

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

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SAAKNOMMER: CC 482/95

DELMAS

1986-02-20

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORE: MNR. W.F. KRUGEL

PROF. W.A. JOUBERT

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

28

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 28 (IN CAMERA GETUIE)

(Bladsye 1301 - 1373)

COURT RESUMES ON 20 FEBRUARY 1986.

IN CAMERA WITNESS NO. 9: d.s.s. (Through Interpreter)

FURTHER CROSS-EXAMINATION BY MR BIZOS: We should perhaps record My Lord that accused nos. 4, 8 and 17 are still absent for the previous reasons and we have no objection to continuing the trial in their absence in terms of Your Lordship's ruling.

COURT: Yes, it is so recorded.

MR BIZOS: In relating what the various accused said at the meeting did you, to the best of your ability, try and give His Lordship the very essence of their speeches? -- That is (10) what I did.

And would you like to give His Lordship an assurance that you have such a good memory and you approached the matter in such a fair fashion that you have not left anything material out that would change the general tenor of any of the speeches? -- I think so.

Yes, and you did it without any preconceived ideas of lack of identification with the ideas of the accused? I know that it is a little woolly, I admit that My Lord. Let me try and change it because I think that it incorporates two abstracts (20) and it is a bit difficult. You have no reason to try and make things worse for the accused by leaving anything that any of them might have said out of your account? -- I do not have a reason to do that.

And to the best of your ability you have not done so? -- That is so.

Now what I want to put to you is this, I am going to put to you that you left out important things that were said by one or other of the accused and I will take an example in relation to accused no. 16. Do you not recall him saying (30) that the power that people have to vote is a very important power?/....

power? -- He did not say that at all.

Do you not recall him saying that if they did not use their power to vote properly they would not have any of their grievances remedied? -- If he had said let those institutions be done away with how can he then come back and say they must vote.

So you are really sure that he did not say it and you add a reason for it that he made it quite clear that the institution was no good and that they should not have voted at all? -- What I am saying is he did not say that. (10)

Thank you. Did he say to the people that if you do not use institutions and do not speak out in relation to your grievances you will not get any remedy? -- That is new to me.

Completely new to you, if he had said it or any portion of it you would have remembered it? -- If he did make mention of that in that meeting I would have remembered that.

Do you recall whether or not he told the people at the meeting, by way of example, the importance of the vote and how it had been successfully used by White pensioners? And that he said that they should do the same? -- That he had (20) mentioned that thing about pensioners well I am saying he said people must use their power and show that they do have the power.

Do I understand you correctly that what I have put to you was not mentioned by him at all? -- I cannot say whether he did not say that or he did say that, because it may be that I did not hear that being said.

But it would have been out of tune with the rest of what he said? -- I do not understand where is your question driving to. (30)

No do not worry about where it is driving to.

COURT: No but it is a difficult question because he said, he testified that accused no. 16 said a lot of things. Now you say it would be out of tune with what he said.

MR BIZOS: With the general tenor of his speech. -- That is exactly the point. What I am trying to find out is is your question that that was going to change the trend of his thinking in the previous speech or what is the position? I do not understand that.

I will try and make it clear. If he said anything that the power of the vote, the power of the vote was a way in (10) which the Black pensioners of Sharpeville could improve their position as the White pensioners had done that would have been out of tune with the general tenor of his speech? -- My reply to the question is he never made mention of any votes in his speech.

Thank you. Did he describe the vote for councillors, a vote which was not a vote in the proper sense of the word? -- What he said is councillors were not elected by the youth or the younger generation but by the elderly people who were being given blankets or clothes and some food. (20)

You told us that but please try and answer my questions. Did he say that the vote that had been given to the people to vote for councillors was not a vote in the proper sense of the word? -- About votes, nothing was said about votes in that line.

If the answer is no please say no so that we can get on quickly. If it is yes say yes. Can you recall that he said that various promises had been made by the councillors at the time when they were seeking votes and before they were elected, can you recall him saying that? -- He did make mention about the promises. (30)

Right. Did he say that the promises had not been

fulfilled?/.....

fulfilled? -- It can be that he said that.

It can be that he said that. Did he say that although the Black people did not have a proper vote they nevertheless were powerful if they remained united, did he say that? -- Yes he said that, that is so.

Did he say that parents in Sharpeville and elsewhere faced a terrible dilemma? Did he say that? -- If you are talking about that, what is the dilemma that you are referring to?

You do not remember him referring to any dilemma? (10)

COURT: Well could you take it a little bit further?

MR BIZOS: As Your Lordship pleases.

COURT: You are making it very difficult for the witness.

MR BIZOS: Their dilemma was that they could not feed their children, they could not house them properly, they could not clothe them properly and therefore a parent who was in such a state could not exercise any control over his children. Did he say that? -- What he said in that line was that in Sharpeville most of the residents there are grown up people in the sense that they are elderly people and therefore they are (20) going to experience that kind of a difficulty.

What kind of difficulty? -- The difficulty of failing to pay.

Pay what? -- Their house rents.

Yes, no I know that you told us about the payment of the house rents. Do you recall accused no. 16 relating the lack of discipline of the school children to the inability of their parents to house them, feed them and clothe them? -- That is the very first important reason I would have remembered had he said that. (30)

Are you saying he did not say it? -- I say so.

And/.....

And you are sure of that? -- Yes I am quite sure to say that.

And if accused no. 16 and other witnesses give evidence to this effect they will not be telling the truth because you remember well that that was not said? -- It is not for me to say whether they would be telling lies or not. What I know is he did not say that.

Right. Did he have a message of hope for the people in the sense that he said that by just doing nothing none of their problems will be solved? Do you recall that? -- For me to (10) be clear as to what the question is could you just go on there and elaborate as to what were they expected to do, then I will understand the question.

Fair enough. Do you recall that as a result of that general remark that accused no. 16, as he will tell His Lordship, said that the people should not accept automatic stop order payments for the increased rental but that they should go to their employers and tell them that doing, collecting the rent in that way is illegal and immoral and that they must not do it? Do you recall accused no. 16 saying that? -- Are (20) you saying that was said in this meeting?

Yes. -- At that stage it was never even uttered because by then it was not even discussed as to whether rents were going to be deducted from people's salaries or incomes from employers because at that time what was being discussed was the justification of the increased rent.

Let me just get it absolutely clear on the record please that not only do you say that it was not said but you advance in your mind cogent reasons why it could not have been said? -- That is true because I knew about the discussions per- (30) taining to that before.

Do/....

Do you recall whether, or rather let me put it this way, would you agree with a description of the speech as a whole that it touched upon the problems of the local people that had gathered at Sharpeville? -- The speeches there were in fact concerning the people of the area there who had their difficulties or problems.

Yes. Now 16's speech, would it be correct that 16's speech, no. 16's speech concerned itself with the problems of the people there? -- Well it may be that my feelings will differ with you the way you put it and therefore I do not have an (10) answer to that.

You do not have an answer. Very good. Do you recall that accused no. 16 made mention the unfortunate remark that was made by a Minister in relation to the amount needed by White pensioners? Which led to a public outcry, do you recall that? -- Yes I do.

You recall that he said that, no. 16 said that? -- Yes he did make mention of pensioners in the White community.

Yes, and that because the pensioners had the vote, the White pensioners had the vote they were able to agitate (20) against the statement of this Minister? -- He did not speak about a vote relating to that. All he said was there was an outcry when this was announced.

And did he not draw any parallel between the plight of the Black pensioners in Sharpeville and the White pensioners? -- What he said is these had a cry, an outcry about that and therefore these, meaning the Blacks, can also have such an outcry.

Yes. Now I want to give His Lordship and you an assurance that everything that you have denied this morning was ad- (30) mitted as correct by Sergeant Koaho in his evidence as having been/.....

been said by accused no. 16. Does that not shake your confidence in your infallibility? -- The feelings from Sergeant Koaho, or his understanding of that is for himself and what accused no. 16 has as a feeling about the whole thing is for himself, and I am a different person too with my own views and feelings about that. So I am talking about mine.

The question is that we have a trained sergeant in the South African Security Police telling His Lordship that the things that you flatly deny having been said by accused no. 16 to be admitted by him, the question is does that not (10) shake your feeling of infallibility in the correctness of the positive assertions that you have made? -- As it is being put to me that Sergeant Koaho is a trained person in the security police that is quite correct, he is doing his duties according to his training and I am also doing my duties according to my training and if we differ on a certain point there is nothing wrong in that. But if there is a mistake that I have done about something well a mistake is human.

So do you now admit that possibly that some of the positive assertions that you have made like other human beings (20) you made a mistake and the positive assertion may have been wrong? -- Well you are putting it to me like that and there is nothing I can deny nor admit on that.

So you do not really, is your evidence now that you cannot really say whether your positive assertions were correct or incorrect? -- My evidence is the truth.

But now tell me would you agree that if accused no. 16 is correct and to the extent that Sergeant Koaho agreed with him is correct that you left important parts of accused no. 6's speech out of your account? -- 6 or 16? (30)

16, I beg your pardon.

COURT:/.....



COURT: Now what are you referring to as an important part? Let us have that first on record, and then put it to him that this is an important part or is it not.

MR BIZOS: Right. Would you agree that for instance that he spoke about the parental lack of control and the reasons for it, would you consider that an important part of his speech if he had said it? -- I have already said that he did not say that and therefore I cannot answer to something which he did not say.

Well let us try some of the others. Would you say that (10) the question of power, the question of power, was in the context of the proper use of the vote or not? Would you consider that context an important matter? -- When we started here it was put to me that I must give evidence about what happened there and not my own views and therefore I am giving evidence here about what I know happened there.

You yourself, whilst I was putting some of the matters to you, said that if such a thing had been said, if such a thing had been said it would not fit in with the other things that he had said. Do you recall that? -- Yes I quite re- (20) member that.

Well I will leave it at that and argue the rest to His Lordship.

COURT: Well may I have clarity on what exactly you are putting to the witness as to the power and the vote?

MR BIZOS: My Lord that it was ..

COURT: No, no, I want clarity in my own mind. Is it put that accused no. 16 said that the inhabitants of that area had to exercise their vote for community councillors or not?

MR BIZOS: No, My Lord let me put it in the context, that (30) the context of the mention of the word "power" was in connection/.....

connection with the election of the councillors that had taken place, that they had the power to vote. If they had used the power properly and if this was a proper institution then they would not have had a rent increase but they would have had their other problems solved. It was in that context.

COURT: So what you say accused no. 16 said is you should have voted properly for community councils, then you would not have had this mess? Is that what is put?

MR BIZOS: No My Lord, I am not putting it as, I am not putting that. What I am putting is that the vote is a very impor- (10)  
tant, I put it in full to the previous witness, that a vote is a very important aspect and that if one is given a proper vote and votes for people who have real power, like the White pensioners did, then they would not find themselves in this difficulty. There is no suggestion that accused no. 16 supported the council system.

COURT: So all this debate about vote is about something which the Blacks did not have, not about a vote the Blacks had? Is that what you are putting?

MR BIZOS: That is so My Lord. (20)

COURT: Because it did not come out clearly when you cross-examined the previous witness.

MR BIZOS: Well I am sorry that that did not happen but I thought that in the context that a meaningful vote was the thing that really solved people's grievances.

