

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA
(TRANSVAALSE PROVINSIALE AFDELING)

Ass. 2

SAAKNOMMER: CC 482/85

DELMAS

1986-02-13

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORE: MNR. W.F. KRUGEL

PROF. W.A. JOUBERT

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

(IN CAMERA WITNESS)

VOLUME 23

(Bladsye 1099 - 1148)

COURT RESUMES ON 13 FEBRUARY 1986.

LC 8

d.s.s. (Through Interpreter - In Camera)

FURTHER CROSS-EXAMINATION BY MR BIZOS: As you came out of the side street and joined the procession on the tarred road you told us that you joined the procession in about the middle?

-- That is so.

And that you no longer acted as marshall? -- That is so.

Except for trying to save the Post Office? -- That is so.

As you turned onto the main road and started walking with the procession towards Houtkop is there a bus shed there? (10)

-- No there is none.

Are you saying definitely that there is none between that spot where you came onto the road right up to Hunter's Garage?

-- That is so there is none.

There is none you say.

COURT: Is there no bus stop?

MR BIZOS: There is no bus shed he says.

COURT: Bus shed. What is the difference between a bus shed and a bus stop?

MR BIZOS: I am sorry there may be a difference and I may (20) be putting it wrong.

COURT: Is a shed a shelter or a shed where you store the buses?

MR BIZOS: It may be that it is my conflict that this conflict has come about. Is there a bus passenger shelter, a bus, not for buses but for people?

COURT: A bus stop with a shelter for the passengers.

MR BIZOS: With a shelter for passengers? -- No there is none.

COURT: From where to where Mr Bizos? Along the road to Houtkop? (30)

MR BIZOS: Along the road to Houtkop in Zone 11.

COURT: /.....

COURT: In Zone 11.

MR BIZOS: To make it more specific. -- From where I joined the procession there is no bus stop with passenger shelter.

My instructions are that there is and that it was not in any way destroyed. -- There is one just before the corner on which I joined the procession.

COURT: Just a moment. -- Right at the back.

I have here EXHIBIT AAQ(5) and on AAQ(5) I have "Zone 11 bus stop". Did you join the procession before that bus stop or did you join the procession beyond the bus stop? Will (10) you have a look at my exhibit please. -- The street I am referring to is beyond this bus stop. You pass the bus stop first and then get to that street through which I came to join the procession for the second time.

Yes, so your evidence is incorrect when you said that you took the first road to the right and joined the procession, if that map is correct of course, because according to that map it would be the second one to the right from Motjeane's house? -- The position is from Motjeane's residence the route I followed to join the procession in the main road, the (20) street which turns into the main road is ahead of the point where the bus stop is situated. In other words if I was walking along the main road I would have passed the bus stop first and then come to the corner of the street in question with the main road.

So that street is beyond the bus stop taking into consideration the route of the procession? -- That is so.

MR BIZOS: Be that as it may was the bus stop shelter you are referring to, or any other bus shelter on the route of the march destroyed after the intersection? -- I cannot (30) testify about this particular bus stop referred to here, that

is/.....

is the one immediately after the intersection, because when I joined the procession it had already passed this particular bus stop. Therefore I do not know what happened to it. The only bus stop I can testify about is the one ahead further on, that is the bus stop at Fowler.

Could you ... -- Which was attacked.

Could you give us some indication of how far the intersection that you came onto the main road on, how far that intersection is from the bus shelter you are referring to?

-- It is about the distance, the length of the courtroom. (10)

COURT: From where to where? -- From the corner of the street joining the main road, that is where I joined the procession to the bus stop I am referring to.

MR BIZOS: About 25 metres My Lord?

COURT: Yes.

MR BIZOS: As Your Lordship pleases. Now was the procession stopped by the police at the street which separates Zones 14 and 13? -- That is so.

Past Hunter's Garage? -- Yes in the vicinity of Hunter's Garage. In fact the police were standing in this street (20) which separates Zones 13 and 14.

And Hunter's Garage is near the previous intersection from the street that separates Zone 13 and 14? -- That is so.

And just for the sake

COURT: Is Hunter's Garage on the main road? -- That is so.

MR BIZOS: And to make it absolutely clear Hunter's Garage is on or near the corner of the street that separates Zone 10 from Zone 11? -- That is so.

Now had the procession gone past the street that separates Zone 10 and Zone 11 and had it reached the street that (30) separates Zone 13 from Zone 14?

COURT: /.....

COURT: Just before you answer that have these streets got names or numbers? -- The streets in Zone 11 do have names but I do not know their names.

Do you remember the question? -- Yes I do.

Yes please answer. -- Only a few of the procession people had gone across or past there. The police were still standing where they were.

MR BIZOS: Had, have you finished? -- Yes.

Had the main body of the procession gone past Hunter's Garage and was it between Hunter's Garage and the inter- (10) section of the streets separating Zone 13 and 14? -- Only a few had passed Hunter's Garage, not a great number. Because when we emerged there for the first time you are sort of going uphill towards Hunter's Garage, so when we emerged we could see the police standing there. It was then therefore impossible for the majority of the procession to have proceeded towards that point because everybody had realised that the way in this procession was no longer clear.

Did the procession go up to the police? -- No the procession did not go up to the police. Only a few tried to (20) go to as far as the police and at the same time, during that period a helicopter then emerged.

Did you yourself reach Hunter's Garage? -- Yes as I said in my evidence earlier that a few had gone past the Hunter's Garage. I was one of the few referred to by myself who had passed Hunter's Garage.

What do you mean by a few? -- By that I mean we were many people in this procession and not all or not a great number of these people in the procession proceeded towards the intersection but only a few from these people proceeded (30) further on.

How/.....

How many hundreds or thousands would you say the procession consisted of when it reached Hunter's Garage? -- We were quite many prior reaching Hunter's Garage and at the time when we reached Hunter's Garage but only a few went past as I have already said. In number I am not in a position to tell as to how many thousands were there in the procession at the time when it reached Hunter's Garage.

Would it be correct to say that hundreds or thousands reached the premises of Hunter's Garage with the intention of going to Houtkop if the police were not there? (10)

COURT: Thousands or hundreds?

MR BIZOS: Hundreds or thousands My Lord.

COURT: Well why do you not make it ten thousands as well, make it easier for the witness. Say it is hundreds or say it is thousands but do not say hundreds or thousands. There is quite a bit of a different.

MR BIZOS: Right. Well I wanted him to make a choice because he does not give us an indication.

COURT: I see, yes.

MR BIZOS: Had the main body of the procession, of which you (20) were part in the middle, reached Hunter's Garage? I am not talking about the intersection where the police were, Hunter's Garage before the intersection? -- When the procession, that is the people right in front of the procession, reached Hunter's Garage I left from where I was in the middle of the procession and went ahead to join those right in front of the procession. At that time when we reached Hunter's Garage we were quite many, I am not in a position to tell how many thousands though.

So had the police not been at the intersection that (30) separates Zone 14 from 13 the procession would have continued

on/.....

on the road to Houtkop? -- That is so because that was in fact the aim.

And they were singing presumably "Siyaya e Houtkop" as they were going along? -- That is so.

Did you by any chance know where Mr Mahlatsi lives?

-- Yes I knew where he lived.

Yes. Where did he live at that time? -- He was staying in Zone 11 along the street which separates Zone 10 from Zone 11.

COURT: We are now referring to Mr Mahlatsi, a councillor. (10)

MR BIZOS: The Mayor.

COURT: The Mayor.

MR BIZOS: The Mayor.

COURT: Yes, is that understood? -- Yes.

MR BIZOS: But now why did not the march turn to the left before it reached Hunter's Garage to go to the Mayor's house? -- What was happening in their mind which made them not to turn to that direction I do not know what was happening.

COURT: How far was the Mayor's house off the route? -- It is quite far. (20)

MR BIZOS: Give His Lordship the distance, what you call quite far? -- I estimate the distance to be from where I am standing in the witness stand to the crossroads just when you enter Delmas, in this direction.

COURT: Is that beyond Checkers? -- Yes.

MR BIZOS: You are sure about that?

COURT: That would then be more than 500 metres? -- That is exactly the point why I say it is quite far, though I do not know how many metres but it is quite far from the point of the main procession. (30)

Which place are you indicating that is beyond Checkers?

-- The/.....

-- The crossroads I am talking about is the one you get to, for instance if you were to drive along the street here past the Police Station, to that main road then turn right at that main road, the four-way stop ahead there is the crossroads I am talking about.

