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IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

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DELMAS

1987-04-02 en 03

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

MR BIZOS CALLS ACCUSED NO. 7 :

DAVID TSIETSI MPHUTHI, d.s.s (Through interpreter)

EXAMINATION BY MR BIZOS : You are the seventh accused? --

That is so.

What is your age? -- 49.

Did you have any connection with Evaton? -- Yes.

In what way were you connected with Evaton? -- I was born and brought up in Evaton.

Where did you go to school? -- St Francis School. That is in Evaton. (10)

How far did you go at school? -- I did St 6..

Where were you living at the time of your arrest? -- Sebokeng Zone 7.

What was your occupation at the time of your arrest? -- I was selling chicken and firewood.

COURT : Fowls and firewood? -- Fowls and firewood.

MR BIZOS : On your own account? -- Yes, I was a business man.

What jobs had you done before this? -- I was employed at different firms. (20)

As what? -- I was employed by the firm Vicor as a clerk for a period of 15 years.

Whilst you lived in Evaton, on whose property did you live on? -- It was one of my relatives' place, my grandmother.

COURT : You with your grandmother? -- I was staying with my mother on my grandmother's premises.

MR BIZOS : In view of a suggestion that there were slum conditions in Evaton which the authorities were keen to clean up, perhaps you would like to describe to His Lordship (30)

the/...

the circumstances under which you lived in Evaton before you moved over to Sebokeng?

COURT : I am sorry, do I have the date when you moved out of Evaton approximately? When did you move from Evaton to Sebokeng? -- I cannot remember the exact date. It was in 1970, but the date I cannot remember.

MR BIZOS : Who was the owner of the property that you were living on? -- My grandmother was the owner of the property.

Was she living in 1970 - when you made the move over to Sebokeng - under the same roof as you or under different (10) roofs? -- What happened is that I had put up a structure of my own on the stand which belonged to my grandmother, with her permission of course. This was put up by means of using some bricks which bricks were made by me.

Who built the structure in which you were living in?

COURT : Was it burnt bricks or mud bricks? -- Burnt bricks.

MR BIZOS : Who built that structure? -- After the making of the bricks I looked for somebody who put up the structure for me.

At your cost? -- At my cost, yes. (20)

What happened to your grandmother's property before 1970? -- What happened just before 1970 was the following. There were some confusions going around, happening in Evaton, after my grandmother had passed away, therefore my aunts who were my grandmother's daughters decided to sell this stand to the Administration Board.

Do you remember for how much the Administration Board bought your grandmother's property? -- Not exactly, but it was about R500,00.

Were you free or were your cousins free, you refer to (30) them/...

them as aunts, were they free to sell it to whom ever they please or did they have to sell it to the Board? -- They were forced to sell it to the Administration Board, because the Board had already acquired quite a number of stands by buying them at a low price.

You told us that your aunts were compensated about R500,00. Were you compensated for your structure in any way? -- The actual position is that I left this stand to go and stay somewhere else prior to my granny's daughters selling this stand. Therefore I left the structure as it was. (10) They could make use of it if there was anybody who wanted to make use of it. Otherwise if there was nobody to use it, all I requested them to do was to remove the rafters for me which things I may need. That is when leaving the house without anybody occupying it.

COURT : And the roof? -- By rafters I mean the complete roof was to be removed on my behalf.

MR BIZOS : You salvaged the roof and what about the doors? -- I asked them to remove the windows and the doors as well because there was somebody who wanted to put up a structure (20) not very far from my grandmother's stand where I used to live.

How much compensation did you get through this indirect means after you left your home? -- The person who wanted the roof, windows and the doors, on agreement between me and him because that was just to give them away but not for free, gave me an amount of R50,00 for all.

Can you recall how much it had cost you to put up this structure for you and your mother? -- I estimated it to have cost me about R300,00 plus. (30)

That/...

That without your labour? -- That is without my labour.

How much rent were you paying to your grandmother? --
£1 a month.

That would have been R2,00? -- Yes, R2,00.

Were you living in a slum? -- No, it was not.

Did you go over to Sebokeng happy to do so or would you have remained in Evaton if the Board did not have this policy of acquiring properties?

MNR. JACOBS : Ek maak beswaar teen die vraag. Die vraag was toe hy daar weggegaan het. Dit is lank voor sy tante- (10)
hulle hierdie plek verkoop het. Hy het nog nooit gesê dat hy gegaan het omdat die Board dit afgedwing het dat hulle die eiendom moet verkoop nie. Dat dit die rede was waarom hy weggegaan het nie.

MR BIZOS : I do not remember the witness saying that it was long before this happened that he went away.

COURT : Could you rephrase the question and ask him why he went.

MR BIZOS : Why did you leave your home? -- What happened is the following. One day on return home from work, my (20)
mother handed me a note on which a number of a house, that is the address, was written, with the following message to my mother that a house has been allocated to me, that is me and my family which house I will have to take over as an occupant and if I were to dealy taking occupation of that house, whatever damage is going to be caused to that house after having been notified about the allocation, will be mine. Therefore meaning that I will be responsible for whatever is happening to the house.

COURT : Was that the house in Sebokeng? -- That is house(30)
in/...

in Zone 7, Sebokeng.

MR BIZOS : Did you apply for a house in Sebokeng before or after your grandmother's death? -- No, I did not at all apply for a house in Sebokeng. The procedure there was that people were being allocated houses to go and move into that houses from Evaton. So, I happened to be one of the victims by being issued with a house number which house I must go and occupy without having applied for that house.

COURT : Just a moment now. That is not clear to me. Was your name not somewhere on a list of applicants for houses?(10)
-- Let us understand each other here. I have already said to His Lordship that I had put up a structure of my own on my granny's premises where I was paying only £1 per month and I was satisfied with the living conditions there. I had no problems whatsoever. So, therefore I had no reason to go and apply for a house which was going to cost me more to pay rent on by applying to go and stay in Sebokeng. I therefore did not apply for any house in Sebokeng.

Were you perhaps considered an illegal occupant of your grandmother's property? -- No, that is not. I was born (20) and brought up in Evaton. I had the permission to be in Evaton. I had all the necessary qualifications to live in Evaton.

MR BIZOS : Whose decision in your mind was it that you did not belong to Evaton and on your grandmother's property? -- It was not in fact a decision, that one can say it was a decision. What happened was the following. The Board would just people who were sub-tenants living on somebody's stand as long as you are not a stand owner to go and live or take occupation of the houses which were belonging to the Board(30)

without/...

without having verified whether you were living on that premises or not. To them that was not material.

I take it you had your grandmother's and your aunts' permission to have stayed on that premises? -- That is so.

WITNESS STANDS DOWN.

COURT ADJOURNS TILL 3 APRIL 1987.

K618

COURT RESUMES ON 3 APRIL 1987.

DAVID TSIETI MPHUTHI, d.s.s. (Through interpreter)

EXAMINATION BY MR BIZOS (continued) : You told us yesterday of the circumstances under which you moved from Sebokeng, (10) I beg your pardon from Evaton to Sebokeng? -- That is so.

The house that you moved into, was it any better than the house that you had been living in in Evaton? -- No, that is not so.

How much rent were you to pay in 1970 for the house that you moved into? -- R8,50.

How much were you earning at that stage?--R12,50 per week.

At the time of your arrest, were you still in this house? -- That is so.