COURT: Well then a meaningful vote on a national level not on a local level, is that what was put?

MR BIZOS: No, with respect ....

COURT: Well one must differentiate because there was a vote on a local level, there was not a vote on a national level. (30)  
Now what was the context of the speech?

MR BIZOS: /.....

which day, we know that this meeting was on a Sunday. Did you see that the next day or the day after or the day after that or a week after that? When did you see the report? -- I believe, if my memory serves me well, this issue about the meetings in the newspapers appeared only two days or three days after the day of the meeting. I am not quite certain but that is under correction.

Good. Was it before or after you had written your own report for the SABC? -- I write my news immediately there and then on the day of the incident I am referring to. I do (10) not wait for the next day or any other day thereafter.

When did you file your report? -- The same evening.

By telephone or did you go into the office? -- By telephone.

Do you remember the opening paragraph of your report?  
-- Yes I do.

Please tell us what the opening paragraph of your report was? -- Even though I cannot remember exactly the words but it was to this effect that it read, it must have read as follows: "This today a group of people which can be about (20) a thousand, met at St Cyprian's Anglican Church in Sharpeville to discuss the question of rent." That was the opening of my paragraph.

Yes, I think in fairness I do not want to take advantage. It would not have been 8000, it must have been 800.

COURT: A thousand, not eight thousand.

MR BIZOS: Oh I thought I heard, oh I am sorry. Oh I thought I heard eight. Yes, about a thousand. Yes. -- A thousand.

Can you remember the second paragraph of your report?  
-- As it was put to me by the defence yesterday that it was (30) difficult for one to remember something which happened some  
sixteen/.....

sixteen months ago. It is true. I am giving this as the sort of the gist of the report as what was it all about, and in fact what was happening in this meeting, as an opening to my paragraph.

Yes, subject to those qualifications would you please tell us what you recall of the second paragraph of your report? -- In my evidence-in-chief I mentioned practically all the things that were discussed in this meeting.

I am not asking you about that sir. I am sorry Mr Interpreter. -- And that contains everything that I was (10) talking about and those were the things that were mentioned in my report.

Please try and remember what the second paragraph of your report was. -- I will not be in a position to remember definitely what was the second paragraph about.

Well tell us what you think the second paragraph, what. .  
COURT: Well would that help us very much Mr Bizos? Can you remember the second paragraph of your second last opinion you wrote? I doubt it.

MR BIZOS: Well My Lord, with the greatest respect ... (20)

COURT: I cannot remember the second paragraph of my last judgment.

MR BIZOS: Yes, if somebody came and told me that he, whether or not it was lawful to kill his wife I would remember it.

COURT: Yes go ahead.

MR BIZOS: In which paragraph of your report did you set out that Tom Manthata called for the death of the councillors? -- I am not in a position to tell whether it was a paragraph or not, whether it was written in a paragraph but what I am saying is this we do not report like newspaper people report (30) in paragraphs. All we do is you get facts and say for

instance/.....

instance so and so said this, so and so said this, so and so said this. Not in full details of what was happening.

Let us just be more direct. Did you report to your news editor that Tom Manthata had called for the death of councillors, the destruction of their property? Was that in your report? -- When I transmitted my report to the News Editor this was complete about each and every aspect pertaining to any of those accused who said something in that.

Please answer my question directly. Did your report contain a statement that Mr Tom Manthata called for the death of (10) councillors and the destruction of their property, yes or no? -- My report was complete just as I have given you the facts.

Would you please answer my question. -- I do answer the question.

The question is capable of a yes or no answer and I will insist on a direct answer. -- Yes that is so, I did write it like that, that he did say so.

Thank you. Did you in your news report explain who Tom Manthata was? -- In respect of each and every speaker you must identify that person as to who that person is and then make (20) mention of the name.

Is the answer yes? Right, how did you describe Mr Tom Manthata? -- A member of Committee of Ten in Soweto and a member of the South African Council of Churches.

Any other office that you ascribed to him? -- We only make mention of what we know, at the time of reporting.

Would you agree that the Committee of Ten of Soweto enjoys a high political profile? -- I am giving evidence here about what transpired in Lekoa. I do not have an idea of what is happening in Soweto about the Soweto Committee of Ten. (30)

You are a political commentator. The question is does  
the/.....

the Committee of Ten of Soweto have a high political profile?

-- If you want my views on that, yes that is so.

Thank you. They have a high political profile?-- I have already said so.

Has the Council of Churches, has the South African Council of Churches a high profile? Is its activity reported on almost daily? -- That is so.

And to say the least controversial from time to time? -- If you want my views on that I will say so, yes.

Yes, thank you. Now what office in the South African (10) Council of Churches did you ascribe to Mr Tom Manthata in your report? -- I said he is a member of the South African Council of Churches.

Yes. Just an ordinary member or a person who works at Khotso House? -- I believe that Khotso House as it is does not only accommodate the South African Council of Churches.

Yes, you are probably right about that. We will leave it at that. Now tell me you told us that your news report was not broadcast on any of the various news programmes? -- That is true. (20)

Was that a disappointment to you? -- My own view there does not in fact effect anything. What is being done they apply the policy of broadcasting.

I am sure that they apply the policy of broadcasting. The question was were you disappointed that you file a report that a person with a high political profile, and a member of the South African Council of Churches calls for the murder of councillors and the destruction of their property and you do not even make the Tswana news service? -- My feelings there are not counting anything. (30)

COURT: If you are getting tired you can sit down. -- Thank you/.....

you My Lord.

MR BIZOS: Tell me, did you go to your News Editor and say "But you know I filed a very important report of a person with a high political profile calling for murder and arson and malicious injury to property and it is not broadcast." Did you go to your News Editor and ask him that? -- It would appear to me that the defence does not understand the procedure there. What we do is we meet every morning to discuss things that were not used for broadcasting, as to what the reasons were and why were they not used. (10)

Yes. Was this discussed as to why it was not used? -- Amongst the others which were also not broadcast it was.

Yes, why was this important news item not broadcast? -- According to the broadcasting there anything that will have a result of bloodshed does not get into broadcasting.

But, I can understand that it can be reported in a way which may be an incitement but why not in a narrative form? Against the person of a high political profile? -- I do not understand what you mean by that, putting it narratively in what way? That I must say now a person who had said let (20) so and so be killed said that that person must not be killed?

No. It can be put indirectly.

COURT: Now how would you put it?

MR BIZOS: Yes, I would put it that Mr Tom Manthata of the South African Council of Churches and the Committee of Ten made a speech in which he incited people to commit serious unlawful acts, if you did not want to mention bloodshed. So that the people can be informed that a member of the Committee of Ten and a member of the South African Council of Churches goes about making speeches like that. -- I am bound by the (30) laws of broadcasting. I cannot use words that he did not use

and/.....

and say they were used by him.

But what about a call to violence? We hear on the SABC every day that people make calls to violence. We are not using their words. We hear every morning that well known people are not careful with their words and their words may be misinterpreted as incitement. We hear that every day.

COURT: Now Mr Bizos, you have the answer of the witness. The answer of the witness is "I do not decide the policy". It was discussed, the policy was it was not broadcast. You can criticise the policy but this is not the forum to do so. (10)

MR BIZOS: As Your Lordship pleases. Now but what about the rest of the report? Did you ask your News Editor why he just did not put square brackets on these words used by Mr Manthata? -- That there was some discussion about the rent, that was not a problem, but this killing, the violence was the cause that everything in that report was not broadcast.

Did you know this policy before you filed your report?

-- Yes quite well.

So why did you include it in your report then? -- I am on duty. (20)

But is not your report something that you hope to be broadcast? -- My work comes first and then my own personal feelings after.

Tell me, when you read the newspaper reports did you find them, insofar as they reported what they did report, an accurate reflection or what they said, was what they said correct?

COURT: Are we now referring to the same newspaper reports?

MR BIZOS: Yes My Lord.

COURT: Which are you referring to? (30)

MR BIZOS: AAQ(6) and ....

COURT: /.....



COURT: Does the witness know to which newspaper reports are you referring?

MR BIZOS: No My Lord.

COURT: Are you referring to six, or ten or two?

MR BIZOS: No My Lord, I am referring to the newspaper reports that the witness says he read.

COURT: Well which newspaper reports did you read? -- I read quite a good number of newspapers because I will tell you one day sometimes I get about four to five newspapers and I read them all. Now I am not in a position to say which in (10) particular contained this.

MR BIZOS: The reports that you did read concerning this meeting did they appear to you to be an accurate statement of what they said? Let me just make it clear, is what they said, is what they did say did that correspond with your recollection at the time that you read it? -- The reporter there was reporting in his or her own words and I was compiling my own report in my own words and therefore we did not agree on certain facts.

I will ask you this. Do you recall whether anything in the reports that you read struck you as misreporting, that (20) is that something was reported in those papers that you read and that it was incorrect, did it strike you at the time? -- Reading a newspaper with me does not mean that I read it in order to criticise whoever reported about that. I only read to hear what is being said about a particular subject, in that report.

I can understand your answer in relation to a report of matters at which you were not present. The question is that having been present at the meeting and having read reports in two newspapers did it strike you at the time that you (30) read them that there was misreporting in the sense that what was/.....

was said in those reports was incorrect according to your recollection? -- It is not for me to say whether the report was sort of correct or not. That person wrote what he or she understood the meeting to be about and what was happening there and I also wrote about what I understand and what I concluded was happening there. So I am not there to criticise anything.

Well I will leave it there for the moment but you told His Lordship yesterday a remark in which I detected some criticism, "if they were there at all" when I made reference to these newspaper reports. -- Well if that was misunderstood (10) that I was sort of saying they were not there, no that is not the position. All I was saying was a statement of fact whether if they were there.

What did you mean in answer to my question yesterday when I asked you whether you read the reports and you said yes and I asked you whether you saw any reporters and you said you did not see any reporters if they were there at all? After you had read, after you had told us that you had read two newspaper reports by two reporters.

COURT: Were the words "at all" used? (20)

MR BIZOS: I cannot swear to it. If they were there.

COURT: If they were there maybe.

MR BIZOS: If they were there.

COURT: Yes, go ahead.

MR BIZOS: Let me try and clarify the question to you sir. You told us that you had read the reports and I then asked you whether you saw any reporters there. Did you say "if they were there", I will leave out the "at all". I will leave what I am absolutely sure about, "if they were there"? -- But I think you are not putting the question as you did yesterday. (30) Could you just put your question in full like you did yesterday.

Let/....

Let me put the question the way I choose to put it now. Listen to the question please. You told us yesterday that you saw two newspaper reports. Did those reports that you read say on top as they are supposed to "contributed", or were they supposed to, did they appear to be reports by newspaper reporters? -- They were written by reporters from newspapers.

Right, if you had read those reports and you saw they had been written by reporters why did you add "if they were there"? Which caused some mirth in court. -- That was to say I did not see them if they were there. But a question was asked not (10) in the same fashion now it is put. The question was were some of your colleagues there.

Let me ask you this now. Did you intend any criticism of the reporters that had written those reports by that statement? -- I have just recently said I am not the one to criticise whoever has made a report about a certain issue.

Yes, and if the impression was created, on me at any rate, that that was a side swipe at the reporters was my impression wrong? -- It was not my view or feeling and it was not my intention to do that. (20)

Do you know Mr Ernest Nkabinde, that reports for the Rand Daily Mail? -- I know him quite well.

