voerpunt veroorsaak is, is mense wat uit gebied 11 gekom het, uit die (20) steeg en daar na die voerpunt van julle optog toe gekom het? -- Dit is glad nie die waarheid nie.

En toe het daardie mense daar gekom en toe was daar 'n deurmekaarspul en die voerpunt van julle optog onder die leiding van Esau Raditsela is by daardie steeg in? -- Wie ook al dit gesê het praat nie die waarheid nie. Dit het nie gebeur nie.

Kan jy dan vir die hof enige verduideliking gee ...

(Mr Bizos intervenes)

MR BIZOS : With the greatest respect, nobody said so. (30)

IC.8's/...

IC.8's evidence was not to that effect and the other eye witness that gave evidence for the state ran away, if his evidence is to be believed. Neither of them said what has just been put.

COURT : I have a difficulty of course as to what the different versions of the different sides in this case are, but I will sort that out eventually.

MNR. JACOBS : Daar is die huis van Caeser Motjeane toe aangeval en afgebrand asook sy voertuie en is hy en die persoon wat by hom gewoon het vermoor daar deur die mob, (10) die skare wat daar ingegaan het? -- As iemand hier vir die hof kom sê het dat daar mense van ons optog afgebreek het, praat daardie persoon nie die waarheid nie.

Kom ons gaan na n ander aspek toe. Die jeugorganisasie wat in die Vaal gestig sou word, het u geweet daarvan voor hierdie vergadering van 16 Junie 1983? -- Al waarvan ek geweet het was die kongres van COSAS wat in die Kaap gehou was, het besluit om sekere lede se lidmaatskap te beëindig en dit was besluit deur daardie persone daar by COSAS, wie se lidmaatskap beëindig was, dat daar n organisasie gestig (20) sal moet word wat dan bestaan uit die mense wie se lidmaatskap beëindig is. Wanneer dit sou wees, weet ek nie.

Was dit ook besluit daar dat so n jeugorganisasie moet in die Vaal gestig word? -- Dit is nie die kennis wat ek gekry het nie. Ek het die kennis gekry dat die mense wie se lidmaatskap daar beëindig was in die algemeen besluit het dat hulle n organisasie gaan stig vir die mense wat nie meer gekwalifiseer het onder COSAS nie. Ons het toe besluit in die Vaal dat ons ook daar n organisasie van daardie tipe sal moet stig.

(30)

Is dit nou voor die vergadering van 16 Junie 1983 dat julle besluit het om 'n jeugorganisasie te stig? -- So 'n resoluëie was aanvaar gewees na dit bekend gemaak was in die vergadering, dit is die herdenkingsdiens van 16 Junie 1983, maar voor dit het ek alreeds daarvan geweet as gevolg van 'n bespreking wat ek met een van my vriende gehad het wie dit aan my vertel het.

Met wie het u 'n bespreking gehad? -- Ek het dit van beskuldigde nr. 5 gehoor, synde 'n persoon wat die kongres bygewoon het. Hy is 'n persoon wat met daardie inligting (10) na my toe gekom he.

Is dit net na die kongres in Mei 1982 in Kaapstad? -- Ja, dit is die kongres wat hy van gepraat het.

Dit is net na die kongres? -- Nee, nie onmiddellik na die kongres nie. As ek reg onthou het hy melding hiervan gemaak vroeg in 1983, dat daar besluit was deur die lede wie se lidmaatskap beëindig was om 'n organisasie op hulle eie te stig, maar ons het dit nie verder bespreek nie. Toe hy dit weer die tweede keer aan my genoem het, was dit net voor die herdenkingsdiens van 16 Junie 1983, dat ons nou (20) daarvoor gepraat het en toe breedvoerig bespreek het.

So, die gedagte van 'n "youth congress" of jeugorganisasie het nie sy oorsprong gehad op die herdenkingsdiens van 16 Junie 1983 nie? -- Ek kan so sê, ja, want ek het voor daardie datum hiervan bewus geword.

Is dit nie so nie dat daar voor 16 Junie 1983 alreeds 'n komitee bestaan het in die Vaal wat moes werk vir die organisering van so 'n organisasie? -- Ek weet nie van 'n komitee wat alreeds bestaan het voor 16 Junie 1983 nie.

U is mos bekend as Simon Vilakazi, nê? -- Ja. (30)

Ek/...

Ek wil dit aan u stel u is nie nou eerlik met die hof nie want u was 'n lid van daardie komitee, daardie groep wat gewerk het? Of "an informal group", die naam van die komitee? -- As ek reg verstaan, die woord wat u gebruik van "informal", vir my beteken dit dit is nie 'n komitee wat gekies is nie. Dit is net 'n ding wat daar is.

HOF : Dit word aan u gestel of daar is 'n komitee wat gekies is of dit is 'n ding wat daar is? -- As daar enige mense was wat bymekaar gekom het of vergader het voor die dag van 16 Junie 1983, dan dra ek geen kennis daarvan nie. Dit (10) is voor die 18de. Andersins, of dit nou formeel of informeel was, ek dra nog geen kennis daarvan nie. Eers na die 18de het ek kennis gedra daarvan dat daar wel mense was wat bymekaar gekom het.