MR BIZOS: Well if it is as far as that I would say that it is more than half a kilometre.

COURT: More than half a kilometre. It is put by one of my Assessors it might even be one and a half kilometres.

MR BIZOS: The distance, the spot shown by the witness I (10) would agree with respect. My instructions are that it is approximately a hundred metres away from the main road. -- If for instance I knew how far is 100 metres from where I am standing now it was indicated to me, I was going to be in a position to tell you whether I deny or agree.

COURT: 100 metres would be approximately four times the length of this court. -- No.

MR BIZOS: Well let us try it out another way which is how many houses are there between the corner and Mr Mahlatsi's house? -- That I do not know. (20)

Is it, well

COURT: Well Mr Bizos you will have to get a proper map on which all these sites are marked and it will cut out a lot of cross-examination. It may well be that he thinks that Mr Mahlatsi's house is one house and you have in mind another house.

MR BIZOS: Another house, it is possible. But now what I am going to put to you is this, if the intention of the march was to do damage to councillors' property and kill them once the police were seen ahead and the exhortation that you (30) spoken of by Mr Raditsela had in fact taken place here was

an/.....

an opportunity to make good what Mr Raditsela had asked you to do? -- As I said when we emerged there police were already standing and waiting and not very long after we emerged there the helicopter also emerged at the scene, which then deprived the people of any chance of talking about anything or taking any decision except of course to run away, the reason being that the helicopter then threw some tear smoke.

But the helicopter threw tear smoke when the vanguard of the march had reached the intersection where Zone 13 is separated from Zone 14? -- No that is before the vanguard (10) reached that point because the police are the people who were at that point.

Yes. How far was the vanguard from the police when tear smoke was used for the first time? -- The vanguard was approximately a distance from where I am in the witness stand to this building here with the silver roof.

COURT: That is the house across the street? -- Yes.

70 metres.

MR BIZOS: As Your Lordship pleases. You see I am going to put to you, to give you an opportunity to comment because (20) we are going to argue this to His Lordship, the Raditsela speech is not mentioned at all either in the indictment or in the further particulars that have been placed before His Lordship.

COURT: You must not answer now, counsel is putting to you his whole story, what he is going to tell me and then you can say well I have no comment or I have the following comment.

MR BIZOS: You have already told us that you mentioned this speech to Mr Kruger in December?

COURT: Wait a moment Mr Bizos. You were going to put to (30) the witness what you are going to tell the Court and you are

going/....

going to ask his comment on it.

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MR BIZOS: Yes.

COURT: You tend to start off happily on that path but when you have made your first statement you deviate from it. Now you are asking him a question again, then he must comment on the first part first.

MR BIZOS: No My Lord I want his comment having regard to what he has already said. He says that he mentioned ...

COURT: You put to him that Mr Raditsela's speech was not in the indictment and not in the particulars. I thought you (10) were going to put to him further and further I am going to tell the Court that this and this and this is entirely against your version now what is your comment. Now you are asking him further questions. Then you must give him a chance to reply to this first statement.

MR BIZOS: Would you like to comment on the first statement that I have made? -- Yes I would like to coment to that.

Yes? -- That Raditsela's address or speech is not in the indictment or the further particulars I do not know. What I am saying is in my statement I did make mention of that. (20)

In which statement did you make mention of it? -- During the interrogation and when they were taking my statement, that is Mr Kruger.

Was this before or after June 1985? -- It is before June 1985 which is last year.

And the words that you put into Mr Raditsela's mouth were in your statement when you signed it you say? -- Those are not the words I put in the mouth of Raditsela, and secondly the words I referred to as having been said by Raditsela were contained in my statement at the time when I signed it. (30)

Can you tell us how long before June you signed? -- I
do/.....

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do not know how long before June was that when I signed this statement because there was nothing important for me to remember between my signing of the statement and June at the time in order to pay particular attention as to what period lapsed between my signing and June.

You told us that you signed it after four months of detention? -- Yes, I am still saying that.

And you told us that the Raditsela speech was mentioned by you to Captain Kruger? -- That is so.

Was this during the four month period of detention (10) during 1985? -- Yes it is during that period but when I mentioned this to Mr Kruger it was prior to this period.

But was not that part of your statement taken by Mr Kruger, about the Raditsela speech?

INTERPRETER: My Lord the answer to the question to me it does not make sense. The answer is "Whether he took it or he accepted it or he noted it down it boils to saying that now." I am not clear what the witness is saying of the three, which one.

MR BIZOS: Let me ask you the question in another way to (20) avoid the difficulty. Did you see Mr Kruger from time to time during your detention in 1985? -- No.

You see I am going to suggest to you that you are now being consistent with the evidence that you gave earlier, that you had never seen Mr Kruger after November-December when you first mentioned it to him, but that was not your evidence a short while ago.

COURT: Was it not Mr Bizos? He says I mentioned it in my statement during interrogation by Mr Kruger.

MR BIZOS: Yes My Lord. (30)

COURT: It was before June 1985. It was in my statement when

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I signed it.

MR BIZOS: I was under the impression that he mentioned Mr Kruger during the four month period. But My Lord the record will speak for itself. Now is there any other possible comment that you want to make for the absence of this evidence from the indictment and the further particulars?

MNR FICK: Edele die Staat maak beswaar. Die getuie het reeds gesê hy weet nie wat staan eers in die Akte van Beskuldiging. Wat is die sin van die vraag?

COURT: You have asked him something which he actually (10) should not be commenting on, he has commented, he says "I do not know. It is in my statement." On what basis are you proceeding?

MR BIZOS: I will leave it at that. Now there are a number of details that I want to put to you about this march, and around it before turning to another aspect of your evidence. The yard next to Caesar Motjeane's house, is that a comparatively small yard about a third of the size of this courtroom?

COURT: That is now the neighbour's yard? (20)

MR BIZOS: The neighbour's yard. -- It is quite small but whether it is about a quarter of the courtroom or not I cannot pin myself down to that.

You refuse to tie yourself down to numbers in every other respect, are you persisting in telling His Lordship that there were a thousand people in that yard shortly before the attack on the person that you saw being killed? -- I never said in my evidence that there were a thousand people in the yard.

And in relation to the general vicinity are you insisting on a thousand? -- Yes I said a thousand plus, and I (30) still maintain it was a thousand plus.

Yes./.....

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Yes.

COURT: While Mr Bizos is looking at his notes may I have my exhibit back please.

MR BIZOS: Did you notice whether there was any unusual incident in the intersection of the main tarred road and the road separating Zones 13 and 14 shortly before the gas was, the teargas was dropped? -- I do not understand the question, can you repeat that question?

COURT: Could you be more specific if you have something in mind? (10)

MR BIZOS: Yes I do My Lord. Do you recall that there was a collision between two large police vehicles at this intersection? -- Not at the time when or while we were there. I did not witness that.

Right. If it did happen does that mean that you were so far back in the procession that you did not see a Hippo colliding with another vehicle? -- If that did happen, that must have happened later when I was no longer there. But at the time when I was there I did not see that. In that I mean in fact it did not happen. (20)

There are a number of details that I want to put to you in respect of which your evidence is going to be denied. Can you tell us what Mr Raditsela was wearing on that day? -- An Afro shirt.

Well I do not know what may turn on this but it will be said that he was actually wearing a UDF shirt, a UDF T-shirt and a black jacket over it. -- I saw him from the time we came there, he was wearing this Afro shirt.

And I am going to put to you specifically, in case there is any misunderstanding, that accused nos. 2, 5 and 13 (30) were not in the vanguard of the march either at the beginning or/.....

or at other times. -- They were vanguards of that march.

COURT: Is it put that they participated in the march but were not in the vanguard or is it put that they were not in the march at all?

MR BIZOS: No My Lord they were in the march but they were not in the vanguard.

COURT: They were in the march. -- I have already said that they formed part of the vanguard.

MR BIZOS: Now, I am reminded My Lord for the sake of clarity that in fact no. 5 joined the march after it had left the (10) Small Farms. He will admit he was in the march but that he joined it later. -- He was in the march when it left originally.

Now I want to get clarity before going onto the next subject matter. Were you or were you not on 3 September and for about a month to six weeks before that a member of AZAPO? -- I was a member of AZAPO.

Do you say that you were an ordinary member of AZAPO or a committee member of AZAPO? In the Vaal Triangle? -- At the beginning when I joined I was just an ordinary member but because of our secretary who was not active it was then (20) suggested by Oupa that I take over, which resulted in my acting as a secretary or being a secretary in some meetings, therefore taking minutes.