How much rent were you paying? By rent we mean both (20) the rent and the charges, how much were you paying per month? -- R50,50.

Was this before the proposed increase of R5,90 to come into force on 1 September 1984? -- That is so.

Were there any advantages or disadvantages of the house that you moved into in relation to the house that you were asked to leave? -- I had some disadvantages at this house, because I had to do something to better the house itself.

What did you have to do? -- The walls were not (30)
plastered/...

plastered, that is the interior of the house was not plastered as a whole, that is including the floors where not smooth.

What about the way you were living in Evaton in relation to the way that you lived in Sebokeng? Were there any things that you were not allowed to do in Sebokeng which you were allowed to do in Evaton? -- Yes. At the time when I was still staying in Evaton, I had a lot of fowls which I was keeping. I had a fowl-run there, which I was not allowed to have in Sebokeng. Like for instance, one of the things(10) that I came about, was the keeping of dogs. This was also not permissible.

You are not married? -- No, I am not.

You are living with your mother and a daughter of your brother's? -- That is so.

Prior to the first quarter of 1984 were you a member of any political organisation? -- No.

Were you a member of any group or any organisation? -- I was a member of a burial society, otherwise not a member of any other organisation. (20)

Were you a churchgoer? -- That is so.

Which denomination? -- Roman Catholic.

Did you have any special interest in broad political issues in the country before the first quarter of 1984? -- No.

Did - were you aware of the council system that was introduced in Sebokeng? -- I came to know about that towards the end of the year 1976.

Did you formulate any attitude to it, either favourable or unfavourable? -- To be honest I was not against it, (30)

because/...

because I did not really have an idea how was it going to work and therefore I really did not have anything to comment about that.

Was there any publicity about an introduction of this council system that you became aware of? -- There was a talk amongst the community there that there were people or there was a body named councillors which was going to run the township.

Were any advantages mentioned by the community of this system that was about to be introduced? -- From what I (10) heard there were people saying that may be there is going to be some improvement on things immediately after the introduction of this council.

Were any examples talked about in the community of how things might be bettered? -- Yes, there was mention made of this. For instance the shortage of houses which was thought to improve immediately after the introduction of this body and the schools that were not enough were thought to be one of the things which were going to be made better and there were some talks about the rentals as well. (20)

Was there any talk as to who might manage the locations in future? -- No, it is only after this body of the council had started working that there was a comment of saying it was much better during the time of the Administration Board compared to this council, which is at present functioning here.

We will come to that in due course. The superintendents before the council came into being in 1976, were they Black or White? -- Whites.

Was there any talk whether that was going to continue?(30)

What/...

-- What was said that once this council has started working it will then be changed that there was going to be a Black superintendent's offices.

There were elections in 1977, if my memory serves me correctly. Did you vote in those elections? -- No, I did not.

Is that because you did not want to vote by way of protest or for some other reason? -- No, not that I was in fact doing that by way of protest. It was just a matter of wait and see what is happening. (10)

As you were sort of waiting to see what was happening, what was your opinion, what was your judgment of this? Did any good come out of this council system? -- Not good results came my way. Instead, what I noticed was that there was something happening which was not fact acceptable. This was taking place rapidly.

What was not acceptable? -- By that I mean due to the increase of the community there, that added to the shortage of housing, as a result of which then people were to pay bribes in order to acquire some houses in order to be (20) occupied by them and again for people who wantes some business sites or business to be allocated, also had to pay some bribes. That is what I mean was happening. The rent was increased many times. There are times when this rent was increased twice in a year.

I do not want you to give specific examples, because I think you might have had sufficient in this case by now. Are you able to give specific examples within your knowledge of bribes actually being paid over and accepted by council-lors? -- Yes. In the area where I lived, that is the (30)

zone which I lived, I have a cousin whose daughter was waiting for a house and therefore her name was appearing on the waiting list. She waited quite a long time without having a house. As a result of which later she was advised to pay some bribe to a councillor in turn to get a house which bribe was ... (Mr. Jacobs kom tussenbei)

MNR. JACOBS : Die vraag was gevra of hy eie kennis het. Hy is nou "she was advised". As hy dan nie die eie kennis het nie, dan wil ek mnr. Bizos net vra dat hy die getuienis lei vanaf sy eie kennis en dat dit nie hoorsê getuienis (10) sal wees hierdie nie.

MR BIZOS : I thought we have been through this before, that if a perception was created in relation to the morality or lack of the councillors, even if it is based on hearsay, it is admissible for that purpose in view of the ... (Court intervenes)

COURT : Can you not merely lead the evidence that he had a perception. Full stop. If that has to be attacked, then it can be attacked. Now we are putting a lot of material on record which has to be cross-examined on and which is (20) hearsay.

MR BIZOS : I tried to do that Your Lordship will recall in my original question in regard to this, but it is sometimes difficult for witnesses to follow precisely the ... (Court intervenes)

COURT : Well, his evidence is that as far as he was concerned the shortages of houses led to bribery and also that the allocation of business sites led to bribery. He can be taken up on that if the States wants to do that.

MR BIZOS : I do not want you to give specific examples. (30)

You/...

You heard what His Lordship said. Have you come to hear about this happening? -- That is so.

You told us that other promises were made during this period. Were those promises kept? -- No, they were not kept.

You have already told us that there was a housing shortage. As far as you were concerned, were sufficient schools provided? -- No, there was a shortage of schools as a result of which some places were converted into schools, for instance the Vaal Transport Depot and PUTCO Depot (10) premises were converted into schools, when they were given other areas to go and use as their depots.

You have already mentioned the increasing in rentals, that is was sometimes increased twice a year. -- That is so.

Did you go to the inaugural meeting of the VCA on 9 October 1983? -- No.

Did you know anything specific about the UDF up to the end of 1983? -- I heard about UDF as an organisation during the year 1983.

Did you vote in the November 1983 elections for the (20) councillors? -- No.

Was that because either the VCA or the UDF had any campaign or for any other reason? -- Well, it was my personal feeling that I felt I cannot take part in the elections.

COURT : Why? -- Because I have realised then that they are not trustworthy.

That is the councillors? -- Yes, that is so.

MR BIZOS : In the beginning of 1984 were you approached by anyone? -- Yes, it was during the last week of December when somebody came to me at my residence. (30)

Who was this person? -- Esau Raditsela.

Had you known him before this? -- No, I did not know him.

What did he say to you when he arrived? -- After having greeted me and introduced himself, he then said to me that he was sent to me by Mr Matlole.

That is accused no. 17? -- Yes, that is so.

Before we go any further, I want to ask you some questions about Mr Matlole. Did you know him well before your arrest? -- I knew him well before we lived in the same street. (10)

And for how long did you know him before your arrest? -- About five years since he came to stay there.

I want you to please give a description of Mr Matlole's activities before his arrest. Firstly, was he a person who was fit or sickly or was he well? -- He was not a sickly person. He was a normal person, working normal. He was collecting some dry-cleaning in the township making use of a bicycle.

His ability to communicate with people and his memory, was there anything wrong with that? -- I have known him (20) to be well speaker and he had a good approach to people. In fact I knew him as a preacher in church.

COURT : Not in your church? -- No, not in my church.

MR BIZOS : His movements, was he active and having regard to his age, was he completely active and normal? -- He was active and an enthusiast. I will tell you, he was a man who was always busy talking to people and doing his own things.