And do you know Mr Joshua Raboroko who reported for The Sowetan? -- I know them quite well.

Their names appear My Lord on AAQ(6) and AAQ(7) respectively. Now if they had been at that meeting and they were sitting in the front row making notes could you have missed the two colleagues of yours there present? -- It was possible because of the people who were there, the many people who were there. (30)

Would it be correct that there are over twenty rows of pews/....

pews? -- I do not think I will be able to answer that question because I did not count the pews there, how many there are.

Well does it sound more or less right on your overall impression of this church? -- I do not believe it will be justified to comment about that, whether to say it is like that or not, or give any opinion about that.

Will you accept for the purposes of my future questions that there are approximately twenty rows of pews on either side of the aisle?

COURT: And could I just have clarity on what this church (10) looks like. You have pews near the sacristy, or do you have pews at the back and chairs in front, what is the situation?

MR BIZOS: My Lord I only have instructions of the twenty rows of pews on either side of the aisle.

COURT: It must have been more if there were a thousand people in that church.

MR BIZOS: Yes there is, I am instructed on my instructions that there is a space in front and the whole side.

COURT: Open space?

MR BIZOS: There is open space and chairs are put there (20) and even chairs on what has been described as the platform.

COURT: Yes, I am asking these questions because when I spoke of a pew previously the witness told me it was a bench as in the witness box.

MR BIZOS: There are pews in the proper sense of the word I understand and there are about twenty of those, which is the only matter that I am concerned with at the moment.

COURT: Now do you know the difference between a pew and a bench and a fixed lot of chairs? -- Yes I know what the difference is if you are talking about a bench and the pews, (30) being the chairs which are put together.

Well/.....

Well normally a pew is not chairs put together but it is a very long bench with a backrest as well and normally it is fixed to the floor as well. -- Now I understand.

I hope my definition accords with your information?

MR BIZOS: Yes My Lord, I am not, I have no specific instructions....

COURT: Yes but I do not want any misunderstanding later on about sitting on chairs and sitting on fixed chairs and on a pew.

MR BIZOS: No, it is the position in relation to the front (10) that is important for my purposes and not, but I have a note in relation to Your Lordship's query that there is the centre aisle, which has twenty rows of pews but I am instructed that there are also two side chapels, if Your Lordship is...

COURT: Yes.

MR BIZOS: And, there, are benches, what are described in the note as benches, on each of the side chapels so that ...

COURT: In the chapels?

MR BIZOS: In the chapels.

COURT: Looking inward?

(20)

MR BIZOS: Looking towards the alter naturally, but there are side chapels. So, but let me just get that you told us that you were sitting in the fourth row from the front, whether they are pews or chairs knocked together you were sitting in the fourth row from the front? -- That is so.

COURT: In the main body or in the side chapels? -- In the main body of the big church.

MR BIZOS: Yes, I have an instruction My Lord that they are not in fact fixed to the floor.

COURT: Not fixed.

(30)

MR BIZOS: Would you agree with that that they are not fixed

to/.....

to the floor, the seating accommodation in the centre is not fixed to the floor. -- I do not want to commit myself on that, I did not check on the seats there. I just got in and took a seat.

Right. But you see were you together with Sergeant Koaho early for this meeting? -- We arrived there before the church building was opened.

Yes. And were you amongst the first people to go in?  
-- That is so.

And as you were waiting there did you not see your (10)  
well known colleagues approaching the church before you went in? -- I have already said that I did not see them at all.

And if they came in after you and they went and sat right in front how could you have missed them whilst you were waiting, if they walked past you? -- My answer to that question is if they were there I did not see them, or whether they were not there I still was not aware that they were not there.

Please tell me, at the time were you a political commen-  
tator or a reporter, or both? -- Both. (20)

Both. And was this meeting the only meeting that you attended in relation to the rent hikes in the Vaal Triangle from June to September?

COURT: 1984?

MR BIZOS: 1984. -- This was the very first one to which I was assigned to go and do some work.

And was this the only one? -- That is so.

Who assigned this to you? -- The head of the news.

When was the assignment made to you? -- The Friday.

Was your attendance of this meeting together with (30)  
Sergeant Koaho an accident or did you arrange to go with a  
sergeant/.....

sergeant of the Security Police to the meeting? -- Because of his having said that he was going to this meeting I then asked him to pick me up in his car to this meeting.

When was that arrangement made? -- The Saturday.

When the arrangement was made was there a second policeman present? -- No there was no second policeman because the place at which this arrangement was made was at our friend's place, that is the person who is a friend to him and also a friend to me.

When eventually the rendezvous was kept and you started (10) off to this church for this meeting was there a third person with you? -- When he came to pick me up they were two, he was accompanied by another person.

Was he introduced to you as a police officer? -- Yes he introduced that person to me as a police officer.

Yes. And they did, although you had met this young man for the first time he made no secret of the fact that he was a member of the police to you? -- His way of introduction was "Meet Mr Letsele, he is my colleague, we work together".

Right. Now would it be correct to say that the (20) presence of known policemen at a meeting such as the one you were going to may be tolerated but not welcome? -- I have no comment on that.

Well why do you not have a comment? You are a political commentator, a man of the world, you move about meetings. Why do you not have a comment? -- My problem will be I cannot advance what the other people were thinking at the time or what their feelings are towards a certain thing that is happening there.

You are abrogating your position as a political commen- (30) tator because I thought that that was what political

commentators/....

commentators do? -- From what you are saying you expect me to think what those people were thinking at the time.

Did you not think yourself that your presence at a meeting such as this in the presence of two police officers may not be politic, it may not be welcome, it may not have been in good taste? -- At the time of this meeting there were other police from the uniformed branch at that place during this meeting.

In the meeting? -- Yes I worked there for some time, I know them. (10)

There were other policemen in uniform in the meeting?  
-- No not in uniform, they were attending there as parents.

Oh, how many policemen did you see? -- I saw one of them.

One, a policeman? -- Yes.

A person who was a well known policeman in the community?  
-- He is stationed at Sharpeville.

And he was there in his capacity as a parent and did he stay there throughout the meeting? -- He was there when I came in, we met, he greeted me, we took seats on a row almost which was the same as mine. (20)

Yes, and to people who were in the community, such as Father Moselane, accused no. 3, and Mr Hlomoka, accused no. 2, and the absent young man accused no. 4, he was there openly as a well known policeman from Sharpeville? -- Yes he was there in the meeting.

Yes, not in disguise or anything? -- I do not think there was any person who had disguised there.

And did he hear the incitement to murder and malicious injury to property and arson by accused no. 16? -- Are you asking me now to comment about his having heard this or not? (30)

No, was he there and in a position to hear? -- I say

he/.....



he was in the meeting.

At the time that accused no. 16 uttered those words of incitement? -- I said he was in the meeting.

Yes. Now tell me, but you yourself must preserve an air of objectivity must you not? As a reporter? Not so? -- That is true.

Then were you not afraid that this air of objectivity may be adversely affected going there with two members of the security police? -- It was not a secret meeting, it was a public meeting. (10)

Yes I know, but did you know that there is no love lost by the political, or politically inclined organisations and the security police? -- Well that is what you are telling me, I did not know that, or I do not know that.

Well please tell us then as a man of the world and a political commentator tell us what your view is?

COURT: Is or was at the time?

MR BIZOS: Was.

COURT: I am concerned with August 1984.

MR BIZOS: At August 1984. Yes what was the attitude of (20)  
the security police, sorry what was the attitude of people  
involved in agitation against the increase in rentals towards  
C85 the security police? -- I do not know because I could not  
have read this or known that from people, or read their  
minds as to what they think or whether they know this person  
or not.

So let me see what your answer is. Is your answer that you thought that it would not be known to the people that these were police officers? Is that your answer or what is your answer? -- That is not what I said. (30)

So that is not part of your answer. You realised that  
the/....

the people that you went to the meeting with might be known as security policemen to the people attending the meeting?

-- Yes they can even be known at that time as residents.

Yes. So is your answer that you went with them because you believed that they would not be known as security policemen or that it did not matter to you whether or not they were known as security policemen? -- I had gone there on my duty. Now what they were doing there at what time that was something that I did not enquire about.

No I am asking you about your state of mind. Were (10) you indifferent as to whether or not your two companions might be known to the members of the audience as security policemen? -- I had gone there to work and not to take the security police there.

Or to be taken there by the security police? -- They gave me a lift.

Yes. Now when you got there where did you park the car? -- In front of the gate.

Of the church? -- Quite so.

And got out in the company of the two policemen? -- (20) Quite so.

Did you stay in the car or did you mill around with the other people waiting for the church to be opened in order to go in? -- We greeted the people we knew there.

Not only you I take it but your police companions? -- I did not watch as to what they were doing but I was greeting people I knew there.

No you said "We were greening people around". -- Well I am talking about the people who came through that gate simultaneously with me. (30)

Oh, not your immediate companions? -- Yes not them.

Are/....

Are you saying that when you said "We were busy greeting the people around" that you were not referring to the three of you, that is yourself and your two police companions? -- I have already explained like that.

Why did you use the word "we" when I was putting to you what you and your companions were doing? -- What happened is this, alighting the vehicle I was with them, that is the people who were in my company. But before I reached the gate I was already with other people. In other words once it is plus one then we, I am referring to the we as in the sense that an (10) additional person or persons had joined me.

I am going to put to you that we will submit to His Lordship that you changed your evidence in that regard because you are a particularly intelligent man who suddenly realised that the security policemen were known by people who were there and greeted, the we, and that the "we" you referred to was your colleagues, I am sorry your companions? -- Well that is your own view.

Have you anything further to add in relation to that?  
-- No there is nothing to add. (20)

Did you introduce your companions to any of your other friends that you met outside the church? -- We were not together at that time, everyone of us had taken a different position standing at a different place.

Was there any reason why you should dissociate yourself from the person that was so good enough to give you a lift and in whose company you were? -- I believe that when you arrive at a place in the company of others should you happen to see someone then you can for instance say "Excuse me gentlemen, let me see Mr Shabalala, I see him there", then (30) you go away from there.

COURT ADJOURNS FOR TEA. COURT RESUMES.

IN CAMERA WITNESS NO. 9: d.s.s. (Through Interpreter)

FURTHER CROSS-EXAMINATION BY MR BIZOS: The manner in which you expressed one of your answers has led me to ask you this question. You said you took up different positions. Have you ever been in the police force? -- I do not understand when you say we took up different positions.

COURT: Why do you give the introduction, just ask him has he ever been in the police force.

MR BIZOS: Have you been in the police force? -- No. (10)

Alright. Now do you know of a custom for reporters to go and announce themselves to the Chairman? -- Not always.

No, a custom is not always kept. But is it good manners and do you and your colleagues usually go up to the Chairman and say "I am so and so from so and so", ask who has called the meeting, who the speakers are going to be? -- That is only when you are invited.

Oh. I would have thought that it is even more important when you are not at a public meeting, because at a public meeting everybody is invited presumably? -- I quite agree (20) with you on that.

But now do you agree that this custom exists in your profession, that you go up to the Chairman and introduce yourself? -- Yes I agree but not always.

Was there any special reason why you did not do this on this occasion? -- If there is a reason why I did not do that it means then I will have reasons for each and every meeting prior to this one where I did not go and talk to the Chairman.