So would you say that you were a sort of acting secretary of AZAPO during the period that I have mentioned to you? -- Yes that is how I can put it, that I was an acting.

During the period June, July, August 1984? -- No only from June. No from June 1984 to September 1984 I was no longer active.

Would you now tell His Lordship whether or not you (30) attended any committee meetings of AZAPO Vaal Triangle during June, /.....

June, July, August 1984 or not? -- In June yes I did attend an AZAPO meeting. 108

One AZAPO meeting in June? A committee meeting? -- Yes it was a committee meeting.

Before or after 16 June? -- Before the 16th.

Did you attend any committee meetings of AZAPO after 16 June 1984 at all? -- No I never attended then thereafter.

Yes. Did you know what AZAPO's committee was doing from 16 June onwards until 3 September, did you know what AZAPO's committee was doing? -- Because I was no longer attending (10) meetings and that we no longer met frequently like before with Oupa I therefore did not know.

Insofar as there were any public meetings called by AZAPO during the period after 16 June to 3 September did you have anything to do with the organisation of any of those meetings? -- As I have already explained to His Lordship that I was not active after 16 June therefore it is impossible to have expected me to take part, or have done anything during that period.

Yes, now do you have any personal knowledge as to who (20) organised any personal meetings that may have been organised? -- That is so.

Now do you agree that you came, if you did come at all, to the meeting of 2 September at Father Moselane's, accused no. 3, church, you came late to that meeting if you came at all? -- Yes I came late there because on my arrival the meeting was on.

Would you like to venture a time when you arrived at this meeting? -- All I can say it was in the afternoon. What time I do not know. In other words that means I did not (30) check on my watch to see as to what the time was at my

arrival./.....

arrival.

Do you recall whether you could get into the church or not? -- As I have already said that due to the fact that I was late on arrival at this meeting I could not get into the church building, I had to take position standing by the door.

Did you have any information whatsoever, at any time, as to who had called this meeting? -- No I did not come to know as to who in fact was the convenor of that meeting.

Or who was responsible for the holding of that meeting?
-- No I did not come to know that. (10)

And you never found out? -- No.

And because you were at the door of the meeting you could not even really, and you came late, you could not really give any accurate reflection to His Lordship what sort of meeting this was as a whole? -- No because I did come to this meeting and I arrived there, listened to the speeches which were given, I am therefore in a position to tell His Lordship that from what I listened there in the speeches what kind of a meeting it was. Again to add to that I saw a pamphlet which makes it then clear that I knew exactly what was this (20) meeting about.

Do you know whether the pamphlet that you have referred to was discussed at that meeting or not? -- Not while I was there, not knowing of course prior to my arrival whether it was discussed or not.

Yes. And how did you come to hear that there would be a meeting there? -- I heard that from Oupa on the Saturday.

Yes. I am going to put to you that accused no. 2 will say that he did not see you before this and did not tell you anything about a meeting but that there was publicity in (30) relation to the meeting. -- Even though he can deny that what

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I know as a fact is the Saturday evening I was with him where he told me about a meeting which was going to be held at the Anglican Church in Sharpeville. Even if this meeting was published it was only publicised in Sharpeville and not in Sebokeng.

Now what I am going to put to you directly is that your evidence-in-chief that this was the, a meeting of the organisations AZAPO, COSAS, UDF and VCA. I am sorry My Lord I am corrected, although my note read that way on page 770 it (10) is AZAPO, COSAS, VCA and Civic, not UDF.

COURT: What are you putting now to the witness?

MR BIZOS: Well that it was, the evidence that it was a meeting of these organisations is incorrect.

COURT: Whose meeting was it then, what are you putting to him?

MR BIZOS: I will put to him that this was a meeting of an ad hoc committee consisting of Father Moselane, accused no. 3, Mr Peter Hlube and a Mr Nozipho, Miss is it, Miss Nozipho, yes I should have known from the No, Myezu.

COURT: Not representing anybody, just on their own, no. 3, (20) Peter Hlube and Myebu?

MR BIZOS: Yes My Lord. Closely connected with the church council of the church. What do you say to that? -- Whether this meeting was organised by them that I do not know but the organisations referred to by me, their pamphlets were there.

Yes. I am going to put to you that the presence of this pamphlet was a matter which was discussed at this meeting and people wanted to know what this pamphlet was doing there. But we will come to that. What I am putting to you is are you able to admit or deny that this and other meetings during (30) this period were called by these persons? -- I am not going

to/.....

to dispute that because I do not know who in fact called for this meeting to be held.

Right. And whose pamphlet do you say that you saw there? -- I said the pamphlet I saw there contained the resolutions by parents, youth, workers and the community or the inhabitants there. I do not know who in fact brought it or brought about that it be there.

Right. I am going to put to you directly also that the meetings held at St. Cyprian's Church were materially different to the political meetings that you have described. Would (10) you agree with that?

COURT: That is the meetings of which he has testified or other meetings?

MR BIZOS: No the meeting that he has testified, but I am putting it more generally My Lord.

COURT: Yes but he cannot speak of all the meetings ever held at St. Cyprian's Church.

MR BIZOS: Yes, the meetings that you, did you attend more than one meeting at St. Cyprian's during this period? -- No this was the only one I attended. (20)

And even for that you were late? -- That is so.

And what I am going to put to you that what you did see on this day was materially different to other meetings?

MNR FICK: Edele di Staat maak beswaar. Watter ander vergaderings vra my Geleerde Vriend?

COURT: Yes could you put it clearly. Are you saying that this meeting that he attended differed materially from other, from political meetings?

MR BIZOS: From other political meetings that he has attended.

COURT: Well was this a political meeting? (30)

MR BIZOS: It was a residents meeting, on our instructions, concerned/.....

concerned with the rent increase.

COURT: So were the others it seems.

MR BIZOS: So were the others My Lord, but they were not under the auspices either of the VCA or AZAPO or UDF or anyone else. This is the material, and the

COURT: Now could I just get clarity. Is it put to the witness that this differed materially from the other meetings that he may have attended of a political nature because of the persons organising it or because of the way in which it was conducted? (10)

MR BIZOS: Both My Lord.

COURT: Both?

MR BIZOS: Both My Lord.

COURT: Well put that to the witness. -- It is a lie to say that this meeting differed from the other meetings.

MR BIZOS: Let us just get clarity from you. You say that, are you going to tell His Lordship that there were freedom songs and Amandlas and Awetus? -- That is exactly so.

And the stamping of feet? -- That is so.

And smoking and shouting? -- There was shouting and (20) there was some noise and some singing inside the church and outside the church as well. Well pertaining to smoke I think that is out because a person can always smoke outside the church building.

And would you say that they were the same freedom songs sung at this, at the portion of the meeting that you attended as all the other meetings that you attended? -- Just exactly like that.

And there was no difference whatsoever to the portion of this meeting that you attended with the other meetings (30) that you describe in the Catholic Church, Zone 12? -- I did not/.....

not notice any difference.

Yes, and no different to the meeting where you recited your poem, your own poem? -- Maybe the only difference there can be that nobody was reading a poem or had to do a poem there.

Right, had you heard of what not the people themselves called themselves but what the name given by the media, the Press, given to this committee as the Sharpeville Anti-Rent Committee. Did you ever see that expression in any newspapers, in any ... -- Yes I heard about that. (10)

Now who was the Sharpeville Anti-Rent Committee? -- I do not know who these people are. All I can tell you Moselane is one of them, that I know.

Yes.

COURT: Moselane being accused no. 3? -- Yes this one.

MR BIZOS: But now if he was a member of AZAPO, as you have told us, and if AZAPO had a chairman in an executive and one of the aims of AZAPO was to oppose these rentals why was it necessary to form an Anti-Rent Committee? -- What is happening in his mind and what does he decide to do at what time and (20) when cannot be explained by me. Only himself and his God can know about that.

Yes. No but you see you characterised that meeting, being present there for just a short while you characterised it as an AZAPO, VCA and COSAS meeting.

MNR FICK: Edele ek maak beswaar, dit is nie wat die getuie gesê het nie, hy sê daar was mense van daardie organisasies daar gewees.

MR BIZOS: My Lord that is not my note.

COURT: I thought we had already dealt with that meeting. (30) are we going back to the meeting again?

MR BIZOS: /.....

MR BIZOS: Not of 2 September. My Learned Friend is wrong, on page 770 of the record:

"Dit was 'n vergadering van die organisasies as gegee in die Vaal Driehoek."

COURT: Yes, continue.