And you say he actually did his work by pedalling on a bicycle? -- Yes, collecting some dry-cleaning during the course of the day, he was using a bicycle pedalling on that. (30)

When/...

When doing deliveries nearby, he was using the bicycle. Otherwise, except in the late evenings, he would make use of a vehicle and perhaps when he is delivering at far places.

Was he driving a vehicle? -- That is so.

You are now on bail but - he is in custody - did you spend some time with him whilst you were in custody? -- That is so.

How long did you spend with him in prison? -- I was with him for quite some time. For instance since the time of our being charged in Pretoria. (10)

That would be June 1985. -- That is June 1985. I was with him until November 1986 when I was released on bail.

During this period that you were in prison with him, what can you say about his condition? -- There was a change in him. I even thought perhaps it is because of his ill health. Why I say that is because at the time when we were being charged, he was just from hospital out of some ill health.

What was the change that was noticeable to you? -- I noticed that he was forgetful. I was surprised to notice (20) that with him. For instance discussing things that happened before our being arrested, he would not remember. What I noticed which was very peculiar with him in this was that he was, I would say, suffering to an extent from a loss of memory. Why I say that is that for instance when we had visitors like today here in court and we are being introduced to people and we all now know these people and the next time, say the following week, the same people come here, then he would tell you no, he does not know these people, he has never seen them before. What I noticed was this that (30)

say/...

say for instance the previous week he was introduced to a person and the same person comes the following week, on greeting this person now, he will start introducing himself to the same person to whom he was introduced last. What happened at times was the following. In a general discussion between me and him, we will discuss something and then after a week or some days or so, he will start relating what I told him as if I do not know that he is telling that to me as something new to me.

Let us now return to the visit that you had from (10) Mr Raditsela. He told you that Mr Matlole, accused no. 17, had sent him to you? -- That is so.

And what did he say after that? -- He then asked me if I came to know about an organisation which was launched in the Vaal namely the VCA.

Please carry on and let us have in your own words what happened between you and Mr Raditsela. -- In actual fact I had heard about somebody that there was a launching of VCA in Zone 12, but to him I did not say that I knew about that having heard it from somebody else. I said I did not (20) know, the reason being that I wanted him to tell me more in detail about what was happening, as a result of which then he started telling me that this is an organisation which was launched on 9 October in Zone 12 Sebokeng. I then asked him what was that for, on which he said as a result of the needs which were mentioned by the community in Zone 12, this resulted to a decision that there be a organisation which is being launched namely the VCA or to be called VCA, K619 because of the obvious needs that were there within the zones which needs were thought to be problems, namely the closure(30)

of houses when people were occupying those houses, the eviction of people out of houses, which reminded me of my neighbour who lived not far from my house, a Mr Mosiea who was occupying a house with his son, daughter-in-law and a grandson. It was said that because these men, that is my neighbour, did not have a wife, therefore he will have to vacate the house. This man's wife had died, that is Mosiea's wife. Immediately when this was said that he will have to vacate the house because he does not have a wife, not very long thereafter I noticed a woman who later was the (10) occupant of that house with two children. This woman was also single.

Yes, please carry on. -- That is how then I also became aware that there were many problems within us here and these problems have to be looked into. Then this man invited me to a meeting which was to be held at his residence the coming Saturday.

COURT : That is now Esau who invited you? -- Yes. I accepted the invitation by him and further said to him on condition if time allows me I will attend the meeting. I did go to (20) his residence that Saturday. On arrival his wife was home. He was not in.

MR BIZOS : Is that Mrs Dorcas Raditsela? -- That is so.

Did you know her before your visit to this house? -- No, I was seeing her for the first time then. On which she said to me that Esau is not home at the moment, he is just going to see some people, he will be back soon.

Were there any other people or did any other people come on this first Saturday to the home of Mr Raditsela? -- On arrival there there were people I found. Namely Modise (30)

Mthombeni and a certain lady known to me as Letanda and some other people whom I cannot remember who they were.

Did any others come after you arrived there? -- Yes, accused no. 9, accompanied by Sefako Mokoena. After their arrival a certain lady, a Miss Edith Lethlake also arrived. After her arrival Esau accompanied by Edith Motobasi also came.

COURT : It is Edward? -- Yes, Edward Motobasi also accompanied him. On arrival, he Esau, apologised to the people present there and greeted us all. On his arrival there (10) it was already late. Some of the people present were already about to leave. Esau introduced to me Miss Edith Lethlake as a person who was elected at a sitting in Zone 12 to represent Zone 7. All what happened there was that I was happy to meet her, much as she was and there was nothing to be discussed because it was already late, except that it was said we are going to meet the following week at Edith Lethlake's residence.

MR BIZOS : By the way, do you know Miss Lethlake's age? -- I did not ask her, therefore I am not sure, but from her (20) appearance, judging from her appearance, I estimated her to be between 20 and 30.

Was she living in a home on her own? -- No, she was staying at her parents' home with her mother and young children of about this age. Between 12, 10 somewhere there.

We will call what happened at Mr Raditsela's house a preliminary meeting. Did you go the following Saturday to a meeting at Miss Lethlake's house? -- Yes, I did.

COURT : Was this all still in December 1983? -- No, this is now the beginning of January. (30)

MR BIZOS : 1984? -- Yes.

We will call the meeting that you went to at Miss Lethlake's house in January 1984 as the first house meeting? -- Yes, that is correct. That is where we met for the first time with the other people.

Do you recall the precise date? If you do not, please say so? -- All I can recall is that it was a Saturday. What date it was, I cannot remember.

Can you please tell us what the main matters of discussions or decisions were at this meeting? -- According (10) to my memory if it serves me well, Mr Sefako Mokoena and Mrs Mokoena were present and accused no. 9. What happened there was, there was a grievance which was mentioned pertaining to the children at Sokwasi High School, where it was said children were not being accepted in a big number. That was discussed at length and resolved that it would be a better thing to do that the parents meet in order to look into this. It was decided that accused nos. 17 and 9 were to meet with the parents at Mrs Mapisa's residence. It was further suggested there that a Mr Nkondo be invited to (20) be present in order to explain about what has happened there, which was the grievance pertaining to the children. Then I asked who this person was, namely Nkondo. On which Edith said that this person is a member of a civic association in Soweto and it was further said by Edith that this person has got a better knowledge about education and therefore he is in a better position to explain matters pertaining to education. That is what happened there and this person was invited. This person did come on invitation. I was not present where he was with accused nos. 17 and 9 and (30)

Modise Mthombeni where they had this discussion at Mapisa's residence.

Were you at the next meeting which we will call the second house meeting?

COURT : Just before we get to that. At this first meeting was accused no. 17 present or was it merely said that he had to do something? -- He was present.

MR BIZOS : Did you go to the next meeting? -- That is so.

As far as you can recall, was it the following Saturday?
-- That is so. (18)

Was it still in January 1984? -- Yes, that is still during January.

Was any report made about this earlier problem? -- Yes, a report was made at this meeting that accused nos. 17 and 9 and Modise Mthombeni accompanied the parents to the school where they had some discussions with the principal. The further report was that on their arrival there the principale declined to have anything to discuss about what happened there, but was prepared to invite an inspector, Mr Nkabinde, who was in the authority to discuss such (20) issues to come and have a discussion with them pertaining to this problem. This report further said that a discussion was in fact held which resulted in the children being accepted at this school.-

This second house meeting, was there any discussion about the desirability or otherwise of the formation of a committee in your area? -- Yes. As a result of the report which was made to us at this meeting, we then realised that united people can achieve their goal by being united. Therefore we discussed a formation of a committee which (30)

was to serve in that area.