MNR. JACOBS : Wat sal u daarvan sê dat dit beweer word dat beskuldigde nr. 5 het opgetree as die voorsitter van hierdie groep dan in die vergaderings wat hulle gehou het?

HOF : Dit is nou voor 18 Junie?

MNR. JACOBS : Voor 18 Junie? -- Wat? Was hy die voorsitter van vergaderings wat gehou was? As hy enige vergadering (20) gehad het waar hy as 'n voorsitter opgetree het, dan sou dit miskien by herdenkingsdienste gewees het, maar nie by 'n vergadering waar die jeugorganisasie bespreek was nie.

Indien daar wel vergaderings was wat te doene gehad het met die jeugdige se organisasie, dan weet ek nie daarvan nie. Ek het eers daarvan bewus geword na die 18de.

Maar aan die begin van 1983 sê u dat u het dit toe ernstig bespreek met beskuldigde nr. 5 voor die vergadering van 16 Junie 1983? -- Ek het gesê in daardie tyd het hy my ingelig van die besluit wat geneem was by die "congress" (30)

wat/...



wat gehou was in die Kaap en hy het my nie versoek om enigiets daaromtrent te doen nie en my ook nie genooi om saam te kom om h vergadering van die jeugdiges te gaan bywoon nie.

Het u ooit op enige stadium h vergadering van jeugdiges bygewoon, hetsy voor of na 16 Junie 1983, behalwe nou daardie die 16de en die 18de se twee? -- Ja, eers na die twee vergaderings, veral die een van die 18de. Na daardie vergadering het ek h vergadering van die jeugdiges bygewoon.

Is dit net een vergadering of het jy meer as een bygewoon? -- Vergaderings wat ek kan onthou as ek reg onthou wat (10) ek bygewoon het, was net twee. Daarna het ek h vergadering van die jeugdiges wat gehou was in my area. Dit het gebeur gedurende 1984 toe ons daar gewerk het met die oog daarop om die jeugdiges se organisasie te herstig in my area.

Jy praat van h herstigting van die jeugdiges se organisasie. Wat se jeugdiges wou julle toe herstig? -- Daarby bedoel ek op die 18de was daar toe besluit op die stigting van die jeugdiges se organisasie in daardie omgewing van die Vaal. Daar was, as ek reg onthou, net twee vergaderings gewees met betrekking tot die stigting van hierdie organi- (20) sasie. Daar was toe niks verder gedoen nie. In 1984 eers het ek weer daaraan gedink om weer dit te begin deur die mense daaraan te herinner met die beplanning van die stigting.

Kom ons kry dan nou net duidelikheid. Die 1984 vergadering wat u netnou genoem het, die herstigtingsvergadering, is h vergadering wat u self gereël het dan, nê? -- Nee, nie net ek as h persoon nie. Dit was gereël deur mense wat saam met my die vergaderings bygewoon het.

Wie het hierdie vergadering waarna u verwys in 1984 (30) gereël/...

gereël? -- In 1984 praat ek van die vergaderings wat ek in my area gehou het waar ek twee of drie van hierdie vergaderings gehou het.

Ek verstaan u getuienis nou glad nie. Eers het u gesê daar was in 1984 een gehou en gereël en nou sê u daar was blykbaar drie wat nou gereël en gehou was. Is dit reg? -- Ek het gepraat van vergaderings, nie 'n vergadering nie. Ek praat van twee vergaderings in die jaar 1983.

Is dit die twee vergaderings in 1983 wat u nou net gesê het wat u gereël het en gehou het? -- Ek sê die vergaderings (10) wat ons in die jaar 1984 gehou het by my area is dié wat voorberei was deur myself en die mense wat saam met my was.

En hoeveel is hulle nou wat in 1984 deur uself en die mense wat saam met u was gereël is? -- Twee of drie. Ek kan nie meer goed onthou nie.

En toe jy netnou gesê het daar was een vergadering in 1984 omtrent die jeugorganisasie was dit nie die waarheid wat u vir die hof gesê het nie?

MR BIZOS : The witness made a distinction between one meeting to form the organisation and a couple of meetings prior (20) to that to arrange for that meeting. It is clear on the witness's evidence. There is no contradiction.

MNR. JACOBS : Met alle respek, die getuie het gesê in 1983 het hy twee vergaderings gehou of bygewoon en toe in 1984 een en toe het ek hom geneem op die een. Ek sal terugkom na die ander drie toe. Die ander twee toe.

HOF : Die vraag word toegelaat.

MNR. JACOBS : Antwoord nou? -- Ek kan nie meer die vraag onthou nie. Herhaal net die vraag?

Toe u netnou vir die hof gesê het in 1984 was daar (30)

net/...

net een vergadering gewees, was dit n onwaarheid wat u aan die hof gesê het? -- As ek miskien gesê het dat daar net een vergadering gehou was in 1984, dan het ek n fout gemaak, want ek praat van drie vergaderings wat by my area gehou was.

HOF VERDAAG TOT 17 FEBRUARIE 1988.

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

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