MR BIZOS: You characterised this meeting as a meeting of the organisations as a whole in the Vaal Triangle and you mentioned AZAPO, COSAS, VCA and the Civic, whatever that may mean. -- Yes besides their members being present there they had some posters with their names on, that is the (10) names of the organisations referred to.

Now in relation to document AN 15(2) do you recall, that is the translated pamphlet My Lord, do you recall that one who gave the name of Nana, a woman who gave the name Nana, do you recall such person taking the floor? -- No I do not.

Because I am going to put to you that Nana got up with a copy of this pamphlet and from the floor she said that the meeting should resolve that there should be a stay away the next day, that is 3 March. I beg your pardon, I read my notes wrongly. I say a stay away and not a march, that is how (20) the march, a stay away, she did not mention any march, a stay away on the next day 3 September? Do you recall that? -- If ever she stood up then it is before my arrival.

Yes. And the evidence will be that that happened towards the end of the meeting, so if your evidence is correct you must have come almost at the tail end of the meeting? -- On my arrival there the speaker at the time was Father Moselane, and I did not see that Nana speaking.

Now did, and I am going to put to you, as you were not there, you had probably not arrived if you got there at all, (30) that attention was drawn that this was apparently from the VCA and/.....

and not from Sharpeville. -- I am not going to comment about that if it happened before I arrived.

Would you agree that because of your failure to take the proper steps for an area committee to be formed that the VCA presence in Sharpeville was weak, if not non-existent?

-- I agree on that.

Yes, and could you please tell His Lordship how far is Sharpeville from Houtkop? -- About six to seven kilometres.

Is that all? -- That is an estimation, I am not certain.

I am not sure. (10)

I am informed that it is approximately fifteen kilometres away. -- I will not dispute that, as I said I am not sure.

Yes. And despite Nana's attempt to persuade the meeting to a decision on that day in fact no decision was taken? -- I do not understand, which decision now are you referring to?

What I am putting to you is that there was no final decision taken at that meeting as to what the people present would do the next day. -- There was a decision taken.

What was the decision taken, you say? -- That we are not going to work on Monday and there is going to be a march (20) to see Mr Gans at Houtkop.

You say that at this meeting in your presence there was a decision that the people of Sharpeville would march the fifteen kilometres from Sharpeville to Houtkop to see Mr Gans? -- That is so.

I am going to put to you that what was said at the meeting was that the people should wait and see. If people did in fact stay away from work the next day as a result of the distribution of pamphlets such as AN 15(2) those who wanted to should come and gather at the church the next morning? (30) -- Even if that is what is contained in that pamphlet, but
the/.....

the decision there which was taken was that the people should not go to work the Monday, they must come together so that there is a march.

COURT: What is put, for what purpose were they together at the church the next morning?

MR BIZOS: In order to decide what action they are going to take to add their voice against the increased rentals. I will put specifically what some of the actions that were contemplated. -- Now if people were to march from an average place in Sharpeville to Houtkop they would have to walk fifteen (10) to twenty kilometres. Are you able to admit or deny that? -- Yes they were going to walk for that distance of kilometres.

Well I am going to put to you that Father Moselane and other people who were at the meeting will say that that was not so and that it would be absurd to expect, more particularly the elderly people that frequented Father Moselane's meeting to walk this distance. -- That was the decision taken there and Father Moselane also uttered those words to the effect that there is going to be a march. They can deny that but the fact remains that is so. (20)

Yes. There seems to be a disagreement as to the distance but everybody agrees that it is more than ten kilometres, but is is something that we will

COURT: Now who is everybody, you mean the accused or the State and the defence? You know we must put it on record properly if you make a statement like that. Is there a disagreement between the accused and you or a disagreement between you and the State?

MR BIZOS: There are various estimates among the accused as to the distance. (30)

COURT: Yes very well.

MR BIZOS:/.....

MR BIZOS: But I am instructed that it is at least ten kilometres away.

COURT: Well no doubt that will also be one of the many admissions between the parties.

MR BIZOS: That will be an easy one My Lord, I think.

COURT: Well if you could not get it right between here and Checkers I have a bit of doubt about that but we will see.

MR BIZOS: We will see. You see on the 2nd, and indeed on Sundays before that, were you aware that the people who attended these meetings signed petition forms? (10)

COURT: Which meeting Mr Bizos? This meeting or other meetings?

MR BIZOS: Previous meetings and this meeting. Forms would be handed out and they would be brought back completed? -- I am not going to testify about the meetings which I did not attend, that is concerning the petition forms which are alleged to have been signed by the people, I was not there. In this particular meeting if ever there was such a form to be signed as a petition then it must have happened before my arrival.

Were/.....

Were you aware that this committee not only considered petitions, but also the taking of legal action against the proposed rent increases? -- Not at that time. I came to know about that later, after everything had happened.

COURT : Could I get a bit of clarity on the proposed rent increases. Were those local rent increases for Sebokeng only or were they applicable in the whole of the Vaal Triangle, that is that area, Sebokeng, Sharpeville and so on, and were they the same percentage throughout? -- I do not know about Bophelong but Sharpeville and Sebokeng, it is correct, it (10) was equal. It was the same percentage.

And was that to be effective from 1 September? -- Yes, but in view of the fact that 1 September was over the weekend, it was going to be effective on the 3rd.

MR BIZOS : Would you agree that the majority of the people at that meeting were elderly people? -- Much as the youth was also in a big number.

Was there a considerable presence or the majority of the people elderly people? -- Yes, that is so.

Were hymns sung like Boloka Morena? -- May be before (20) I came there, but while I was there it was not sung.

And Nkosi Sikilela Afrika? -- Yes, at the end of the meeting it was sung.

I am going to put to you that it did happen occasionally at one or other of these meetings that some young person would stand up and shout Amandla, but that the whole atmosphere of these meetings was different to the political meetings that you have described? The political meetings that you attended and described? -- It was just the same.

I am going to put to you that accused no. 2 did not (30) speak at this meeting, although he will admit that he was

... / there

there? -- He did speak.

I am going to put to you that accused no. 3 did not call for a march to take place? -- He did.

Would you consider accused no. 2 merely saying that it would be a good idea to have the meeting the next day, the making of the speech? -- No, he was not making a speech, but as I say he did make a speech.

He will deny that. -- Deep down in his heart he knows that that he did speak.

I am going to put to you that accused no. 3, Father (10) Moselane, did not use the words that you put into his mouth in your evidence-in-chief? -- I am not putting words in his mouth, but those were words which came out from his mouth into our ears.

You see, the difficulty that I have with your evidence in regard to this meeting is that you, according to your own version, came late? -- That is so.

And yet you purport to give evidence of what everybody said at the meeting, everybody that spoke there on that day said? -- I never said in my evidence that I knew practically (20) what everybody said in that meeting. I only referred to the three people I am talking about.

Do you know how many people in fact spoke at that meeting? -- As I have already told the Court that on my arrival at this meeting, the meeting was on and during that time Father Moselane was the speaker in the meeting and therefore it is impossible for me to be able to tell His Lordship who spoke before him or what happened in my absence.

Do you know who the main speaker was supposed to be? -- I did not know that. (30)

Do you know whether there was any schedule speaker other

... / than

than Mr Kethla Mthembu? -- Was it perhaps that I could reach the inside of the hall or the meeting, I would have known that, but because I could not, I was outside in the doorway, I could not know that.

I am going to put to you that if your evidence as you gave it in your evidence-in-chief is correct, then you must have been there practically for the whole of the meeting? -- At the time of my arrival, they were the people who were speakers and in fact the meeting was heading for the closure.

You put certain words in accused no. 2's mouth, Oupa's(10) mouth. Do you recall what they were? -- As I did not put any words in his mouth, the words came from him. I say I still remember what he said.

What were they? -- Some of the words that I remember mentioned by him was Mabafe.

Do you recall that when you first gave evidence of this you said Abafe and you corrected yourself to Mabafe?

MNR. FICK : Ek maak beswaar. Dit is nie wat die rekord sê nie en ek dink dit was 'n kwessie van dat dit verkeerd gehoor is deur die tolk, toe het die man gesê nee, dit is Mabafe, (20) jy het verkeerd gehoor.

COURT : I wrote down Mabafe.

MR BIZOS : We wrote down both and I have a very distinct recollection of it. Do you recall that you first said Abafe and then you corrected yourself to Mabafe? -- I am sorry to put it this way that you are lying when you say I said Abafe. I never said that. I said Mabafe.