What did you hope that this committee would do, what would it help you achieve once it is formed? -- It was said that the demands of the community there were the following. The housing, the schools in the area, the condition of the streets and other demands were to be looked into by this committee and see what they can achieve on those demands. What was discussed there as being a primary reason for this committee was the road signs which were to be put up in the immediate vicinity of schools for the safety of the (10) children and the question of rent which was increasing was also one of the reasons put forward as a demand.

Was there any discussion what you had to do, the group of people there had to do in order to become a committee or formalise your position? -- Yes. After we agreed on the formation of a committee, when then decided on calling a meeting, that is the residents meeting in Zone 7 so that the community there can elect their own people whom they want must serve in this committee for the purpose of looking into their problems and the demands. (20)

Was a date or a prospective date discussed? -- That is correct.

What is that date? -- We agreed on 19 February as the date.

Between mid January and 19 February were a number of meetings held to prepare for this meeting of the 19th? -- That is so.

Can you recall precisely how many meetings were held or who was present at each one of the meetings during this period? -- I would not remember exactly how many meetings (30)

were/...

were held during that period, except to say that I do remember that some meetings were held and to remember exactly who the people were who attended that meetings. All I can say is that the people with whom we usually held the meetings attended those meetings.

I do not want you to try and remember any specific meeting. Could you give the Court the regular attendance, the persons who attended these meetings during this period? -- Accused no. 17, no. 9, Sefako Mokoena, Modise Mthombeni, Edward Motobasi, Mr Moloi. That is as far as I can remember. (10)

At the meetings was a venue decided upon? -- Yes, the venue was decided upon at the Roman Catholic premises.

Small Farms? -- Small Farms.

This group of persons, did you consider yourself as a properly constituted committee? Were there office bearers, such as chairman, vice-chairman, treasurer and anything like that? -- No, I would not call this a committee in that sense. All I would say was that we were the people who were coming together there to discuss our grievances.

Was there any discussion as to how you were going (20) to get the people of Zone 7 to come to your meeting of the 19th? -- We decided on having pamphlets printed in which we were going to advertise this meeting which was going to be held.

Were such pamphlets made? -- Yes, that is so, there were. We requested Edith to see to the printing of the pamphlets.

At whose cost were the pamphlets printed? -- We the people who gathered there donated some money from out of our pockets to make it possible for the pamphlets to be printed.

Can you recall what your contribution was? -- I (30)

cannot/...

cannot remember exactly how much it was, but it did not exceed R10,00.

Was there any decisions at these meetings as to how these pamphlets would be distributed? -- I cannot remember of any particular decision that this was to be done in this fashion, except that we just thought it to ourselves, we the people who were there, that we were going to see to it that the pamphlets are distributed.

Was there any decision in relation as to who would be the chairman of this meeting? -- Yes, there was a (10) decision about that. What was said was by Miss Lethlake that she knows somebody whom she could get to chair this meeting.

Have you seen that person since? Has this person been in this court whom she had spoken of? -- Yes, IC.8.

Did you know him before this? -- Yes, at the time when this happened this person was known to me. The only difference is that I did not identify that this is the person that I know, is because the name mentioned by Miss Lethlake was not known by me to be referring to that person. (20)

ASSESSOR (MR. KRUGEL) : Do you mean that you know him by sight and not by name or did you know him by another name? It is not quite plain to me? -- I knew him by a name known to me as Abraham.

MR BIZOS : Do not mention the name. Did Miss Lethlake refer to him by another name? -- That is so.

Was there any talk as to who should be the speakers at this meeting? -- Yes, that is so.

What was the decision about speakers? -- It was decided on myself, accused no. 17, accused no. 9 and Modise (30)

Mthombeni, Edith Lethlake as speakers.

Was there anyone to be invited who was not part of your group to speak? -- Yes, we agreed on a certain person to be invited as a speaker at this meeting.

Who was that? -- Mr Lord McCamel, the chairman of the WCA.

Did you hold a meeting shortly before the 19th? -- Yes, that is so.

Had the pamphlets which Miss Lethlake had agreed to have printed become available? -- Yes, they were available(10) already.

And did you take any for distribution? -- Yes, we divided the pamphlets amongst ourselves in order to distribute them.

I do not believe that this pamphlet has been put in as an exhibit. Do you recall what it said? -- Although I may not remember everything in words exactly what it contained, it was an invitation in announcing the meeting to the people to attend a meeting at the Roman Catholic Church Small Farms. That is the meeting of the 19th.

We know that the meeting took place on the 19th. Did(20) you go to it? -- That is so.

And we also know that there were about 150 to 100 people present and that there were a number of speakers? -- That is so.

Did you arrive at this meeting on time? -- On arrival the meeting had just started.

What was happening at the meeting when you first arrived? -- Mr Modise Mthombeni was busy delivering a speech.

Do you recall what he was saying when you got there? -- What I can remember is that he was making reference to (30)

the/...

the Bible in his speech, although I cannot remember exactly what he said and what the quotations were from the Bible by him. After having done that, that is Modise Mthombeni, he took a seat and then accused no. 17 took the floor explaining now in Sotho what Modise Mthombeni was saying in his speech because Modise Mthombeni's speech was in English and it was not interpreted at the time. Therefore accused no. 17 explained that.

Can you recall what the effect of this speech was? Just in a few words what was the effect? -- I cannot quite well (10) remember but what I can say is he was making a reference to Gideon's children.

In what context was it mentioned? -- I cannot quite remember really what he was saying, in what context was that mentioned.

Do you recall whether the invited speaker Reverend Lord McCamel spoke? -- Yes, he did speak.

Can you recall what he said? -- Yes, slightly, that he thanked the people present there for their attending this meeting and explained what VCA was to the audience. (20)

What did he say the VCA was to the audience? -- He explained to the audience that VCA is an organisation which was formed by the residents in Zone 12 during October 1983.

What did he say further, if anything, in respect of the VCA? -- He further said that as a result of grievances which were add by the residents at that particular meeting, a decision was taken that there would be an organisation formed namely the VCA.

Can you recall what else he said? -- He further said the people themselves must stand on their feet and on what (30) they/...

they want. Jesus Christ would not come from heaven to come and ask them what it is that they wanted, unless they themselves act. That is as far as I can remember.

Did he threaten or intimidate the audience there in any way? -- Reverend McCamel is a well respected person and a wellknown figure, as a Minister of religion. He is not a kind of a person who can do that.

Do you recall whether Miss Edith Lethlake spoke? -- Yes, I remember her speaking.

Can you recall what she spoke about? -- In her address(10) she thanked the people present there at this meeting and further introduced herself as a representative of Zone 7 who was elected at a meeting in Zone 12. That was when VCA was being launched there.

Do you recall anything else that she said? -- Yes, I remember her saying to the people "If you people look at me, you can see how lean am I. That is as a result of my not being able to buy nice food for myself in order to enjoy over the weekend. The reason for that is that I have to put together each and every cent I had, in order to be (20) able to pay the rent." That is as far as I can remember what she said there.