Do not people who hold meetings to which the public and the press are invited make special provision in front or (30) on the, for people from the press to sit so that they can hear/.....

hear properly and be comfortable? -- That is true.

Was there any special reason why you did not avail yourself of this? This privilege which your colleagues took advantage of? -- I do not give any evidence about what you are putting to me because what I know is I took a seat where I convinced myself I am seated proper in order to hear what is being said.

Was the separation between you and the two policemen that accompanied you to this meeting outside and inside the hall deliberate or accidental? -- There was no reason for (10) doing that, it just happened.

You did not want to dissociate yourself at this meeting from known policemen? -- If that was the case I would not have gone there in their company.

Right. Now do you recall that when you got there that the church was locked? -- It was closed, yes.

And did Father Moselane, accused no. 3, come and open it? -- He is the one who opened, yes.

Now was he accompanied by the person that you described as the Chairman, or one of the chairmen, yesterday? -- Yes (20) at the time of the opening they were together walking towards there.

The two of them? -- Yes.

Only two of them in the company of each other? -- There was quite a good number of people walking up and down outside there.

I see. But did you see him coming over from his house, which is some short distance away from the church, with the person that you pointed out as one of the chairmen?

MR KRÜGEL: No. 4?

(30)

MR BIZOS: No the photograph, the person described as a

co-chairman./....

co-chairman, not no. 4. I will clear it up, we have a photograph.

MR KRÜGEL: The person you pointed out yesterday?

MR BIZOS: Yes. Please have a look at photograph no. 64, it will be handed in in due course so that we can refer to Mr Hlube. Please tell us whether that was the person that accompanied .... It will be handed in properly by admission but if Your Lordship wants to have a look at it we can hand up a copy.

COURT: Well I would not like to burden my bench at the (10) moment. I take it there are not any particular features of this gentleman?

MR BIZOS: No merely to make sure that we are talking about...

COURT: Yes well I put on record that you show the witness EXHIBIT NO. 64.

MR BIZOS: Yes, please have a look at photograph no. 64, the number is at the back. -- Yes this is the person.

COURT: Is there an admission as to who that is, 64?

MR BIZOS: That is Mr Peter Hlube My Lord.

COURT: Is that agreed? (20)

MR HANEKOM: That is agreed My Lord.

COURT: Yes I note it is Mr Peter Hlube.

MR BIZOS: Right. So you recall that accused no. 3 and Mr Hlube came together and opened up the church? -- I saw them at the door while they were busy opening.

Right. And you say that a number of people followed them? -- Immediately after the opening we entered there, the building.

Yes, were you amongst the first to enter? -- I have already said so. (30)

Would you say in the first ten, or the first dozen or the/.....

the first twenty people to enter were you and your two police companions? -- I was within the group which was in front.

Within the first dozen or twenty people? -- I did not count them in number.

Were there seats available right in front as soon as you came in? -- Yes there were.

And did you deliberately not go as a reporter then to sit right in front? -- Like any other person was choosing a place where to take a seat I also choose my seat somewhere.

Yes. And, yes when you sat down, where did accused (10) no. 3 go as soon as he entered the church? -- He went back again.

Where did he go to? -- I do not know, he went out.

He went out.

COURT: Out where he had come in? -- Yes through the door we came in.

MR BIZOS: I am going to put to you that that evidence is incorrect but that he remained in the church. -- Well I do not know if that is what you put to me then who came in with the others who are now accused, those are the people who came (20) with him.

Oh is your evidence that he came in, he went out and then he came back with the other accused? -- That is what I am saying.

And you are sure about that that there was a passage of time between his first coming and thereafter the coming of the other accused? -- That is so.

And what was that passage of time? -- It was a short time.

Minutes? -- I did not look at the time, all I can say (30) it was a short time.

Well/.....

Well for what time was the meeting scheduled, can you recall? -- I cannot recall but when we arrived there it was at about 14h00.

Yes. When you say accused no. 3 left the church did Mr Hlube remain behind? -- Yes he remained.

Did anyone else that apparently had anything to do with the organisation remain behind? -- I do not know because there were people arranging chairs or seats in the front.

And would it be some minutes that you say accused no. 3 came with the other accused? -- I said a short time. (10)

A short time. And what had happened to the hall in the meantime? -- People were sitting there, some were still coming in and taking seats.

Was the hall full on the second arrival of accused no. 3? -- Yes there were quite many people inside.

Were the seats and pews full? -- Those on which we were seated were full.

Do you recall with who, precisely with who accused no. 3 came in when you say he came in the second time? -- Yes I do. (20)

Who did he come in with? -- He was in the company of accused no. 16, no. 1 and 4.

Yes, I am going to put to you that accused no. 1 came late to this meeting. -- That is what you are putting to me and I saw what I saw happening.

Did you know accused no. 1 before this date? -- No I did not.

Did you have any particular reason to notice him? On the occasion that you say that he made an entry with accused no. 3? -- Yes because he went right into the front. (30)

And accused no. 4, do you say that he came in simultaneously with/.....



with accused no. 3? That is the person who is absent, for the purpose of clarity? -- That is what I said.

I am going to put to you that accused no. 4 came in a while later after accused no. 3 came in only once. -- I was in that meeting.

COURT: Could you just tell me something. I take it that you have attended quite a lot of political meetings? Is it usual for the speakers, at least the main speakers, to be in the hall when the people enter or is it usual for the main speakers to enter the hall when it is full? -- My obser- (10)  
vation is that usually the guest speakers or main speakers in a meeting will always come into that meeting after people have taken their seats.

MR BIZOS: Yes. Would you say that this was a straightforward political meeting? -- No.

Would you say that because where it was held and because what accused no. 3 did and said and possibly because of the manner that it ended there were religious ceremonial aspects to it? -- It was a meeting which was held in order to bring to the light about the increased rents. (20)

Yes we agree with that. Were there elements of a religious, or quasi-religious gathering to it at the beginning? -- If a meeting is a Christian one or a meeting with some religion involved in it then men, in our custom, are all to put on jackets.

In all churches? Or in your church? -- In most churches, as far as I know my people.

Yes, well because I am going to put to you that certainly, it may be in your church and I do not want to, or your custom but it is not so in fact I put it to you. -- It is (30)  
maybe that I take Christianity in a different view because

as/.....

as far as I know we, the Black people, in church we always have to put jackets on and that is what is happening.

Where does a priest receive members of the public? Does he make a triumphant entry after the congregation has come in or is he in his church and expect people to come in? -- In most churches the congregation will come into church first and then the Minister will come in later.

Does he not take his position in the church in anticipation of the congregation coming? -- No that is not so.

Well obviously our experiences are different. (10)

COURT: Well I think you should take instructions on that because my experience is also different.

MR BIZOS: Well it depends on the Protestant or otherwise, but I do not think that I will .. Tell me this when you went and sat down and they were doing chairs where, or was the banner already up? -- It was just being put up.

Yes. You saw it being put up? -- Yes I saw that.

Yes. Now are you sure that the word "Asinamale" was on that? -- It is because I saw it.

Yes and are you sure that "No rent hikes" was on it? (20)  
-- They were written yes.

In what colour were they written in? -- In black ink.

Not red? -- I remember black.

Not red? -- I remember the black one.

Yes. Because I am going to put to you that there was in fact a banner but there was no reference to councillors on it.  
-- I have no comment on that.

You have no comment. Now ...

COURT: Is it put that it was in red ink?

MR BIZOS: That it was red. (30)

COURT: Red ink?

MR BIZOS:/.....

MR BIZOS: Not ink, I have no instructions.

COURT: Red paint.

MR BIZOS. That the letters were in red, that is what I have.

-- I have already answered the way I saw it.

Yes very well. You do recall that there was a prayer and a reading by Father Moselane, accused no. 3? -- I quite remember that, yes.

And I will not put to you the content of it because I have put it to the previous witness and I think that it was in the main admitted. But do you recall what Father Moselane (10) said, other than the prayer and the exigencies of the scripture? -- Yes I do.

Right, please tell us what he said after the explanation of the passage from the Bible? -- He said this meeting here today was convened to come and discuss about the rent.

Yes? -- Which rent is being daily increased. He further explained that there are elderly people, that is quite senior citizens of the township in Sharpeville who have been staying there and they are being expected to pay or they are paying these rents all the time. And then he further said he was (20) approached by a certain woman in the township to say that because of these high rents which are being increased I will not be able to pay the rent and at the same time cater for my children, that is educationally and maintenance. And then he further said that as a result of that that is why we are here today to discuss the question of rent, though he himself is not going to say much about it, there is a speaker who is going to say something about that.

Right. Is there anything of any importance that you remember him saying, anything else of any importance that (30) you remember him saying before the next speaker spoke? -- I

do/.....

do not know whether this is so important or how much important it is but I remember him saying people were first given the option to pay houses on the thirty year lease which has been now changed to, now it has changed to ninety-nine which is pressing them.

Nothing else that you can remember? -- No.

Did he say that he had had meetings with the councillors?  
-- Yes I explained that yesterday, that at the beginning of what he was saying that is what he said.

You see because I am going to put to you that that (10) part must be completely incorrect because the evidence will be that there were no such meetings and he did not say that there were any such meetings. Do you want to make any comment on that? -- That is what he said, in fact in my own experience I know that there were such meetings between them and Ministers and the Lekoa town councillors.

Well maybe you knew about other Ministers but do you know whether, do you know whether there were any meetings at which he had taken part? -- I have been to a meeting with the Lekoa Town Council and his name was being mentioned or read (20) as one of the people who had been in the meetings with them.

Well is it not perhaps that you are relying on that information in reconstructing what accused no. 3 said? -- That is what I heard him saying in that meeting because the Friday of the same week they had a meeting.

Who is "they"? -- No not on Friday in particular, what I mean is during the course of that week the Ministers were having a meeting.

COURT: With each other or with the town council? -- With the town council. (30)

MR BIZOS: Did he say that the people must affected by the

rent/.....

rent increase would be pensioners? Did he make specific mention to the affliction of pensioners? -- He said the senior citizens, yes.

Yes. Did he say that the worst part about the increase was that people in the areas over the rent, I am sorry that people in arrears over the rent were either evicted or locked out of their homes? Did he say that? -- I may have not heard that.

Or might you have heard it and forgotten? -- Well it is possible. (10)

Yes, did he also accuse the councillors of doing things for their own profit? -- He did not give a long speech, not at all.

No I did not ask you if he gave a long speech. Did he say that? -- No he did not.

You are sure of that? -- Yes I am sure.

You see what I am going to put to you is that three of the matters which were spoken about by Father Moselane, accused no. 3, and which were contemporaneously recorded by your colleague Mr Ernest Nkabinde you in your evidence yesterday afternoon put them in the mouths of others, other than accused no. 3. -- I was in that meeting. (20)

I know that you were at that meeting. You are not suggesting that Mr Nkabinde was not? -- What I am saying I was there and I am telling this Court about what I saw there.

Yesterday afternoon you did not say that accused no. 3 said the following, he said that people most affected by the rent increases would be the pensioners, you did not say that yesterday? You also did not say yesterday afternoon that the worst part about the increase was that people in arrears over the rent were either evicted or locked out of their homes. (30)

But/.....