Are you saying that when we heard the interpreter say Abafe and then I am sorry, Mabafe, that that is incorrect? -- What happened is, the interpreter used the word Abafe and (30) then I said no Ma, then the interpreter on his behalf said

... / I

I am sorry, not Aba, Maba.

We will take that up a little later and see who was right. Tell me, when I asked you what accused no. 2 said now, why did you just chose those words or that word? -- I am sorry that I have to think ahead of you on what you wanted to say, but I just came to the conclusion that that is the word you are going to say was put into his mouth. That is why I mentioned that.

"Why not, we will not pay high rentals"? -- As I have already explained what my reason was, but if it is expected(10) from me to in fact repeat in detail what he said, I can do that.

COURT : Yes, we can have that after the tea adjournment.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

~~108~~

still under oath

MR BIZOS ASKS PERMISSION FOR ACCUSED NO. 20 TO LEAVE THE COURT ROOM.

COURT PLACES ON RECORD THAT ACCUSED NO. 17 HAS NOT YET RETURNED.

MR BIZOS INFORMS COURT THAT ACCUSED NO. 20 WILL PROBABLY (20) BE OPERATED ON TODAY.

COURT PLACES ON RECORD THAT ACCUSED NO. 20 IS BACK IN THE COURT.

CROSS-EXAMINATION BY MR BIZOS (continued) : The point that I was trying to make with you is that you realised which were the important words that you say were uttered by accused no. 2, Oupa at that meeting? -- Not that they were important words. I was just merely explaining or sort of putting them forward.

Again very quickly I want to put to you that those words although details are given about the accused that have said specific things, those words do not appear in the indictment(30) or the further particulars, or that word.

... / COURT

COURT : Do you mean the word Mabafe?

MR BIZOS : Mabafe. -- That it is not there, I cannot comment on that, because I am not the man who was writing the statement.

That is fair enough, but these words were in your statement made before June? -- That is so.

Did you understand what Father Moselane said according to you in relation to Mr Mahlatsi to be an incitement of violence against Mr Mahlatsi? -- My understanding of what he said, those are not words which could have caused that there(10) be a fighting, because he said "We are getting to Houtkop, to one Mr Gantz."

Are you able to admit or deny if you were there and you heard accused no. 3 speak, that is Father Moselane, that he suggested that every lawful avenue should be explored in order to have the proposed increase declared unlawful? -- I would not deny that, because he may have said that prior to my arrival there.

You did say, did you not, before the short adjournment that you heard later about these legal steps to be taken (20) to have the rent increase declared unlawful? -- I came to know or I heard about that from reading in a newspaper, that is after that confusion which was there.

After the 3rd? -- Long after the 3rd.

You told us that you did not understand Father Moselane. Did you understand the Mabafe to be an incitement to violence? -- Could you just correct this portion where you say I did not understand Father Moselane?

I thought that you had already told us that you did not understand anything Father Moselane said as an incitement (30) to violence? -- My explanation in answer to the question was

his words were not that he meant that there would be a fighting.

Coming to Oupa, when he used the word Mabafe and having known him not to be a person who is in favour of fighting or involving himself in any fighting, it did not ring a bell to me or it was not clear to me what does he mean when he say Abafe, Mabafe or who does he mean must Mabafe.

Whatever he might meant, was any shock or surprise registered by anyone in the audience by the use of this word? -- I was not in a position to notice whether some people were shocked by his having used the word Mabafe, because immediately after he had said that, he then started singing and making the Amandla salute. (10)

Were you keeping accused no. 3, that is Father Moselane, under observation whilst accused no. 2, Oupa, was speaking? -- I was looking in that direction. Therefore I am supposed to have seen what he is doing.

Did Father Moselane, accused no. 3, react in any way? -- He also gave the sign of Amandla.

When the word Abafe was used, did you not register any surprise ... (Court intervenes) (20)

COURT : Which word?

MR BIZOS : Mabafe. -- No, he did not react.

I have already put to you that accused no. 2 and many others will deny that he spoke or made a speech or that he used words of that nature? -- I hear what is being put to me, but deep down in their hearts they know that he did speak and he used those words.

Still in relation to accused no. 2, Oupa, did you see him at all near the post office after you resumed the march? -- As I have already explained, I last saw them at Caeser's place. (30)

... / Because

Because I am going to put to you that accused no. 2 will say that you parted your ways at the Catholic Church, Small Farms but that he, accused no. 2 and another person were the persons who calmed down a small group of people that were intent on damaging the post office? -- I differ from him when he says he is one of the people who calmed down the group who intended to attack the post office, while I was there. Secondly, when he says that we parted, took different routes at the beginning of the march at the Roman Catholic Church, it is true in the sense that he was not with me where I was in this procession.(10) He was one of the people who was leading the march. Again I would not dispute it when he says he had calmed a group of people at the post office, because I have already said in my evidence that I last saw him at Caesar's place. It may have happened may be prior to my having reached the procession.

Do you know a man by the name of Matshediso? -- May be I know the person, but the name mentioned I do not know.

Because I am going to put to you that accused no. 2, Oupa, and Matshediso were the persons that persuaded the small group of persons that had gathered at the post office not to (20) damage it and that this group was one of those groups that sprung up from time to time with an apparent intention of joining the march? -- As I said I am not going to disagree with him on that, because it may be or it may have happened before we reached the post office. Another reason is because I do not know who of us, that is between myself and him, left earlier than the other one from the scene at Caesar's place,

Had the vanguard of the procession been some distance ahead of the post office when the incident that you described occurred? -- When I rejoined the march, the vanguard had (30) already passed the post office. In fact they were sort of

... / taking

taking a curve off the road when these people were doing what I have just described to the Court.

When you say rejoined the march, that is when you came from the side street from Caesar's place? -- Yes, from Caesar.

That makes it very clear. Thank you. The other detail which I want to put to you what accused no. 22 is going to say because you gave a circumstantial account of his being present at the meeting and saying that he would resign because he had to go to Rhodes University. Do you recall that?

COURT : Which meeting was that? (10)

MR BIZOS : That is the one where he was so certain that it was January - Monday, 25th, I think.

COURT : Of 1984?

MR BIZOS : Of 1984. The Rhodes University came in cross-examination and not in chief.

COURT : That is an interim committee meeting of the VCA. Is that the one?

MR BIZOS : That is the one that I am referring to. I think that the witness referred to that as well.

COURT : Is that the meeting at which Johnny was requested (20) to explain why he had been absent so often?

MR BIZOS : That is correct. Was it at that meeting that accused no. 22 said that he was going to resign, because he was going to Rhodes? -- That is so.

Did he say that he was definitely going to Rhodes and definitely resigning? --Yes, that is what he said, that he was resigning the post of being a treasurer, because he is getting to Rhodes University.

And you are absolutely sure that he did not say may be this will happen, he resigned and he said he was definitely (30) going to Rhodes? -- Just repeat that question. I do not

... / understand

understand?

You said at the meeting he said "I am resigning as treasurer, because I have been admitted to Rhodes University and I am going to Rhodes University"? -- Though I cannot remember precisely the words he used there about his resignation, but he was resigning because he is getting to Rhodes University.

I do not want to make too much of this, I merely want to put to you that accused no. 22 could not have said that he was resigning and that he is going to Rhodes University, because he is going to tell His Lordship that it was one (10) of the most anxious periods in his life, because he had scholarship problems and admission problems and did not know until well into February as to whether he would be going to Rhodes University or not? -- Even if he can deny that, those are the words he put forward there.

Whenever there are calls for stay-aways, do a lot of people reserve judgment, so to speak, until the next day to see which way the wind blows? Whether people are going to work or not going to work and then they judge for themselves what they should do? (20)

MNR. FICK : Die Staat maak beswaar teen die vraag. Ons moet eers vasstel of die man weet van enige "stay-aways" voor die algemene stelling gevra word en behalwe dit, hoe kan hy namens die ander praat?

COURT : And in any event, I think you must place the question in the milieu in September 1984 and not as at present. So, it is such a wide question.

MR BIZOS : I was perhaps trying to take a short-cut. I did not want to become like the singers at the meetings, trying to take a short-cut, but I will do it the longer way. (30)

Stay-aways were not something new especially to the people of

... / Sharpeville

Sharpeville and the Vaal Triangle in August/September 1984?

-- I cannot remember precisely when it was, during which month or year when there was a stay-away, but in the Vaal that stay-away was not successful, except for this one of the 3rd.

Have you only got experience in Sharpeville or in the Vaal Triangle of just one stay-away in your adult life? -- Yes, in my whole life-time I only know about this stay-away.