Can you recall what the response of the audience to that remark of hers was? -- It was a joke to the audience then when she said she was lean because she cannot afford buying nice food and serve herself with delicious meals.

Do you know what work she did? -- Not exactly, except that what I knew is that she was employed in an office in Johannesburg.

Do you know if any other member of the family was (30)

working/...

working? -- She was the only person working, because the others were still going to school.

Did you yourself speak at this meeting? -- That is so.

Please tell His Lordship what you said? -- In my speech I first thanked the people who attended this meeting and explained to the audience that we are here today to form a Zone 7 committee and further made mention to the audience in my speech that there are people who are supposed to be leaders here and we cannot see their leadership. All we can see is people being pushed round, some being evicted from(10) houses and further said there is not a single day when these leaders called the community together to come and hear what the grievances of the people they are leading are. To us they appear not to be trustworthy. That is how I put my address to the audience.

Which leaders were you referring to? -- The councillors.

Do you recall whether Mr Ramakgula, accused no. 9, spoke? -- Yes, I do. He did.

Do you recall what he said? -- Yes, I remember slightly him mentioning the problem they were faced with, pertaining(20) to the children who were dismissed from school. Him mentioning for instance that he and the other people with whom he was involved in this, attended to this problem and succeeded in having the children re-admitted at the school.

Do you recall whether accused no. 17, Mr Matlole, spoke? -- Yes, I so.

Do you recall what he said? -- Yes, I do. What he said in fact was in support of what Lord McCamel had said about VCA.

Do you recall anything else that he spoke about? -- (30)

That/...

That is so far what I can remember.

And were there elections? -- There were elections held.

And were you elected to any position? -- Yes, I was.

What position were you elected to? -- I did not succeed in being elected as chairman of the committee, after having stood for that position. Instead I was elected vice-chairman.

Who was elected to the top post? -- Edith was.

We have had evidence as to who else was elected in the various other posts. We will not ask you at this stage (10) about that. During this meeting, were there any pamphlets or was there any literature that was being handed out or sold as far as you remember? -- No.

Were there any things there, either inside or outside, the meeting? Any literature, any writings? Were there pamphlets? -- No, there were no writings.

Do you recall whether any songs were sung at the meeting? -- That is so.

Which songs were sung at this meeting? -- Siyaya Epitoli is one which was sung there. Hlanganani Bazali is the (20) second one.

What does that mean? I think we have had enough evidence of the meaning of the first word. It is the second word that presents difficulty to some. -- It refers to parents.

Any other songs that you can remember? -- Senzeni Na.

Any other songs that you can remember? -- Well, that is the one we sang at the closing of the meeting Nkosi Sikelele e Afrika.

Were you familiar with all these songs? -- Not with all of them, except Nkosi Sikelele e Afrika. (30)

Did/...

Did you sing any of the other songs that you heard there that you were not familiar with? -- Yes, I took part in the singing.

Do you think there was anything wrong in your singing of the songs that were sung? -- No.

The allegation against you is that by taking part in the calling of this meeting, speaking at it and taking part in the committee of the zone, that you were in conspiracy with the African National Congress and Communist Party, the UDF in order to overthrow the State by violence or to (10) create a revolution and riots, what do you say to those allegations? -- In the first place I have never met with the organisations which are being mentioned prior to this meeting which was held for the committee formation. Secondly, the meeting we held there was not a meeting which could have overthrown the government. How that could have happened I just cannot understand.

The causing of riots? -- It did not cause any riots.

What did you know about the UDF prior to 19 February? -- All I knew was that the UDF is an organisation at (20) which other organisations are affiliated.

Did you know even of the allegation which is now made by the State that the UDF's purpose was to overthrow the government by force or to cause riots? Did you know anything of that nature? -- I only heard that for the first time from the State.

In view of numerous questions that have put to previous witnesses, your committee really did not do anything after its formation. I am going to ask you to please describe to the Court and place on record what it is your committee (30)

did/...

did after the 19th? -- We did quite a lot that I remember. There were people who needed some help because of their being evicted from houses. There was a need of transport which we attended to as a result of which that problem of lack of transport was solved in the sense that PUTCO buses were operating as far as Small Farms. They did not proceed through Zones 12, 13 and 14, whereas there were members of the community who were using trains who in fact needed a bus to operate for their transport purposes to reach their destinations and who were then forced to make use of (10) taxi's. At the present moment PUTCO buses are now being operated right through the township in all the areas.

Let us take the first matter that you mentioned about evictions. What did your committee do about people who were evicted? -- We attended to quite a number of complaints pertaining to eviction from houses. For instance one case which I still remember which was not mentioned here by accused no. 9 is the following. A man who was retrenched from his employment while his wife was still working and therefore the wife had to see to the rent of the house (20) and this man as a result of being not employed, indulged in a lot of liquor consuming, after which then he created problems for his wife by assaulting her, which resulted in the wife leaving him, deserting the man to go and stay with her parents. This man could not afford to pay the rent as a result of which the house was locked, meaning an eviction for him. The wife to this man approached my committee for advice which advice was given to her by my committee, that she must go and pay the outstanding amount on rent for the house not to be locked. The following happened. We (30)

advised/...

advised her to get the money. She did not have the money and advised her to go and ask for money from her employers, who gave her money for the rent which would cover it for two months, whereas in actual fact the rent was owing only for a month. When she had the money to go and pay, she was refused permission to pay for the house, where it was said that Councillor Buthelezi says that he, Councillor Buthelezi, needs the house. That is the house may not be re-opened for that family. This woman was further advised to go and speak to her employers who had given her the (10) money to come and pay for this outstanding rent and this person was expected to come and speak to the authorities there about this house as to why it was not being re-opened for this family. The employers did not know where to go to as a result of which then Edith accompanied the employer and this woman who was complaining about the house to the authorities to go and speak about this, where they spoke to the clerk who in turn referred them to the office at which such complaints are being attended to, which is the superintendent's office. The employer then had a talk (20) with the superintendent on which they agreed that the house be re-opened on condition that this woman pays for two months which money she originally had with her to pay for the two months, when it was first refused. This happened because my committee had taken the initiative of assisting in going through the right channels.

WITNESS STANDS DOWN.

DAVID TSIETSI MPHUTHI, still under oath

EXAMINATION BY MR BIZOS (continued) : You gave an example of the sort of thing that your committee did. If you (30)

are/...

are asked to give other examples, will you be able to do so? -- Yes, I will be in a position to do that.

You also mentioned the question of the transport. You heard accused no. 9 speaking about the examples that he gave and the taxi position, the private taxi position. You know about that? -- Yes, that is true.

Do you know that letters were written in relation to the taxi issue? -- Yes, I in fact delivered the letters.

In addition to doing things for the people, did you also do things relating to your own organisation? -- Yes, (10) that was about fund raising for the organisation.

What steps did you take in relation to that? -- We had to get some cloths for the making of Afro-shirts of which some we used and some we sold.

What was the colour of these shirts? -- The two Afro-shirts which were brought before this court here as an exhibit and the allegation was that they were part of the uniform of the VCA, are the shirts I am talking about.

Was this VCA as a whole or was this just your zone effort? -- The Zone 7 committee only. (20)

Did you have any membership cards? -- Yes, we did have them, but we came to think about that quite late.