But you specifically put those words in the mouth of accused no. 16. You also put into no. 16's mouth the following words: that councillors were unfair to the township people as they had bought businesses for their own profit, or words to that effect. Now please accept that what I have put to you is a fair summary of your evidence. Now is it possible that accused no. 3 supported by the contemporaneous note of Mr Nkabinde might be correct and that you might be wrong? -- About what you have just put to me as fact there, pertaining to accused no. 16, yesterday I never said that he, accused no. (10) 16, said that people will be locked out from their houses.

Yes. Just one moment, let me just, yes you are one hundred percent correct and I want to apologise. You did not put it into no. 16's mouth you put it into no. 1's mouth, I am sorry. But certainly not in the mouth of accused no. 3. -- I quite agree with you in respect of no. 1.

Yes.

COURT: Yes now the question is merely are you correct or is Mr Nkabinde correct if Mr Nkabinde comes to court and says what Mr Bizos says he will say? -- I have given evidence (20) here about what I saw happening. I know after having taken the oath and I have been telling what I know what happened there. I do not know what Nkabinde can say. What Nkabinde will say of course here is what his views are or his feelings were about the issue.

MR BIZOS: But you see what I am asking you is this, are you so sure of the correctness of your memory that you can give His Lordship an assurance that what Mr Nkabinde wrote before Tuesday 21 August 1984 in relation to the meeting of the 19th was incorrect, and you relying entirely on your memory are (30) able to give His Lordship an assurance that you are correct against/.....

against him? -- I am here giving evidence about what I am sure of that this is what happened.

Now do you recall that as soon as accused no. 3 finished Mr Hlube, Peter Hlube, the person whose photograph you pointed out then took over the, took over as chairman of the meeting? -- What I remember is they were helping each other as chairmen there.

Do you recall that Mr Hlube took over after accused no. 3 had finished speaking? -- I remember that he was there standing on the floor and he had something to say. (10)

Was it immediately after accused no. 3 finished? -- Yes it was after he had finished.

Do you recall that he attempted to introduce Mr Tom Manthata, accused no. 16? -- Who is that now, Hlube?

Yes. -- No the Reverend introduced accused no. 16.

I am going to put to you that Mr Hlube tried but that because he was not familiar with the curriculum vitae of Mr Manthata the accused no. 3 took over from him and gave his full curriculum vitae. -- It can be so but the person who introduced him was accused no. 3. (20)

Now I am going to put to you that in relation to the speech of accused no. 16 you have painted a false picture. -- I have told the Court about what I know.

Right. Tell me how did accused no. 16 start his speech? -- After he was introduced he took the floor.

Yes? -- And then he did this, indicating the sign of Amandla, Matla.

Amandla Matla? -- What he did is Amandla.

Amandla, right before he said anything? -- Yes.

You remember that very well? -- Yes I do. (30)

Is that because it was a dramatic happening and out of keeping/.....

keeping with something that should happen in a church? --

That, no besides it being that that is what happened.

Yes I know but that is one of the reasons why you remember it so well is because this is the first time you had heard an Amandla called in a church? -- Everywhere you get that sign where such meetings are held.

Well was it the first time that you heard it in this church, when accused no. 16 said "Amandla"? -- It was the first time that I was in that church.

And the first time when you heard Amandla when accused (10) no. 16 uttered it? -- It did not say it was for the very first time in my life that I heard these words being used, I said in all the meetings of this nature you heard this word.

Yes but it was the first time that you heard it in this church, when accused no. 16 said it? Or are you going to tell us that accused no. 3 had said "Amandla" before him? -- Now you have put your question clearly. The position is this, when they came in there were two ladies on the platform there. Those are the people who shouted "Amandla".

Only the two ladies? -- Yes the two ladies there (20) shouted Amandla and then the audience responded to that. That is at the time when these people were coming in. That is I mean the accused were at the time coming in.

Yes. And would you say that this Amandla sign is given at all meetings where, whether they are held in churches or not, in which civic affairs are discussed? -- Wherever a political meeting is held, that is correct.

Yes, irrespective of whose auspices it may be held under? -- I quite agree with you.

COURT: Is that also when a councillor holds a meeting? (30)

-- No not then.



MR BIZOS: Is that not a political meeting? -- Though it is a political meeting but it is a political meeting different from the one I was referring to.

COURT: How would you differentiate? -- We have organisations of politics which I can refer to as political activists. Then we have these political bodies who are referred to as the people who are working within the system. Therefore those who are labelled as working within the system cannot say "Amandla".

MR BIZOS: Have you ever been to an Inkatha meeting by the way? -- No I have never been there. (10)

Never been.

COURT: So what you are telling me is this that the Amandla shout and sign is only given at political meetings where there are political activists that work against the system? -- That is right.

MR BIZOS: And what do you mean by against the system, against the policy of the government? -- Yes that is true.

Yes. Right. Is it an accident that you have never been at a meeting of Inkatha or is it because it just has happened? Do you keep away from them as a political commentator? -- (20)  
I am a Sotho, I therefore attend a meeting of the Kwankwethla.

Oh I see. I understand that. Now, so your political experience is limited to the group that you have just mentioned? -- We work as a team, each and every member in that team will come and discuss things with you. Therefore I cannot say that my experience is limited to that.

COURT: Do they send an Nguni speaking reporter to the Inkatha meetings and a Sotho speaking reporter to the other meetings? -- That is quite correct.

MR BIZOS: But does not the President of Inkatha claim (30)  
universal support?

COURT:

COURT: But not a lingua franca. -- It may be like that but that does not change the language.

MR BIZOS: Yes, do you, well if I were to put to you that Amandla has been heard of in your SABC report, not your personal report but a report over the SABC of an Inkatha meeting, what would you say? You know one of these actuality reports of an Inkatha meeting, early in the morning, what would you say about that? Amandla Inkatha. -- Well probably you are the one with that evidence. I have not seen that.

Alright, well maybe your SABC will supply it. What (10) about trade unions? -- What about them?

Well have you attended any trade union meetings? -- Yes I have been to their meetings.

And registered trade unions? -- I have been there.

Therefore working within the system? -- I do not know, I do not understand what you mean.

COURT: Yes what exactly, what is the question? -- Do you want me to understand that whenever a Union is registered then it is working within the system?

MR BIZOS: What I, you used the expression within the (20) system. I am asking you whether you consider .... -- Well I was not talking about trade unions.

Whether you consider trade unions which are registered, whether they work within the system or not? -- Well that is not a question to be answered by me.

No but you used the expression working within the system. And you differentiated organisations for the benefit of His Lordship between organisations working within the system and those without.

COURT: Political, political organisations. Let us come (30) back to where we started. We started with political activists and/....

and political bodies.

MR BIZOS: Yes. Thank you my Lord.

COURT: Otherwise we land with tennis clubs and wherever else.

MR BIZOS: Do you consider, well let us start at the other end. Have you been to trade union meetings where the clenched fist and Amandla is used? -- It is being used all over.

Yes, by trade unions? Whether registered or not? Correct?  
-- I agree with you.

So let us just get it absolutely clear, "Amandla - Awetu" (10) is heard at trade union meetings that you have attended? -- That is true.

With the clenched fist thrown out? -- That is true.

Yes. And this is generally done apparently by many thousands as we saw on T.V. at the new federation that was formed in Durban? Correct? -- It can be so.

COURT: Did you see it on television? -- No I did not see it.

No doubt Mr Bizos will give that evidence. My Bizos do not put it in that way, just ask him whether it is done generally and the answer is yes it is done generally. (20)

MR BIZOS: Yes My Lord ....

COURT: But it becomes very difficult if you put a lot of things together and I have to sort out whether the witness saw it on television or whether he is agreeing that it is generally done.

MR BIZOS: As Your Lordship pleases. Now tell me this, when you told His Lordship only organisations, political organisations of activists who do not work within the system use Amandla was that evidence correct? -- According to my knowledge yes I think so. (30)

I am sorry, I did not hear the answer.

COURT:/.....

COURT: The answer is yes. Do you remember your question?

MR BIZOS: No that is my problem. I am sorry I was interrupted, does Your Lordship ....

COURT: Do you want to ask the witness what the question was?

MR BIZOS: I think I will ask the recorder instead. I will get a better answer. Yes but your answer of yes cannot be correct if trade unions which are registered also use it, because you heard His Lordship's comment that trade unions are not political organisations. -- When I answered in (10) that fashion we were talking about politics. That was our subject. The trade unions came later.

Yes, but you see you gave His Lordship an answer that only organisations of political activists working outside the system use Amandla. That answer cannot be correct if trade unions which are registered also use Amandla as you told us they do? -- That is my answer as I have given it and I believe that it is the correct answer.

Yes but how can it be correct if the two do not square up? -- What is the difference if you say they do not square (20) up?

Do you not realise the contradiction in your evidence?

-- No.

Very well I will argue it to His Lordship. Do you know Mr Matjila in the Vaal Triangle.

COURT: Matjila?

MR BIZOS: M-a-t-j-i-l-a. -- Yes I do.

What is the name of his party? Please translate that Mr Interpreter it is rather interesting. -- I would like to mention something about this question. That gentleman (30) there spoke to that other reporter seated there.

COURT:/.....

COURT: In court? -- In court yes. And then thereafter all of a sudden you come with that question. That is why I object to that question.

MR BIZOS: What is your objection to that? -- The objection is that is this reporter also giving evidence?

No if he gives evidence it will be decided by others. What is your objection to it? Why did you become angry about it and object to it? -- Because I do not want to give evidence about certain things and somebody coming with something and I do not know whether this person comes in the whole thing. (10)

Yes. Well let me tell you that you are correct that Mr Dyson was informed by the reporter that he has been to meetings of, well a correction that the information comes from the accused but that my attorney consulted with the reporter as well.

COURT: Well if the reporter now becomes a witness in the case the reporter has to leave this room.

MR BIZOS: No My Lord he is not ....

COURT: We cannot have him sitting here and then calling him later as a witness. (20)

MR BIZOS: No he is not a witness, the attorney spoke to him after receiving a note from the accused.

COURT: Yes but if this witness now denies the information given to your attorney ....

MR BIZOS: By the accused.

COURT: Or the reporter the reporter will have to be called as a witness.

MR BIZOS: No My Lord I am instructed that the information does not, that I am about to put does not come from the reporter. (30)

COURT: Yes, very well go ahead. To me it seemed that it did, but/.....

but go ahead. I may be under an entire misapprehension Mr Bizos but I got the same impression that the witness got.

MR BIZOS: My Lord I have the handwritten note, the handwriting, I am instructed, accused no. 19's, it can be made available.

COURT: Yes I accept your word for it Mr Bizos, it is obviously a misunderstanding. Put your question.

MR BIZOS: Yes My Lord. Now do you know that he is a councillor? -- Yes I do.

What is the name of his party? -- Mbumbua. (10)

M-b-u-m-b-u-a. Does that mean unity, or is that Mbumbua Unity Party, I am not sure? -- It is known to me like that.

Without the word "Unity"? -- With the Unity.

Oh, Mbumbua Unity Party. Do you know whether Councillor Matjila's party uses Amandla at its meetings? -- I do not know.

Do they use the fist? -- I said I do not know.