I am going to put to you that it was known to you and the people generally that there are many people who reserved judgment as to what they should do on a stay-away day until(10) they get up in the morning and they see which way things are going? -- Well, this day in question, it was not the position.

Did you not yourself decide that you were going to do something about it this day as a result in finding that there was no transport on the 3rd? -- That day I knew there was no transport. Was it not for the meeting, I would have stayed home.

I want to further put to you that it was in order to decide what should happen collectively at Sharpeville that the meeting for Monday, the 3rd, was called? -- Even if (20) that meeting was called for the 3rd, that must have taken place before I arrived there and therefore I want to know really what the purpose was and why was it called.

I am going to put to you that placards generally speaking are not put in the churches and certainly not in the church of Father Moselane, accused no. 3, placards on the walls? -- I understand that when that is being put to me, but that is what happened in Sebokeng, that is in the meetings which I attended there including those in Sharpeville.

Do you recall whether the church was being repaired on (30) 2 September, the Anglican Church, painted?

... / COURT

COURT : Not repaired, painted?

MR BIZOS : Minor repairs and painted.

COURT : Which church is that now? Accused no. 3's church?

MR BIZOS : No, 3's church over that weekend. Was it being painted and was there scaffolding around? -- At my arrival there there were a lot of people outside. I did not notice whether there was some painting going on. What I can certainly say is, I did not see anybody busy painting.

Did you understand me to put to you that somebody was actually painting during the meeting? Because if that (10) was so, that was not suggested. The church was full of scaffolding. Do you remember that?

COURT : Inside the church?

MR BIZOS : Inside the church? -- I did not see any scaffolding inside the church, because people were full in the church.

You see, because none of the accused saw you at this meeting? None of the accused that were at this meeting saw you there. Are you sure that you were there at all? -- It is quite sure that I was there, but because I came late and I could not reach them or go up to them, it is possible that (20) they did not see me, but I was there.

The song that you did not know precisely what it meant and that some hilarity came about as a result of the words - the use of the words Mai-Mai - do you recall that? -- Yes, I know that kind of a song.

And you purported to give some sort of a meaning to it by speaking about a big cannon? -- I did not speak of a cannon, I spoke of a rifle.

A big rifle or a big gun? Any way, do you not know that song to be one of Miriam Mgabela's songs? -- It is true, (30) it is one of Miriam Mgabela's songs, as it is being sung at

all these meetings.

And because of His Lordship's - cannot take notice of who she was, she is a very popular singer, especially in the Black community? Not so? -- That is so.

Are her records freely available to the Black community? -- Not all, especially with reference to this very one which has this song. It is banned in South Africa.

But is it possessed by many nevertheless? -- There are people who still have that record, who are not playing it freely in the houses. (10)

Have you heard it played on record? -- I have a cassette of that record.

And you played it for yourself and your friends?-- Yes, we do play it.

And whatever its meaning may be, you did not take it literally? -- I did not follow up to understand exactly what she is driving at when she sings it, saying Gizabutubula Gambai-mbai(?).

COURT : Could you please translate that for us? -- The witness says Gamai-mai and then he corrects himself and says Gambai- (20) mbai. He used a Zulu word and a Sotho word at the same time.

Will you translate it for us, please? -- Mbai-mbai in my understanding of the word mbai-mbai means literally a big gun which can be referred to as a cannon.

And mai-mai? -- Mai-mai is in fact a person who is Sotho speaking pronouncing mbai-mbai, instead of saying mbai-mbai, says mai-mai. That is what happened in this case. It means the same in other words.

MR BIZOS : Is it a catchy tune? Is it a popular tune that people whistle and sing about? -- Yes, there are people who (30) are in fact used to do that about that song, but not all.

... / When

When this song "We follow Mandela no matter what, even if we die we follow Mandela", did you sing that as well? -- Yes, I did.

Even though Mr Mandela is described as the leader of the African National Congress? -- That is so.

And you have already described your - that you always want to distance yourself from the policy of the African National Congress or from the main object of it or the object of the African National Congress? -- That is so.

CCURT : Do the ANC and the PAC have some object in common?(10)
-- According to my knowledge they are not really in good terms. I would rather put it this way, that they do not agree.

Vis-a-vis the present government, do they have any object in common? -- Yes, that is so.

What is the object? -- That is about the freedom of the Black people and equality in life. Although of course the ANC goes beyond that.

What do you mean by that? -- The ANC is full of communism too much and I do not want it. It is full of communism.

MR BIZOS : But you did not feel that you were making or (20)
you were drinking of this cup of communism by singing that you were prepared to die with Mr Mandela?-- Not that I drink from the same cup with the ANC or Mandela, but because this song was sung in my presence, not to isolate myself from the people who were singing, I had to take part.

Surely not under compulsion? -- No, not at all.

Will you agree that you took no step whatsoever to, on your evidence, recruit anyone either into AZAPO or to the Vaal Civic Association? -- I for one, though I did speak to people at work, I never brought somebody along with me to (30)
say "Come, let us go and take part," in the sense that I now

... / get

get this person to come and join for instance AZAPO.

Did you in fact attend any meeting in June 1984, an AZAPO meeting? -- I did on the 10th. That is the meeting where we were only four.

Was that about the commemoration service that we have spoken about? -- That is so.

In relation to accused no. 2 putting on an AZAPO T-shirt, are you sure that that happened?

MNR. FICK : Kan My Geleerde Vriend net aandui wanneer? Daar is baie dae in 'n jaar. (10)

MR BIZOS : On 3 September 1984? -- Yes, it did happen, though his mother did not want it to happen.

Did you have an AZAPO shirt? -- No, I only have badge, not a shirt.

And did you and accused no. 2 want to show that you represented AZAPO on this march that was going to take place from the Catholic Church, Small Farms? -- No, not that we wanted to show that we were representing that organisation of AZAPO but just because this was a uniform of an organisation to which we belong, then we used it. (20)

You know of course that wearing this badge and T-shirt was going to make your identification for instance to the police ever so much easy? -- I never thought of that in that way.

Well, if you were going to take part in any highly dangerous criminal activity such as destroying property or killing people, it would make you an easy target, would it not, by the or for the police for identification purposes or other purposes? -- Until at that stage when it happened, I had never thought of that. (30)

Do you recall what accused no. 5 was wearing on 3 September

... / 1984

1984? -- I cannot recall that.

Or accused no. 13? That is Simon Nkoli. -- As I have already mentioned to the Court that there were different T-shirts belonging to different organisations, I am therefore not in a position to tell nor do I remember what he was wearing.

When you were at Small Farms or on the march, right up to Hunter's Garage, did you have any knowledge, whilst you were marching of any damage to Mayor Mahlatsi's property, before the march began? -- No, I did not have any knowledge of that. (10)

Did you have any knowledge whether or not his property was damaged before the march came anywhere near Hunter's Garage? -- No, I had no knowledge of that.

I hope it is the final topic that I have to deal with and that is the question of posters. How many people were carrying posters during this march

COURT : Do we differentiate between a poster and a placard?

MR BIZOS : No, a poster and/or placard.

COURT : A placard, as I understand it, is something you put on a stick and a poster you may paste on the wall or is (20)
a poster also a thing you carry?

MR BIZOS : I think that Your Lordship is correct, a placard you can also hold on your person. I will say both, because I have no instructions. How many people were carrying posters or placards during this march? -- As I have already said, I do not know what the number is of the people who were carrying posters or placards because I did not count them.

And I were to put to you that there were approximately twenty posters and placards being held by people on the march would you be in a position to admit or deny it? -- I am not (30)
going to deny that or agree with you on that. All I am going

... / to

to say is, people were there carrying placards and posters and it was a group of people.

Are you able to tell His Lordship whether or not the groups that joined the march, small groups that joined the march on the way up, all the way to Hunter's Garage, did any of these groups that joined have their own posters or placards? -- The people I saw joining the procession with the march there, that is from the side on which I was, had no posters or placards. Therefore I am not able to tell about the people on the opposite side, because I could not see there. (10)

Were there any people on the march that you saw holding or carrying placards or posters which had been stencilled? Do you know what I mean by stencilled? Instead of doing it free-hand, you get a stencil and you point over it and you do it quickly? -- About stencils or posters or placards, if it was there, I did not notice that.

You certainly did not notice any stencils in the courtyard of the Catholic Church complex at Small Farms? -- No, I did not notice that.

HERONDERVRAGING DEUR MNR. FICK : U het reeds gesê by die (20) eerste keer toe u aangehou is, u ken nie die polisie wat u aangehou het nie? -- Dit is so.