Was the question of the cards in VCA as a whole or only in your committee of your area? -- It was meant for our area only, although at the time of making the cards, the cards were made with the general address of the VCA, with the view that should this be accepted by the executive committee of the VCA, then it will make it a procedure to be followed by the other zones as well and therefore they, the people in the executive, were going to supply these cards to the (30)

other/...

other zones.

We will come to other specific things that your committee did. During April 1984 were you approached about anything that was to happen at Daleside? -- That is so.

By whom were you approached in connection with this matter? -- I was told by accused no. 17 that he came to know that there was going to be a meeting at Daleside. At the time when accused no. 17 mentioned that to me, he said he does not have exactly the details as to what kind of a meeting this was. I later got this in full from Esau Raditsela. (10)

What did Mr Raditsela say about the proposed meeting at Daleside? -- What he said was that there was going to be a seminar held at Daleside on Friday and therefore invited me to attend there. As a result of that I said to him I will consider that, because I will have to look at my commitments first and see if I can attend, any way, I will try my utmost.

Did Mr Raditsela tell you what the meeting was to be about? -- He said it was a seminar.

Did he say what the seminar was to be about? -- He said he was a civics seminar. (20)

Had you attended any seminars in your life before? -- No, I had not.

And when he said it was a seminar about civics, what did you understand by that? -- He explained to me that this was a meeting held by the civics to discuss matters pertaining to civics.

He did not by any chance tell you that this was a meeting in order to further the aims of the African National Congress, the South African Communist Party and the UDF to overthrow the State by violence? -- No. (30)

For the purposes of causing a revolution or creating riots? -- No.

Did he tell you where this seminar was going to be held? -- He told me this was to be held in Daleside.

COURT : Was it only to be for one day? -- No, he did not explain that. I took it for granted that it was only for a day.

MR BIZOS : When do you sell most of your chickens? -- In the area where I live.

I mean when, during the week? Are there any special(10) days which are good for business? -- Saturdays is the day for good business. Sunday mornings as well, but in most you will find your business in chickens on Saturdays.

This was going to be held on a Friday, this - I am sorry. Was the day that you thought the seminar was going to be on a Friday? -- In fact that is what he said, that this was going to be on a Friday.

Did you decide to go? -- That is what I did, yes.

Did you go? -- Yes, I did.

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On the Friday? -- He first started at accused no. 17's(20) residence which is in the same street with me. Coming to my residence he was already in the company of accused no. 17. So, we left.

Who is he? -- Esau Raditsela.

You went to Daleside? -- Yes, we went to Daleside.

COURT : Where is Daleside? -- In the direction of Meyerton.

Is it near Meyerton? -- Yes, it is near Meyerton. The nearest town to Daleside is Meyerton.

MR BIZOS : Is Meyerton near the Vaal? -- No, it is a bit far from the Vaal.

(30)

How/...

How far more or less? -- It is a distance. 20 Kilometres approximately.

You went there on a Friday. What time of the day did you go there? -- At about 20h00.

COURT : Is Daleside the name of a township or the name of a farm or what is Daleside? -- It is an area called Daleside at which there is a Roman High School.

MR BIZOS : Did you have to do anything when you arrived? -- On arrival there it was just in time for supper. People were having their supper and we were hungry. So, we were (10) therefore also served with some meals.

ASSESSOR (MR KRUGEL) : Excuse me, was this 20h00 in the evening? -- Yes.

MR BIZOS : Did you have to announce your presence in any way there and where you came from? -- Yes, after having had the meals for supper we gathered in a hall where the seminar was to be held when a Mr Masondo made some opening remarks in which it was said that he was wishing us all of the best and during the weekend. He further explained this gathering, as to what it is about. (20)

Had you bargained to be there for the whole weekend? -- No, not me. Masondo is the first person who made mention of the weekend. Otherwise I did not know about that.

Did that please you or displease you? -- Not at all. I was not pleased at all about what was happening there, because as a result of that announcement on opening remarks by this gentleman, I had a discussion with accused no. 17 pertaining to that. I later confronted Esau about his having failed to tell me that this was going to be for the whole weekend. On which Esau said we must pardon him, (30)

because/...

because he thought he told us that this was going to be for the weekend. The reason for this mistake was that he had met Mr Matlole before and therefore took it for granted that he, Esau, told Matlole about it. Mr Matlole also did not know that we were going to be there for the whole weekend. Mr Matlole also made it clear to Esau that he was not at all happy about the situation because he does his deliveries over the weekend and he has not arranged for the delivery of people's clothes which were delivered just before Esau(10) arrived to pick us up and therefore was not happy at all. On this I also said to him "Look, I also have work to do, especially on Saturdays." We then decided that we were going to leave the following morning should we find some transport to take us home because usually on Saturdays there is just no transport there. It is scarce to get transport home. We came to know that there was somebody who was going to leave the following morning after tea break for Sharpeville. Whether this person stays in Sharpeville or not, that I cannot tell, but this person was going to go to Sharpeville after tea break and this person would come back in the (20) evening. We therefore asked this person if he was kind enough to give us a lift on his way to Sharpeville up to as far as Residensia, from where then we will proceed further to our different places. After breakfast the following morning there was a meeting held, some discussions were held until at about 10h00 or after 10h00, which was tea break. Immediately thereafter this person said that we can leave and we then left.

Before leaving, were any - did you see whether any forms were handed out there? -- Yes, those were the forms(30)

with/...

with the agenda to be discussed for that day.

Do you remember what was discussed whilst you were there during the early morning session of the Saturday? -- Yes. We were in different groups discussing our civics. For instance when a civic started and what does it work. What have you people done as a civic and how long is it that your civic exists now. We would - one would make notes of what is being discussed there. For instance, when the civics started, how long is it now that it existed, what is it doing, what has it done already. We were first (10) discussing it in different groups and then after those discussions we then again came together in the hall.

As far as the Vaal Civic Association is concerned, who did the writing down? -- Edith.

Then you say that you came together again? -- What happened is, we would choose one person from our group for instance who will have to deal with the discussions pertaining to what we have written. For instance the duration of the civic, when it started, what it has done and what are the achievements. This was done in the following manner. (20) The speaker who would discuss that, would pin the paper against the wall, which will have the topics to be discussed and then start discussing the contents of the document pinned against the wall.

COURT : Were you splitting to small groups? -- Yes.

Was the whole of the VCA delegation put into one group or was that VCA delegation split up? -- Yes, the representatives from the Vaal were in the same group all of them. Then they will choose their representative, the person who will represent the group now at this seminar. Then that (30) person/...

person would be the speaker on behalf of the Vaal representatives.

MR BIZOS : Who was your spokesman? -- Our chairman was our spokes person.

Is that Edith? -- Yes, that is so.

Was she the only person that spoke about her civic or did others do so as well?

COURT : Did other speak about their civics?

MR BIZOS : Their civics.

COURT : Not the VCA? (10)

MR BIZOS : Not the VCA, other civics. -- The position there was, a speaker from the representatives of a certain civic would speak only on behalf and about their own civic and that means each and every civic had a speaker who had something to say about their area and their civic.

COURT : A trumpet bearer blowing their own trumpet? -- That is so.

MR BIZOS : Did Miss Lethlake spoke about the VCA and how it was formed and what it had done? -- That is so.

For the sake of brevity we will not ask you what she (20) said. If you are asked you will be able to say that? -- Yes.