You do not know. Do you know Mr Mahlasebi? I am sorry no the Mahlasebi Party, M-a-h-l-a-s-e-b-i. -- I beg your pardon is that now Mr Mahlasebi or Mahlasebi Party?

No Mahlasebi Party, I corrected myself. -- I hear about (20) that for the first time today.

Do you know Mr Thumani Mosala.

COURT: Du or Thu?

MR BIZOS: Tu, T-u-m-a-n-e Mosala. -- Yes I do.

Was he a councillor? -- He is.

He still is? -- He was but not now.

COURT: Sorry, he was a councillor, he is no longer a councillor? -- He has resigned.

MR BIZOS: Yes was that his party, the Mahlasebi, was that his party whilst he was a councillor? -- I said I do not know. (30)

Yes. Do you know whether his party used Amandla? -- I  
said/.....

said I do not know about that organisation.

Yes. Now I am going to put to you that Amandla is, and the clenched fist are used as a sign of the unity of the Black people, what do you say to that? -- Well that is your view about that, no comment from me.

Now we were told by your companion to this meeting that he too stood up and said "Amandla" or "Awetu" in response to Amandla.

COURT: There were two companions, is that now Sergeant Koaho? (10)

MR BIZOS: Koaho, yes. -- Does he say that I stood up with him and shouted "Amandla"?

No that he said it, that he did it. -- I believe evidence given by Koaho has something to do with him, is related to him, and my evidence will only have a bearing on me.

Did you not see your companion saying "Amandla"? -- I was writing, I did not see anything.

Whilst you say that you were writing, you told us that you were five, there were five people sitting between you and him? -- That is true. (20)

Well the impression, and I do not put it any higher than that, the impression in his evidence was that you were actually sitting together. But be that as it may he says that you were not taking notes. Can you please explain to His Lordship how people sitting on a church pew with four or five people between them, how the one can miss that the other is taking notes at a meeting? -- I am surprised to hear that anyway, I do not know whether he was now looking at me to see me if I was busy writing or he was listening to what was being said.

Yes but this meeting lasted for how long? -- About an hour. (30)

Not/.....

Not two hours? -- I give it an estimation of an hour, or one hour plus. Not quite long after an hour.

I am going to put to you that it was over two hours, but be that as it may. Can you explain the possible reason that he would not have seen you doing such an obvious thing as taking notes during the meeting? -- I believe I think he must have answered and told the Court why he did not see me writing.

You do not want to say anything more about that? -- No.

Because I am going to put to you that accused no. 16 (10) did not start his speech off with Amandla although he will readily admit that he finished his speech with the equivalent of Amandla. -- I do not know what are the words equivalent to that but what I know is he started with the words.

What language was accused no. 16 speaking in? -- A Sotho language.

Are there no equivalent words to, or word equivalent to Amandla in Sotho? -- There are.

Yes, what are they? -- Matla.

Yes. Is that what accused no. 16 said? -- He uttered (20) those words in the Nguni language.

Because I am going to put to you that he said words to the effect of "Power" and "The future is ours" in Sotho. -- I hear that for the first time that there was such a slogan.

For a political commentator I am suggesting to you that it is a surprising statement? -- I beg your pardon?

I am suggesting to you that it is a surprising statement.

COURT: What do you mean by saying "I hear that for the first time that there was such a slogan"? Does that mean that the slogan was used there or does it mean that the slogan (30) exists? -- What I mean is they were not used in that meeting.

MR BIZOS:/.....



MR BIZOS: Well you say that you know the slogan? -- I do not believe there is such a slogan like you have put it to me that we, words to the effect that the future is ours and Matla is meaning the power. I have not heard of the slogan like that.

COURT: Have you heard of a slogan where "Matla" is used by one person and an answer is given by the group? -- Yes I quite agree with that. Then that will be the person will say "Matla" and then the response will be "Kè Arona".

MR BIZOS: Well I am going to put to you that that is what (10) was said by accused no. 16 at the end of the meeting in Sotho?

COURT: At the end of his speech or at the end of the meeting?

MR BIZOS: At the end of his speech, no at the end of his speech.

COURT: His speech. -- I do not know but I did not hear that.

MR BIZOS: Well I am sure that it was not so weakly said that you could have missed hearing it. -- I quite agree with you there.

Tell me was an interpreter being used whilst accused no. 16 was speaking? -- At the time when he was addressing there (20) was an interpreter.

Who was it? -- I do not now who that interpreter is.

Can you describe him? -- One old man, he is quite a grown up man with a balded head. Well it is quite long that this happened, I am not in a position to describe him better than that. That man ended up arguing with someone else there about the interpretation and then that other one took over as an interpreter, that one I do not know who he is.

Yes. So you say there was more than one interpreter?  
-- At that time, yes. (30)

Having regard to this argument can you tell the Court  
whether/.....

whether a fair and accurate rendering of this speech by accused no. 16 was given to the people present? -- Do you mean the interpretation from the interpreter?

Yes. -- I will say yes because why, I do not understand the language in which it was being interpreted and therefore I will accept it that the message was conveyed to the people.

C86 How long would you say accused no. 16 spoke for? -- Between twenty and thirty minutes.

Yes. And was he speaking from notes or was he just speaking directly? -- The only piece of paper I saw is the (10) one he tore in pieces.

Yes. Well I am going to put to you, whilst we are at it that there will be a denial that any piece of paper was torn to pieces. -- Well there is nothing I can say on that.

Can you recall whether he said anything when he tore it up? -- Yes he said "All that you are supposed to do with this paper is this" (the witness demonstrates what happened). He was holding this piece of paper in this way, this is how he was holding the piece of paper.

COURT: He is waving it with outstretched arm in front of (20) himself. -- And then he said "All that you ought to do or are supposed to do with the piece of paper is this" and then started tearing it.

And the witness made a tearing motion.

MR BIZOS: A clear indication that they should not take serious notice of it? -- That is so.

He said nothing more about that? -- No except of course that he just went on with his speech.

He said nothing about burning the piece of paper? -- But I have already said so that he said you must tear this (30) piece, he tore that piece of paper and then he pulled it together/.....

together and just threw it on the ground, and he said it must be burnt.

No the question was whether there was any talk of burning? -- Yes.

But surely, I am going to suggest to you that you have just realised that some other witness has spoken of burning and this is why you have now said that there was talk of burning. -- I made mention of that yesterday in my evidence-in-chief.

Did you? -- Yes I did. (10)

Well I am going to put to you that you did not. But let us just take what you said a few minutes ago. Just listen to what you said a moment ago.

"Can you recall whether he said anything when he tore it? -- Yes all that you are supposed to do with this paper (demonstrates waving it) then he started tearing it."

Clear that they should not take any serious note of it? -- Yes.

Did he say anything more? -- No except that he (20) just went on with his speech."

And only when I specifically put to you something about burning that you remembered something about burning or you remembered that you had to say something about burning.-- Well it is contained in my evidence-in-chief.

Well the record speaks for itself, and it is not contained in your evidence-in-chief. Now do you recall whether accused no. 16 said that if the residents were unhappy with the councillors they should elect others? -- I do not remember that talk. (30)

Is it possible that he said it but you have forgotten about/....

about it? -- He did not mention that.

Did you hear him say that in some areas rents were suspended because of the reaction of the people? -- I did not hear that point.

Are you saying that he might have said it and you have forgotten about it or that he did not say it? -- I did not hear that at all.

Are you saying it was not said? -- When I say I did not hear that then in other words I mean it was not said.

It was not said. Thank you. And did you hear him (10) say if you do not object rents will remain? Are you saying he did not say that? -- I did not hear that, he did not mention that kind of a talk.

Now if your colleague who has given evidence said to His Lordship that accused no. 16 said that ...

COURT: Which colleague has given evidence?

MR BIZOS: Koaho.

COURT: Colleague?

MR BIZOS: I am sorry companion. If your companion who gave evidence said that was he wrong? -- I would not say he was (20) making a mistake. He may have heard that and which I did not hear.

No but this is why I want, you told us that whenever you say "I did not hear it" you say he did not, it means he did not say it. This is why I would ask you to please distinguish. What do you say? That it was not said or that it may have been said and you did not hear it? -- Let me put it this way, if he had said it I did not hear that.

I see. -- The other witness you are referring to may have heard it. (30)

Well why do you distinguish between that answer and the previous/.....

previous answer where you were sure that he did not say that if the residents were unhappy with the councillors they should elect them? Why do you distinguish between your two answers? -- You did not make mention of the elections. What I mean is nothing was mentioned about elections in that meeting.

Well surely did they not say that promises were made before the elections? How can you say that? -- That was mentioned but it was not said that people are to be elected.

You see what I am going to put to you is that you were very sure of your denial in the first instance but once I (10) put to you what your companion who gave evidence said you are trying to do away with the obvious contradiction. Any comment? -- No there is no such.

Can you recall whether accused no. 16 made any mention of the Black Local Authorities Act? -- I cannot remember that.

Does that mean that it was not said because if it was said you would have remembered it? -- There are a lot of other things which were mentioned there that I cannot remember up to now while I am standing here.

I see. Do you recall whether accused no. 16 said (20) that promises were made by the councillors at the time of the elections that rents would not be increased? Did accused no. 16 say that? -- I remember it is as if he did make mention of that.

Oh, yes. And did he go on to say that despite those promises they are the people who now increased the rents? -- I agree with you there.

Do you recall whether he said that the government was responsible for building separate or apartheid housing? -- That I do not recall. (30)

Does that mean it was not said or you are not sure whether it/.....

it was said or not? -- I cannot be sure of that having been mentioned or not.

Can you recall whether he said that if the government was responsible for building these apartheid houses the government should be responsible for paying the rent? -- I do not remember those words.

Is it possible that they were said but you do not remember them? -- It is possible.

Yes. Did accused no. 16 call upon the councillors to resign for a breach of their election promises? -- What he (10) said was it is long that they were being asked to resign and they are refusing to do so.

Did he call for their resignation? -- What he said is it is long that they are being, or it was being said that they must resign and they are refusing to resign.

Did he not say, did he not suggest that a fresh call should be made for them to resign? -- No.

Did none of the speakers call upon the councillors to resign, at that meeting? -- It was being said there that they must leave the work, meaning they must resign. (20)

Who said that they must resign? -- During that period or at that stage it was just a noise by everyone saying they must resign.

Do you say that none of the speakers that spoke from the platform on 19 August 1984 called for the resignation of the councillors? -- Accused no. 16's words were "You have got the power and you therefore have to press on them to resign."

I see. So is that not a call for resignation of the councillors? -- Well you can give it that way.

Well why do you have doubts now as to whether it can (30) be viewed this way, and why, whilst you are about it, did you/....

you deny that there was a call for their resignation? -- I never said there was no call for their resignation. In answer to the question I said words uttered by accused no. 16 were that "You have the power therefore you must press them to resign".

Well subject to His Lordship's concurrence I will read to you the precise words that you uttered.

COURT ADJOURNS UNTIL 14h00.

C87 COURT RESUMES AT 14h00.

COURT: I would like to place on record that Advocates (10) Sogget and Krause came to see me in Chambers and requested permission for the lifting of the embargo on the record in respect of In Camera witness no. 8. That I granted them permission to borrow Volumes 16 up to and including 23 of the evidence which contains the evidence of In Camera witness no. 8 in order to use that in their trial in front of VAN DER WALT, J. which is also held in camera, the conditions being that no copies were to be made and that the name of the witness is to be deleted at the top of the pages where it appears if this has not already been done. (20)

MR BIZOS: As Your Lordship pleases. Your Lordship's decision was communicated to me by My Learned Friend Mr Sogget and appropriate steps were taken in accordance with Your Lordship's order.