Kan u enige aanduiding gee of u weet van watter afdeling hulle van die polisie is?

HOF : Ek het die kruisondervraging op hierdie gebied gestop. Gaan u nou daarop herondervra? Dan gaan ek die kruisondervraging daarop toelaat.

MNR. FICK : Ek sal dit dan laat. Dit was maar net volledigheidshalwe.

HOF : Ek wou dit juis nie so volledig hê dat ons buite (30) relevansie loop nie.

... / MNR. FICK

MNR. FICK : U het gepraat van die herdenkingsdiens van 16 Junie. Wat se herdenkingsdiens is dit? Kan u dit aan die Hof meld? -- Wat ek weet is, dit het betrekking op die "uprisings" van Soweto.

Word dit jaarliks herdenk of vyf-jaarliks of weet u nie?
-- Jaarliks.

HOF : Is dit 'n godsdienstige plegtigheid of is dit 'n politieke geleentheid? -- Dit loop nie saam met godsdiens nie.

MNR. FICK : Op hierdie tipe herdenkingsgeleenthede, die organisasies wat u gemeld het, neem hulle deel aan hierdie tipe (10) herdenking? Duidelikheidshalwe die VCA, AZAPO, COSAS? -- Ek weet van AZAPO en COSAS.

U het dan verder aan die Hof gemeld dat beskuldigde nr. 2 het aan u gemeld dat daar probleme was in verband met die besondere herdenkingsdiens van 16 Junie 1983? -- Ja.

Kan u vir die Hof sê, wat het hy vir u gesê wat se probleme het hulle ondervind? -- Hy het aan my gesê hy was nie tevrede met die werk of die vordering van die werk wat in die Roomse Kerk moes gewees het nie te Small Farms, want daar was net 'n bietjie van die lede van AZAPO. (20)

Verstaan ek u reg, die klagte was daar was min AZAPO lede?
-- Ja.

Dan in verband met die voorval van die 3de wat u oor getuig het wat Esau Raditsela sou gesê het net voor die mars op 3 September 1984 sou begin het. Wat sou met 'n man gebeur het indien hy nou daar sou opgestaan het na Raditsela gepraat het en vir die mense sou gesê het "Maar kyk, hierdie plakkate wat julle maak, julle moet daarvan ontslae raak, dit pas nie in by die gees van al die vorige vergaderings nie"? -- Ek glo dat indien daar 'n persoon opgestaan het en sulke woorde gebesig (30) het daar, daardie persoon sou in die gevaar gewees het.

Van wat? -- Daardie persoon kon geslaan gewees het of kon geslaan geword het.

'n Ander aspek waaroor ek net by u wil duidelikheid kry. In verband met die kasset wat hier in die hof getoon is en ingehandig is in verband met Capital Radio, ek verstaan nou u sê dit is nie die een wat vir u Aprilmaand gespeel is nie, maar 'n soortgelyke opname soos in BEWYSSTUK 25 vervat, is dit ooit aan u gespeel? -- Die enigste kasset wat vir my gespeel was, begin nie met musiek nie en tweedens, dit begin nie soos hierdie een nie en is nie dieselfde as hierdie een nie. (10)

Dan wil ek vir u vra in verband met die mars 3 September 1984. U het op 'n vraag van My Geleerde Vriend gesê of die lied "siyaya" die enigste lied was wat gesing is, het u gesê nee. Kan u aan die Hof aandui watter ander liedere was gesing? -- Wat ek nog kan onthou behalwe Siyaya was Sikamasondja Amandela.

Kan u net vir die Hof sê wat beteken dit? -- "We are Mandela's soldiers."

En nog ander liedere? -- Die tweede een was Uthambo Usehlathini usa Fundisa Amajoni. (20)

HOF : Is dit nou twee liedere of net een? -- Dit is net een lied.

Wat beteken? -- Dit beteken Thambo is in the Hlathini, hy gee opleiding aan die soldate.

Is dit nie in die bos nie? Wat beteken dit? -- Thambo is in the bush, training the soldiers.

MNR. FICK : Is daar nog ander liedere wat gesing was, behalwe hierdie? - Umandela Wethu Siyamlandela.

Kan u hierdie betekenis gee? -- Mandela is ours, we follow him. (30)

Is daar nog ander liedere wat gesing was? -- Ek kan nie

... / onthou

onthou wat daar verder gesing was nie.

My Geleerde Vriend het verder 'n punt daarvan gemaak dat normaalweg by hierdie interseksie soos op BEWYSSTUK AAQ(5) aangetoon word, is daar op gewone dae baie mense. Kan u dit onthou? -- Ja, dit is so.

Was 3 September 'n gewone dag soos die ander dae wat u aanbetref? -- Nee, hierdie dag het verskil van die ander dae.

Ek sien ook op BEWYSSTUK AAQ(5) voor en na die kruising word daar twee busstoppe aangetoon. Ken u aan die Hof aandui, het daar enige busse geloop die dag? -- Daar was geen busse(10) of voertuie nie.

U het verder aan die Hof aangedui onder kruisverhoor dat 'n sekere groep saam met u weggebreek het van die marsjerende mense af daar na die laan toe waar Caeser se huis was? -- Dit is so.

Hierdie groep wat weggebreek het, kan u aan die Hof aandui, het hulle as 'n groep weggebreek of het die mense maar orals uit hierdie opmarsjeres weggebreek apart en toe 'n groep gevorm? -- Die groep het afgebreek van die marsjerende groep as 'n groep bymekaar. (20)

En toe die spul nou so afbreek, wat was hulle gedrag? Het hulle enigiets geskreeu of gesê of was hulle in doodse stilte? -- Die wat kon hardloop het gehardloop. Die wat nie kon hardloop nie, het net vinnig gestap.

Het hulle enigiets geskreeu of gesing of was hulle stil? -- Hulle was nie stil gewees nie, want hulle het gehardloop, maar wat ek net nie kan onthou nie is of hulle gesing het.

Hierdie groep waarvan u praat, waar het hulle uit die opmarsjeres weggebreek? Voor, agter, in die middel? -- Dit was 'n klomp mense wat weggebreek het van hierdie groep.(30) Orals in daardie marsjering het hulle weggebreek.

... / HOF

HOF : Kan ons net duidelikheid kry hieroor. Eers het ek die indruk gekry asof u sê dat daar uit die hele lang optog 'n seksie, 'n deeltjie weggebreek het as 'n groep. Nou kry ek die indruk dat u sê dat uit die hele optog verskillende mense uitgebreek het en toe 'n groep gevorm het en ingestorm het in die laan? Wat is die posisie? -- Wat gebeur het is, die mense het nie sommer in 'n groep afgebreek nie. Die mense het van verskillende gedeeltes van die marsjering afgebreek en toe bymekaar gekom en toe 'n groep gevorm.

K75 MNR. FICK : Kan u aan die Hof aandui waar het hulle hierdie(10) groep gevorm, binne-in die laan by Caesar se huis of waar? -- Die groep is gevorm terwyl hulle geloop het in daardie rigting want hulle gaan almal na dieselfde rigting toe. So, met die loop het hulle toe die groep gevorm waar hulle bymekaar gekom het.

Kan u enige aanduiding gee van die grootte? -- Dit was 'n groot groep. Ek kan nie in syfers sê hoeveel persone daar was nie.

Dan het u ook verder getuig dat by 'n motorhawe, ek dink dit is Hunter's Garage, het daar 'n groep by die marsjerenes(20) aangesluit op 'n stadion?

HCF : Ons het gehoor van 'n BP Garage en van Hunter's Garage. Is dit reg dat dit by Hunter's Garage was? Hunter's Garage is waar die groep amper tot 'n einde gekom het.

MNR. FICK : Dan is dit verkeerd. Kan ek so vra. Het daar by enige motorhawe terwyl die opmars aan die gang was 'n groep aangesluit? -- Ja, dit was by BP Garage.

Hierdie groep, het hulle enigiets by hulle gehad of gedra? -- As hulle iets byhulle gehad het, was dit nie iets gewees wat ek opgelet het nie. (30)

Van die mense wat daar aangesluit het by die marsjerenes

... / soos

soos hulle nou marsjeer het, u sê vir die Hof daar het mense aangesluit, het u van hulle ... (Hof kom tussenbei)

HOF : Dit is nou afgesien van die groep wat by die BP Garage aangesluit het?

MNR. FICK : Afgesien van hulle. Kan u vir die Hof aandui was hulle van die onmiddellike omgewing of was daar van die mense wat van ver plekke gekom het of weet u nie? -- Ek kan nie daarvoor getuig nie.