How long did this reporting of each civic take for the whole lot of them to speak? -- At the time when I left not everybody had spoken. They were therefore going to finish after the tea break, which means then they continued after the tea break.

Do you recall which civics were there? -- Soweto, Mamelodi Civic Association, East Rand, et cetera.

And after the tea break, did you go back to the meeting? -- Yes, we did, but because of the fact that we had asked (30)

for/...

for a lift from this person who told us that he was already leaving, we had to join him and then we left.

Did you see Mr Chikane, accused no. 21, at Daleside?

-- No.

Did you go back on the Saturday or the Sunday? -- I did not go back, because I had left our chairman and other people there.

Did you receive a copy of the report of the seminar?

-- It was said that we were going to receive a copy in two of three weeks time. (10)

Did you receive it? -- No, not as yet.

Were you present at any meeting where any report about the Daleside conference was made? -- We had a meeting, but this was not a meeting where a report was discussed. At this meeting we had to pay attention to something which was very urgent, more urgent and important than this report. Therefore, we had to discuss that.

Did you yourself read the report or discuss the contents with anybody before you found yourself in the dock, that is?

-- No, it was just being said that the report is available (20) but I had not seen it.

COURT : Available where? -- That Esau was in possession of that kind of report.

MR BIZOS : Let us now turn to the event which is sometimes refer to as a victory celebration of the councillors in Evaton or a commemoration of the 80's birthday of Evaton.

-- That is issue that I said that needed our attention urgently.

Again it is alleged in the indictment that you and your committee demonstrated against the holding of this event in furtherance of the conspiracy of the ANC, the South (30)

African/...

African Communist Party and the UDF to overthrow the State by violence. -- That is not true.

It is also alleged that you took part in that demonstration against this event because you wanted to create a violent revolution or to cause riots. What do you say about that allegation? -- I say that is not true, because even the police were present there. By police I mean the security police were present there. They were even indicating to people to stand apart and not in a group. That is the people who had placards. (10)

It is also alleged that in furtherance of that grand conspiracy or conspiracies, you intimidated the residents from attending this function. Did you intimidate anybody? -- That is not true. All those allegations are not true.

Let us just then get from you what you say the truth is about this. Did you hear that there was going to be this function? -- I had heard about that that there was going to be a function at Evaton Stadium but at the time it was not clear to me what the function was going to be about.

Having been born in Evaton, having built a house there (20) of which you were dispossessed, did you feel any affinity for Evaton or its people?

MNR. JACOBS : Ek glo nie daar was ooit getuienis gewees dat hy "dispossessed of a house" nie. Ek dink mnr. Bizos moet by die feite bly. Ek maak beswaar teen hierdie tipe vrae.

MR BIZOS : I will change the word. The house which was broken down, did you feel any affinity to the people of Evaton or with the people of Evaton?

COURT : Why does one bother about the breaking down of (30)

the/...

house. Was it not his property when it was broken down?

The stand was sold.

MR BIZOS : No, I understand it was expropriated.

COURT : I understood that it was sold, but it does not matter at all. Why do you not ask the witness merely whether he had a special affinity for Evaton and he can say yes or no.

MR BIZOS : Did you have any special affinity for the people of Evaton? -- Very much so. That is in fact what resulted in our holding a meeting pertaining to this celebration.(10)

We have had the evidence from the previous witness, from a previous witness of witnesses of the overlapping between people in Zone 7 and Evaton. Were you alone in feeling this affinity with the people of Evaton? -- There was an overlapping of Zone 7 into Evaton and therefore all the people who were on the side which overlapped into Evaton, were not satisfied about this celebration. What created this problem was that people from the overlapping Zone 7 into Evaton were invited to attend this celebration and they were the people who knew about the celebra-(20) tion whereas the people who are in fact living in Evaton which is originally Evaton, did not know about the celebration, they were not even invited to the celebration. That is what caused this problem.

Did you feel that it was appropriate to have a celebration in Evaton in view of what had happened or was happening? -- Initially what we knew was that this was the 80th celebration of Evaton, but it was later discovered that that was not the position. What is happening there is that the councillors who have been re-elected into council are(30) celebrating/...

celebrating their success of being re-elected and therefore they are holding this function. That is what caused the dissatisfaction.

Did you hear what was going to happen at this celebration? -- There was a meeting held by a councillor who is alleged to be representing our area, that is the overlapping area into Evaton who was supposed to be representing us in other words to Evaton council, at which meeting this councillor said there was going to be a celebration held on 12 May which was meant for the celebration of Evaton since it(10) existed. At this meeting he said there is going to be a slaughtering of cattle there and liquor is also going to be available for the feast.

How did you feel about that? -- The feeling amongst us was to have cattle slaughtered there and liquor for the entertainment of the community, is financially going to be taxing to us, because all the expense they were going to have for that celebration will have to be paid for by us by means of asking for higher rent.

By the way, which part of Zone 7 do you live in? -- (20) Zone 7A.

I am not clear, I do not remember whether that falls within Evaton or whether that falls in Sebokeng? -- A and B are both on the side of Evaton. There is a boundary between the two which makes them the position of A and B.

To whom do you pay your rent? -- Evaton.

ASSESSOR (MR KRUGEL) : I wanted to ask you about the term you had used before, the overlapping Section of Zone 7. Is that the same as Zone 7A or Zone 7B this that you call overlapping into Evaton? -- That is so. It refers to both.(30)

To /...

To both? -- May I just explain it this way. What I am saying is this. Zone 7 as a whole is divided into A and B. That means those are two sections referred to, but there is a road running through the two, that is A and B which road serves as a boundary, as a result of which then it makes a certain portion of A and a certain portion of B overlap onto the side of Evaton.

COURT : Let us just get clarity. Do you know Sebe Street?
-- Yes, I know where Sebe Street is.

Does Sebe Street - is that the boundary between (10)
Sebokeng and Evaton? -- The boundary between Zones 7 and 8
is Sebe Street.

I thought the boundary would be Vilakazi Street? --
No, Vilakazi is right down towards Residensia.

That is not in accordance with the previous evidence.
Any way, no doubt it will be cleared up at some stage.

MR BIZOS : Do I understand your evidence correctly that a
portion of 7A and a portion of 7B fall within Evaton? --
That is so. --

And you live in a portion of 7A which falls in (20)
Evaton? -- That is so.

You told us also that- well, let me ask you this. Did
you have any information as to how the people living in
Evaton proper outside Zone 7 felt about these proposed
celebrations? -- They did not accept this, because they
did not know about it.

I want some clarity. How do you know that the people
of Evaton proper did not know about this? -- How I came to
know about that, it was because of my having been chosen
in the delegation which had to go and meet the Evaton (30)

Ratepayers Association chairman to find out whether they knew about these celebrations. At that then I discovered about this.

Did your committee, Zone 7 committee meet when you heard about this and taken any decisions? -- We met, yes, but no decision was taken.

Can you recall when you met in relation to the - we know the date, it was the 12th that it was supposed to be held, how long before that date you met? -- About more than a week before this date. (10)

Do you recall who was present at that meeting? -- Yes, I recall accused no. 17, Edith Lethlake, myself, accused no. 9 and Sefako Mokoena. That is as far as I can recall.

Do you remember whether there was any report about this proposed celebration? -- The councillor in charge of our area called a meeting at which meeting he made known the fact that there was going to be a celebration on this day.