IN CAMERA WITNESS NO. 9: d.s.s. (Through Interpreter)

FURTHER CROSS-EXAMINATION BY MR BIZOS: As a result of certain information which we received during the adjournment I am going to ask His Lordship leave to depart from what I was putting to you because we may have to check on a number of things and I am going to go on to another topic and (30) then come back to accused no. 16. You say that you live

in/.....

in the Escom residential area? -- That is so.

Is that not an area in which only employees of Escom live? -- That is so.

And how does an employee of the SABC come to be living in an area which is exclusively for people working for Escom? -- My wife she is a secretary to that company.

Your wife is working there. I see. Now please tell me whether prior to this date, 19 August 1984, which was the previous meeting, which was the previous political meeting that you attended in your capacity as a reporter? -- During (10) that period most of my time I spent outside to go and hire some part time correspondents for us.

No please when did you last attend a political meeting prior to the 19th? -- That was the Basuto meeting which was held in Heidelberg.

Under whose auspices was that meeting held? -- The Chief Minister from Qua-Qua.

Now could we leave that out for a moment. Could you please tell me at which similar meeting to the one of the 19th, where you say political activists were present, which (20) meeting did you attend? -- I cannot remember attending a meeting similar to this one during the year 1984.

Or 1983? -- Even during the year 1983 because my duties were different, entirely different from this kind of a job.

Could you please tell me whether you, prior to 19 August 1984, ever attended a political meeting at which speeches were made where you attended it as a reporter of the SABC, any meeting? -- There is none.

Have you never been to any meeting in your capacity as a report where you presented a card, or any other sort of (30) evidence that you were a reporter, before the 19th? -- Well those/....



those are many.

No, any meeting, any meeting at which political speeches were made in the township by political activists? Political meetings in the townships, which political meetings in the townships did you attend in your capacity as reporter? -- I have not been to a meeting of that kind.

So that if we were allowed to have a picture of yours and show it to all the reporters from all the newspapers that have attended those meetings would the answer be "We have not seen this person as a reporter at any of the meetings we (10) attended"? -- It can be that it is so.

Not it can be, will it be like that? -- Pertaining to such meetings that is true.

Yes. So that you have never made an appearance in your capacity as a reporter at any of the meetings in the various townships in the Vaal Triangle or the Witwatersrand, or anywhere else in the country in your capacity as a reporter? -- Yes that is pertaining to such meetings.

And if we had a similar picture and we showed it to all the people that attended meetings after the 19th of August, (20) that attended meetings as reporters, would the answer be the same for this kind of meeting? -- That will be so.

Right. Now have you attended such meetings in any other capacity than as a reporter? -- Yes I have attended one without being on duty.

Which one? -- Quite a good number of them I attended because even during the time I was in Soweto I used to attend these meetings though I did not keep a record of the meetings that I attended.

As a reporter or as a private individual? -- As a (30) private individual attending any kind of a meeting.

I/.....

I see. Are we to understand then that prior to 19 August 1984 the only meeting in respect of which you filed a report was this one on 19 August 1984?

COURT: That is a bit difficult because he could not have filed the report prior to the 19th on the meeting of the 19th.

MR BIZOS: I am sorry, I realised as soon as I finished the question. May I amend it My Lord? Is it correct that the only report that you filed with the SABC in relation to this kind of meeting was in August 1984? -- Yes with the SABC.

Now who else were you filing reports if not for the (10) SABC? -- I heard the interpreter talking about newspapers.

Were you a newspaper correspondent as well? -- Not at all.

Well what is this introduction of the newspapers, I do not think that His Lordship and I understand? -- I heard the interpreter talking about newspapers, that is why I made mention of the SABC only.

COURT: No this is not very clear to me. Counsel was attempting to enquire from you whether you had first of all prior to just after this meeting of August 1984 had filed any reports in the line of duty. And the answer you gave, as I understood it, was no. Is that correct? -- That is correct. (20)

Yes?

MR BIZOS: Who else have you filed reports for? -- No one else except for the SABC.

So you only filed one news report and that was in August 1984? -- That is true.

Were you speaking the whole truth when you told His Lordship that you were a well known political commentator and a reporter, were you speaking the truth? -- My duty is not only strictly on this going out to look for news, that is (30) political news, but my duty is wide, it is a wide scope of

a duty.

Who do you get paid by? -- SABC.

How much? -- Are you asking me to make public what my income is?

What is your objection to it? -- Well because I believe no one can just openly mention what his income is in the public.

Well have you got any objection which you want to offer His Lordship as to why you should not disclose how much you are earning from the SABC? (10)

MNR HANEKOM: Edele ek maak beswaar teen daardie vraag. Ek dink dit is irrelevant vir die antwoord wat my Geleerde Vriend op daardie vraag will hê, wat die man se inkomste is.

HOF: Ek dink mnr Bizos wil vasstel of hy inderdaad vir die SAUK werk.

MNR HANEKOM: Soos die Hof behaag.

HOF: Dan dink ek kan dit dalk relevant wees.

MR BIZOS: My Lord Your Lordship, with respect, has correctly drawn the conclusion. We have information that the, that he has not correctly described his functions to Your Lordship. (20)

COURT: Yes very well.

MR BIZOS: Are you in the full time employ of the SABC? -- That is so.

And you receive no salary from anyone else? -- That is true.

Well we may come back to that. Now tell me this, if you only filed one report why did you not say so before? -- It is because I was not asked how many reports I filed. I was being questioned about this particular meeting and therefore answering questions pertaining to this meeting. (30)

You said "When we file our reports the next day we have meetings/....

meetings in which we are told why our reports have not been published." Have you forgotten that? -- That is true, it is because I am not alone there, there is many of us.

Do you say to His Lordship that you were being frank and telling the whole truth when you said that "we file our reports and the next day we have meetings and we are told why our reports have not been published." Do you say that that is consistent with your present evidence that you only filed one ever report with the SABC? -- The question was in fact based to this particular meeting which was a meeting con- (10) cerning politics and my reply to the question was based on the fact that we are now talking about a political meeting. Otherwise there are many other things which, on which one reports and only to find that after filing a report the report is not put in broadcasting. As such we then discuss these things the following day.

Were you telling the truth to His Lordship consistent with your evidence now that you only filed one report, when you told His Lordship that you had a note book like the reporters in court and that it was full of reports and it (20) was destroyed after a certain period? -- In other words do you want this Court to understand that that book was full because of the political meetings?

COURT: Well let us get clarity now. Please tell me what your week consisted of in let us say the week ending 19 August 1984? Roughly what sort of work did you do that week? -- In most cases I would say during that week part of our duty is to sit together and discuss the comments about a subject which has been given. Now a comment in a sense that it must be a political comment on that. Then thereafter you are doing (30) administrative and that is one, you can call it office work, receiving/.....

receiving of the news, it can be political news or not but you are there to receive the news in the office. That is part of my other duties that I do.

Yes, what else? -- I will say those are the other duties I do.

Now were you a man in the field or were you a man in the office? -- In most cases I am in the office.

MR BIZOS: Now I will return to my question. Did you feel that you were being completely honest when you told His Lordship that you were a reporter and that you were, (10) partly a reporter, let me put it completely fairly. That you described yourself both as a political commentator and a reporter and that your book, such as was held by the reporters there, was full of notes which you destroyed as soon as it was full? Were you being completely honest? -- I told the Court about what I was doing at the time, which was my duty.

Have you attended political meetings of activists as you defined them this morning to His Lordship? During 1984 other than this meeting? -- There are some of the meetings I attended in my private capacity. (20)

Not on duty? -- Not on duty.

This was the only meeting that you ever attended as part of you duties? -- That is true.

Ever? -- During the year 1984.

And 1983, did you attend any meetings as part of your duties of political activists during 1983, as a reporter, as part of your duty? -- I never attended such a meeting.

In 1982? In 1981? -- I cannot remember, it is long back. 1981 is also long.

You cannot remember attending such meeting? -- You (30) forget one thing, one's life changes year after year and therefore/.....

therefore the kind of work or jobs he is doing changes year after year.

For how long have you been employed by the SABC? --  
Sixteen years.

As a reporter? -- No.

As a what? -- I started as an announcer.

Yes, and then? -- And then I was a co-ordinator of sport actuality.

Actuality, and then? -- Sport and actuality.

And then? -- Then I became a reporter. (10)

From when to when? -- From 1980 up to 1983.

What sort of functions did you attend in order to report during from 1980 to 1983? -- I was attending a lot of different meetings, for instance school meetings, councillors meetings and functions amongst the community.

Right. Which meeting of political activists did you attend in your capacity as a reporter, openly as a reporter, from 1980 to 1984? -- I have never been to a meeting of that nature while being on duty.

COURT: Could I just get now the full picture. From 1980 (20) to 1983 you were a reporter. Is that a general reporter, you do social, you do sport, you do politics, you do local politics, schools, anything? -- Yes I was a general reporter.

Now from 1983? -- I then became a sub-editor.

Up to the present? -- Up until last year.

And then? -- Then I was promoted to a position of a chief sub-editor, up to now.

MR BIZOS: Right. Now I want to get absolute clarity in relation to one of your answers because I do not want any misunderstandings later. I asked you which meetings did (30) you attend openly as a representative from 1980 to 1984 of,

held/.....

held by political activists, and your answer was "I have never been to a meeting of that nature on duty". Do you agree with that answer? -- Yes I agree with that.

You do not want to define any of the terms in order to avoid any misunderstanding? -- That is true.

And would you stretch it beyond 1984 up to 1986? -- That is so.

That you have never been to a political meeting at which activists were present in your capacity as a reporter or as part of your duty throughout this period? Is that correct? (10)  
-- That is true.

Now I want to read to you what His Lordship's question and what your answer was. "By watter soort ander geleentheid het u hierdie gedig gehoor?" Listen to your answer, "Verskeie vergaderings in uitvoering van my pligtings en die diens, by plekke soos by die jeugorganisasies, wat betrokke is in sekere soort politiek". En jy is toe gevra om voorbeelde te gee, and the answer was "Azanian Youth Congress, COSAS en nog andere." Was that the truth? -- Yes that is the truth.

Well I am waiting for your explanation for the obvious(20) contradiction, with considerable interest? -- I did say that, that is true. Some of the meetings of that nature I did attend in my private capacity as a citizen but all the same while being there I learn a lot of things in the line of my kind of duty that I do and therefore that is why I made mention of such.

Are you a police informer? -- No I am not.

And do you hold out falsely that you, if you are asked at any meeting that you are there reporting for the SABC?

-- No there is no such that happens.

(30)

Right. I did not expect you to admit it.

COURT:/.....

COURT: Well Mr Bizos is that a question?

MR BIZOS: As Your Lordship pleases. Would you have admitted it if you were a police informer?

COURT: Well that is irrelevant Mr Bizos.

MR BIZOS: As Your Lordship pleases.

COURT: Ask your next question.

MR BIZOS: Now why was this meeting different to all the other meetings? -- I stay in the Vaal because of it being nearer I requested to go there. I was requested.

COURT: You were requested? -- I was requested. (10)

INTERPRETER: That is a correct from the witness.

MR BIZOS: You see I am going to suggest to you that if you were at this meeting you were there in the manner in which it was described by your companion, the sergeant from the security police, as one of his friends? Who did not take notes.

COURT: Do you want him to concern himself with the taking of notes by the sergeant or do you want him to concern himself with whether he was requested by the sergeant to come along?

MR BIZOS: I had better split it up My Lord. Now whose request were you responding to by going to this meeting? (20)  
-- Of my senior editor.

Your senior editor. Now if you had attended so many meetings in the past in your private capacity was there any reason why you did not attend all these meetings at which you say you attended in a private capacity, why you should go as an ordinary citizen and not as a senior employee of the SABC?

COURT: Do you mean the other meetings or this meeting?

MR BIZOS: No the other meetings My Lord.

COURT: Well he has spoken about a lot of meetings. He said he was at meetings in Soweto as well. Now please pick a (30)  
meeting or two and then go on that.

MR BIZOS:/.....



MR BIZOS: Right. Now at the meetings at which you say, at the COSAS meetings and the Azanian Youth Organisation meetings that you went to as a private citizen why did you go as a private citizen and why did you not go to the chairman and say "Here I am a senior employee of the SABC with my notebook because I do not want to rely on my memory I want to write down as part of my duty"? -- I said I was not on duty there, therefore it was not necessary for me to be keeping notes or writing nor introduce myself to anybody.

Tell me, like a policeman is not a reporter always on (10) duty if there are newsworthy things going on? -- That is true, you are always on duty.

You are always on duty. Now was there not anything noteworthy at any of these COSAS or Azanian Youth Organisation meetings or the other meetings of political activists that you attended in your private capacity worth while reporting? -- I have colleagues in such meetings of such nature who are taking notes. Then therefore it is not necessary that we go and duplicate the same thing in the same meeting.

Had it never happened that once you were going to be (20) there that for the sake of convenience you could give one of your colleagues on the SABC an afternoon or an evening off, for you to go and take the notes and let him enjoy the free time? -- Once a person is assigned for a duty at a place then he is assigned. There is no possibility or it is not permissible that someone else must come and take over your assignment.

So that this was a most exceptional function that was performed on the 19th? -- I was assigned for that.

What is the name of the person that assigned you? -- (30) Poen Oelofse.

When/....

When did you hear about this meeting, or did he hear about this meeting of the 19th? -- Like people who are dealing with the news we keep a diary and then we hear about certain meetings and then record them that there is a meeting on such a day.

As a resident of this area did not the information come from you? After all who was better equipped on the local scene than you?

COURT: That is again two questions. Who was better equipped on the local scene than you, and as a resident did the information come from you? Which one do you want answered (10) first?

MR BIZOS: Well did you personally know that there was going to be a meeting, irrespective of the ordinary course of entries in the diary? -- I came to know, yes.

So you knew about this meeting before it was in the diary? -- That is true.

Now incidentally at these meetings that you now say you attended in your personal capacity did you see SABC reporters at these meetings? -- I would not say I saw them because I was not there to go and look or see if they were there. (20)

Did you ever attend a meeting in your private capacity at which you saw one of the SABC reporters? -- Yes they are there.

Yes, openly with their notebooks, sitting with their reporter colleagues? -- That is true.

Yes. You are not going to suggest to us that you did not take your position at the reporters section of this meeting of the 19th out of fear because you were from the SABC are you? -- I was not scared of anything.

Right. So I will ask you again there, I know that (30) I asked you yesterday, once you had been officially appointed to/.....

to attend this meeting for the first time ever, and you knew of the custom why did you not go to the chairman? -- It is because I did not see any particular place which was reserved for the press people or for a particular class of people.

Now once this was a solitary report, once this was a solitary report that you ever made in your capacity as a reporter to the SABC was the commission of a crime by accused no. 16 discussed by you with your superior or superiors? -- I do not understand when you talk about his having committed a crime. Who is having committed a crime? (10)

Did it not occur to you that accused no. 16 had committed a very serious crime in your presence? If what you say is true? -- I do not understand what you mean by a crime he has committed, as to what crime are you talking about.

Did you not know that it was a crime for a person to publicly say that others must be killed, burnt? Their property destroyed. Did you not know that it was a crime? -- That is why it was contained in my report.

Well, I see. So you reported because you thought a crime had been committed? -- It is not for me to say whether he (20) is guilty or not.

Yes. Did you think that he had committed a crime? -- I did not see anything about having committed a crime because this man is merely expressing his views.

Oh to tell people go and kill councillors and go and burn their property is merely expressing his views? -- He was expressing his views to the listeners there, the people.

And do you consider that as the freedom of speech that we all should enjoy? -- It is not for me to say that.

Well what I want to ask you is this, did you or your (30) senior editor, as soon as he saw this report, say this is a

matter/....

matter for the police, you must immediately go and report this matter to the police. This is a most dangerous agitator?

-- There were police present at this particular meeting, therefore there was no reason for us to act as police.

You are not going to say that there was an incitement to murder, to arson, to malicious injury to property visibly in the presence of the police? -- They were present.

Visibly for all to see? -- It is not for me to say who was known as a policeman in that gallery or not.

Well do you claim any special knowledge as to who is (10) a policeman and who is not a policeman from the district of Sharpeville? -- That is if they are police resident in Sharpeville.

Yes, and you saw police resident in Sharpeville in that meeting? -- I saw him.

Tell me what is the Azanian Youth Congress? -- I do not know except that I know it to be an organisation for the youth.

And you are sure of its name? -- I am not quite certain with the name. (20)

For a senior political commentator and a reporter who in his personal capacity attended many meetings you do not know whether, the name of the Azanian Youth Organisation is? -- There are so many of these organisations and there is so much similarity in their names that at times you will not know whether there is this one or this one in sort of disassociating them from the others.

You are not going to tell His Lordship that the senior political commentator of the SABC does not know the name of the Azanian Youth Organisation? (30)

COURT: I am sorry, was it Organisation, not Congress?

MR BIZOS:/.....

MR BIZOS: Yes there is no such organisation as the Azanian Youth Organisation, or Youth Congress.

COURT: Well let us get it straight now, what is put, the senior political commentator does not know?

MR BIZOS: What the name of the Azanian Youth organisation is.-- There is that thing of making a mistake when you write about a certain name of an organisation and therefore that is why when you are writing you first have to make sure and be certain of the name.

What does COSAS stand for? -- This stands for the, (10)  
those who are at school or who are attending school in South Africa.

Is it an acronym or do you not know whether it is an acronym or not? -- It stands for the organisation of those involved with education.

What do the letters stand for, COSAS, what do they stand for? -- Congress of South African Students.

Yes eventually you got it. You have been to meetings you told His Lordship, to so many meetings that you know the poem so well? Is that right, you have been to so many meetings (20) of these youth organisations that you know a poem which is regularly recited there particularly well, consisting of four lines? Three or four. Three lines. -- What I know is it is being said there.

In English? Did you hear this poem in English? -- Yes it was in English.

With His Lordship's permission please put the microphone in front of you and tell us what he said in English, what this poem is in English, let us hear it in English. -- Even though I do not know the exact wording in it because I do not (30) really very much take it into consideration or give it sort

of/.....

of some attention.

Please tell us this well known poem in English as it was said? -- "Africa, Africa come back to me."

Yes? "Africa, Africa come back to me." Yes the next line? -- The next line is as if it, no I cannot remember what is the next line.

In English, and the line after that if you remember at all? -- I can only explain it to you in Sotho.

But you know for the senior political commentator of the SABC one would have expected him, if he had assured His (10) Lordship that the poem is particularly well known and it was recited in English to remember three lines of poetry in English if it is so well known. -- That is provided I wanted to learn it.

Did you not tell His Lordship that you knew it well? -- I said I know it though perhaps I may not put it in proper sequence.

Yes? Well perhaps you had better give us all of it that you know even though you may not know it in proper sequence. English please. -- What I said yesterday was "Africa, Africa (20) come back to me."

Yes, any more of it that you remember? -- "You are what I am and what you are I am", that is the next line.

Can you remember any more? -- I cannot remember more than that.

Well I am informed by the accused, who have attended many of the meetings that you are supposed to have attended as a reporter or in your private capacity and I am assured that there is no poem that starts "Africa, Africa come back to me". There is a slogan, Mayebuya, which means come back, but (30) there is no such poem. -- Well that is their view.

Not/.....

Not their view. What their evidence is going to be and of many other people if need be. -- Well I cannot say anything about that.

Do you know the slogan Africa Mayebuya? -- Yes I know Mayebuya e Africa.

Yes I am told that the word order is interchangeable. Do you know of any other context in which this expression is used? -- No.

Are you sure that you have not perhaps heard in your duties as a political commentator, or any other duty that (10) you may perform, that at one or other meeting you might have heard this poem, "They came from the west sailing to the east with hatred and disease" etcetera, and then what might come very near ....

COURT: Now just a moment. Does the poem say "etcetera"?

MR BIZOS: No My Lord.

COURT: Well just tell the witness that you are leaving part of the poem out.

MR BIZOS: Right. Are you sure that you never heard the words "Africa my beginning and Africa my ending"? Have (20) you ever heard those words? -- I have not heard that.

You never heard that. Can you, have you ever heard the words "Africa, Africa come back my mother's land"? Have you ever heard that? -- Yes that one I heard.

Where did you hear that one? -- I cannot remember exactly where but I know those words.

You did not hear them at the meeting of the 19th? -- It can be that I heard the words there.

But you are not sure? Now just, did you ever hear the words "I am because you are and you are because I am"? (30) -- Yes I heard those words.

Are/.....

Are those the words that you say you heard? -- Those are the words I think I heard.

You think you heard. Now tell me how many meetings in all do you say you attended, of this type where the activists were present, from 1980 to 1985? How many in all? These meetings, of COSAS and of the Youth Congress, how many? -- I cannot give you a number, for instance as to say many meetings I attended but what I can say is I attended such meetings.

Give me some, please start with the first one that (10) you remember? Where was it, who was the chairman?

COURT: Before we get into these meetings would this not be a convenient time for the adjournment and the witness can think about it and he can give you all the meetings where he was.

MR BIZOS: Well My Lord I want one or two, with respect, in order to expedite the proceedings by checking them and I would appeal to Your Lordship to be ...

COURT: Well I will give you five minutes Mr Bizos.

MR BIZOS: Thank you My Lord. Please give me the first (20) one that you remember. Where was it? -- I would not be able to remember these meetings which are being held daily all over.

I am not asking you about the meetings that are held daily, I am asking you the first that you remember that you have been at? - Say a meeting was held during the year 1983, I will not be able to remember where this meeting was held.

Can you give His Lordship now, as you are there standing, any meeting which you attended by identifying more or less the time, the place and who the chairman was? Any meeting please (30) so that we can check on it? -- Not at the present moment while

I/.....



I am trying to think.

Do you have any records perhaps of any of the meetings that you attended that you can assist us with? -- No I do not have such records.

I am indebted to Your Lordship for the opportunity. I do not think I will ask him to bring a list tomorrow.

COURT ADJOURNS UNTIL 21 FEBRUARY 1986.

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

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