Did he say what the people were expected to do or suggested what the people might do? (20)

COURT : Who was this councillor? -- Matseke. This is the man we came to know about as a councillor representing Zone 7 on the Evaton side.

MR BIZOS : Did you yourself hear or was it reported to you what was suspected or suggested what might happen? -- What was said was the following, that there was going to be a need of elderly women and men to come and serve at this celebration in the sense of seeing to the braai of the meat, selling of the liquor. In fact serving the people in order to entertain them at this function, but those people will have to (30)

have/...

have some badges put on their clothes on the left front which badge was going to cost each person an amount of R3,00.

Do you know whether this councillor was an elected councillor or not? -- No, he was not elected. We only came to know about it, that he was a councillor just without having heard of any elections held. It was accepted then that the people in Evaton just decided at their own without the community in that area knowing about his being elected as a councillor that that man is a councillor.

Did your committee feel that whether or not you should(10) do something about this celebration? -- That is so. We had to meet with the people from Evaton to hear what their views are about this.

And you say that you were part of a delegation? -- That is so.

Who else was on the delegation? -- Sefako Mokoena and accused no. 17.

With you? -- Yes.

And did you go off to the people of Evaton? -- Yes, we did by approaching the chairman of the Evaton Ratepayers (20) Association. Sefako Mokoena was the person who knew who the chairman was and where the chairman lived, as a result of which then we drove in accused no. 17's vehicle to meet this person.

Whom did you meet? -- Mr Khabi is the person we met.

Did Mr Khabi know anything about this celebration when you came to him? -- At the time when we came to him, according to him he did not know about the celebration, except the following. He said that some time in January or February there was such a rumour which he got to know (30)

about/...

about from Rabotape. As a result of which then he said to Rabotape fine, if that be the position about the celebration, what I am going to do is that I will get the community together at Small Farms. There is a place where we have meetings, so that you could come and inform the people about your intentions pertaining to this celebration. Otherwise he was not aware that there was already a decision taken about that.

Did Mr Khabi tell you whether or not there had been any further contact or discussions between him, Mr Khabi (10) and Mr Rabotape after that? -- What he said was, he agreed with Rabotape on a date at which the meeting was supposed to be held which was supposed to be addressed by Rabotape on this question of celebration and he, Khabi, got the people, that is the residents, at that venue for the meeting. Rabotape did not turn up and that was the last he had to do with Rabotape and with matters concerning the celebration.

Did you get any indication as to what Mr Khabi's view was as to whether such celebration should to take place or not? -- Yes, he was not at all in agreement with that. (20)

Did you report back to your committee the discussions that you had had with Mr Khabi? -- This happened on a Sunday morning. That is when we met Mr Khabi. I had told these people already, that is the people in whose company I was going to Khabi, that I have an appointment with my brother and when Mr Khabi referred us to his secretary, on our way to his secretary they had to leave me at my brother's place in Evaton to honour my appointment with my brother. They then proceeded to Mr Khabi's secretary without me. I am therefore not in a position to tell what happened then (30)

thereafter/...

thereafter.

Who is Mr Khabi's secretary? -- Accused no. 6.

I do not recall whether there is evidence before the Court already, what is the age of Mr Khabi? -- According to my estimation he is 60 plus.

You were not at the meeting at which Mr Mokoena, accused no. 6, was approached and did you receive any report as to what happened at the meeting with accused no. 6, Mr Mokoena and the rest of the delegation? -- Yes, I did. In fact I came to know about a meeting which was to be held during (10) the course of that week.

Was the meeting in fact held? -- Yes, it was.

Where was it held? -- At Mr Mokoena's residence, that is accused no. 6 in Small Farms.

Do you remember the date on which this was held? -- I remember it to have been held on a Wednesday, because we met on two different occasions.

Who was present at this meeting? -- Myself, Edith, Esau Raditsela, Sefako Mokoena, accused no. 17. I cannot remember whether there were other people. (20)

Does the name Elizabeth Namane mean anything to you? -- She was also present.

Do you recall whether or not Mr Motubatsi was present? -- I cannot recall that.

Were there any people there from Evaton? -- Yes, we found people there.

Can you recall who they were? -- Yes, I do recall some of them.

Please give us the names? -- Mr Mokoena.

That is accused no. 6? -- Yes. (30)

Tell/...

intimidating, threatening, doing anything untoward to the people who wanted to go inside the stadium? -- That is not so. The police were there. If that had happened, the police was going to stop that immediately. So, therefore it did not happen.

Did you have any trouble in going into the stadium? -- No, not at all.

How many people were there in the stadium more or less in your view? -- There were not many. If I were to estimate I would say there were in the region of about 300. (10)

You recall what happened during the gathering or celebration and if anyone were to ask you about it, you would be able to say so? -- Yes, quite well.

WITNESS STANDS DOWN.

COURT ADJOURNS TILL 7 APRIL 1987.

Tell us who else? -- Mr Khabi, Mr Kubega, Mr Olipant.
I can remember those up to now.

Do you know Mr Lombard Mbatha? -- Yes, I do recall that person.

Was he at this meeting or not? -- I cannot quite remember whether he was there.

Were any decisions taken at this meeting in relation to the proposed celebration? -- Yes, the decision taken at this meeting was that we were going to protest against the celebration. As a result of which then we discussed the (10) question of pamphlets to be made available so that they could be, that is the pamphlets, distributed. When we agreed on the making of placards because we found it necessary that some people hold some placards there.

Was any decision taken as to what your part in all this should be? -- Yes, there was a decision taken there that I will have to go into the stadium to go and listen to what is being said there and observe what was taking place. Esau was going to get some youths to hold the placards.

K621 You told us that there was some discussion about pam-(20) phlets. Who was going to pay for the pamphlets? -- (Changing over to new cassette) some moneys to make it possible for the printing of the pamphlets.

Who undertook to have the pamphlets? I think you have already told us, Mr Raditsela? -- That is so.

Did the pamphlets become available? -- Yes, the following day.

There is no pamphlet that has been produced as an exhibit. Can you recall what it said? -- Although I cannot remember exactly what the wording was, but the message in(30)

that/...

that was to make the people aware that they must not accept Rabotape's function.

Was there any decision as to what should be on the placards? -- Pertaining to placards accused no. 6 is the person who was mandated to write the placards.

Can you recall whether any suggestions were made as to what the placards should say? -- I remember some, not every detail.

What do you remember? -- One was reading "No Re-planning in Evaton." The other one was reading "Do not feast with disciples of evil." There was one written in Sotho "Kajeno waja hosane orabala toteng." Translated it means "Today you eat and tomorrow you are sleeping in the veld." You are enjoying a meal today and tomorrow you find yourself without accommodation.

On the 12th, did you carry out what you were supposed to do?

COURT : That is now 12 May 1984? -- That is so.

MR BIZOS : What did you do? -- Accompanied by Sefako Mokoena I went to the stadium. On arrival there I noticed (20) the people who had placards with them. We waited for some time outside the stadium until at a later stage when I went into the stadium.

You have already told us that the police were there and they were telling the placards bearers to stay apart? -- When the police approached the placard bearers there, they were not standing together in a group, they were apart, but the police suggested that they were not apart enough, therefore they must extend the distances between themselves.

Were the people with placards there or other people (30) intimidating/...

DELMAS TREASON TRIAL 1985-1989

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