Die persoon wat u van getuig wat daar met 'n lap en 'n stok by Caesar se huis was wat uiteindelik die gordyne aan (10) die brand gestee het, waar het u hom die eerste keer gesien? By Caesar se huis of het u hom vantevore al gesien die betrokke dag?

HOF : Nou moet u oppas. Een man, 'n seuntjie, het die emmer gehad en die lap en die stok. 'n Ander man het die stok by hom geneem en die gordyne aan die brand gestee. Van watter een van die twee praat u nou?

MNR. FICK : Eerstens die een wat die gordyne aan die brand gestee het.

HOF : Die man wat die stok in die huis ingegooi het? (20)

MNR. FICK : Dit is reg. -- Ek het die persoon vir die eerste keer gesien daar.

En die persoon wat die kannetjie gehad het? -- Ek het vir die eerste keer bewus geword van daardie persoon se teenwoordigheid toe die persoon daardie emmer by hom gehad het.

U het ook getuig in kruisverhoor dat die ander lede van die voorste groep, die "vanguard" van hierdie marsjerendes, was by Caesar se huis? -- Ja, dit is so.

Weet u wie is hierdie ander lede wat u van praat? Ken u hulle? -- Watter mense is dit nou? (30)

U praat van lede van die "vanguard" was by Caesar se huis

... / gewees

gewees? -- Watter mense is dit nou?

U praat van lede van die "vanguard" was by Caeser se huis
gewees.

HOF : Die "vanguard" kan u maar in Afrikaans noem die voorhoede.

MNR. FICK : Kan u aan die Hof aandui wie was hierdie persone
van die voorhoede wat die voorhoede gevorm het van die opmars
wat by Caeser se huis was? -- Oupa Hlomoka, Gcina Malindi en
Simon Nkoli.

HOF : Wat is die nommers?

MNR. FICK : Beskuldigdes nrs. 2, 5 en 13. Afgesien van (10)
hierdie beskuldigdes het u nog ander persone wat deel van die
voorhoede was daar by Caeser se huis opgemerk? -- Esau was ook
een van die "vanguard" toe ons die kerk daar verlaat het. Ook
by hierdie toneel was hy teenwoordig gewees. Ek kan nie die
ander onthou nie.

Kan u vir die Hof aandui wat het hy gedoen by die toneel?
-- Hulle het niks gedoen wat ek gesien het nie.

Waar was Esau met betrekking tot Caeser se huis? Was hy
op die erf, in die straat, waar was hy? -- Hy was in die straat
gewees. (20)

Het hy eenkant op sy eie gestaan of was hy saam met ander
persone? -- Dit kan ek nie onthou of daar mense voor hom was
nie. Daarby bedoel ek of daar mense is wat by hom gestaan het
nie.

Dan het u getuig na die voorval daar by die huis van
Caeser het die marsjerendes op die ou end gekom en gestaan
teenoor die polisie in die pad? -- Ja, dit is so.

In die algemeen, wat was die marsjerendes se houding
teenoor die polisie wat hulle daar voor hulle in die pad gekry
het? (30)

MR BIZOS : We have been patient in not objecting to matters which

... / are

are being traversed, which were not covered in cross-examination. I know that Your Lordship can give me an opportunity to cross-examine further, but if My Learned Friend persists with these questions I will have to take instructions and ask Your Lordship for leave. This question in particular does not arise out of anything that I asked in cross-examination.

MNR. FICK : Die Staat probeer vasstel waarom, tydens kruis-
ondervraging het dit uitgekom daar is traangas gebruik op die
mense. Ek wil probeer uitvind van hierdie getuie hoekom.

HOF : Hoe is dit nou ter sake? Ek gee nie om hoekom daar (10)
traangas gebruik is nie. Ek is besig met 'n ondersoek na hoog-
verraad, terrorisme, subversie en moord en nie waarom traangas
gebruik is, ja of nee nie.

MNR. FICK : Maar van die getuienis wat die getuie gelewer het
het dit uitgekom dat daar 'n sekere optrede teen die polisie
gedoen is die dag. Hier kom hulle nou te staan voor die polisie
en dan is die getuienis daar is traangas gebruik en ons weet
niks verder nie. Nou probeer die Staat vasstel wat ... (Hof
kom tussenbei)

HOF : Ja, maar nou is die vraag het u hierdie getuienis (20)
in hoofgetuienis gelei? Waarom het u nie in hoofgetuienis
gelei wat presies daar gebeur het, hoe die een die ander uitgelok
het en watter bevele daar gegee is deur die polisie, dat hulle
uiteen moet gaan of so nie. Dit is nie gelei nie.

MNR. FICK : Dit is korrek.

HOF : En daar is ook nie in die getuienis gelei dat daar 'n
aanval op die polisie was of nie 'n aanval op die polisie was
nie. Die beswaar is nie of dit ter sake is of nie. Die beswaar
is dat u nou verder gaan as wat in die kruisverhoor gegaan is.

MNR. FICK : Al wat die Staat hier probeer vasstel hierso (30)
is - dit het in kruisverhoor uitgekom dat daar traangas

... / gebruik

gebruik is en die Staat probeer vasstel waarom is dit gebruik.

HOF: Ja, daar is traangas gebruik, maar het u nie in hoofgetuienis ook getuienis gelei dat die helikopter traangas gegooi het nie?

MNR. FICK : Dit is korrek.

HCF : Nou ja, daaroor is gekruisverhoor. Wat is daar nou nog meer te doen?

MNR. FICK : Maar daar is verder gekruisverhoor hoekom party van die mense by sekere plekke verbygeloop het wat geïdentifiseer sou wees deur Esau as teikens. (10)

HCF : Dit is iets anders, maar wat u op die oomblik vra is, hoekom het die helikopter traangas gegooi. Daarteen is 'n beswaar. Wat sê u van daardie beswaar?

MNR. FICK : Nee, die Staat het nie gevra hoekom het hulle traangas gegooi nie, die Staat het gevra wat was die skare se houding tot die polisie teenoor hulle te staan gekom het.

HOF: Maar hoekom het u dit nie in hoofgetuienis gevra nie? Die vraag word nie toegelaat nie.

MNR. FICK : Die petisie wat aan u gestel is, wat daar sou oor besluit gewees het of gepraat sou gewees het op die vergadering van 2 September, het u vantevore al van so 'n petisie gehoor? -- Ek hoor daarvan vir die eerste keer van mnr. Bizos.

Dan is u gevra in verband met dieselfde vergadering van 2 September toe beskuldigde nr. 2 die woord Mabafe sou gebruik het. Het enigeen daarna, na beskuldigde nr. 2 die woord gebruik het, enigsins beswaar gemaak oor die gebruik van die woord in die vergadering? -- Nee, niemand het beswaar gemaak teen die gebruik van daardie woord nie.

ASSESSOR (MNR. KRUGEL) : Aan die begin van u hoofgetuienis het u vertel van die ontmoeting met beskuldigde Simon Nkoli en Gcina Malindi? -- Ja, dit is so. (30)

U het gesê dit was by 'n vergadering wat deur COSAS georganiseer was in Februarie 1983? -- Dit is so.

En dat hulle vir u verduidelik het wat met die beoogde Vaal Youth Congress beoog word? -- Wat ek gesê het is dat hulle wou gehad het dat ek moet aansluit by hulle as 'n lid.

Maar hulle het ook vir u gesê wat die doel daarvan sou wees?-- Ja, hulle het.

In daardie verduideliking verstaan ek nie vir u mooi nie. Wat presies was die doel? Wat se soort mense was dit? -- Wat die doel is en wat hulle optrede gaan wees? (10)

Ja, vir watter soort mense was dit bedoel? Was dit bedoel vir grootmense, kinders, skoolkinders, jongmense? -- Jongmense wat nie meer op skool is nie.

So, dit was basies vir jongmense wat nie meer op skool was nie? -- Dit is so.

U het ook gepraat van persone wat nog skoollopend is? -- Ek het gesê COSAS is vir die skoollopende kinders.

Ekskuus tog, my nota was nie volledig nie. 'n Ander aspek, u het ten aansien van die vergadering van 3 September 1983 - 1984 - vertel dat as daar 'n raadslid in daardie saal sou inge-(20) stap het, sou die mense vir hom kon byt en kou? -- Ja, dit was my woorde.

Hoe sou u die gevoel van die mense in die saal vertolk? aan die hand van u eie indrukke? Sou u sê dat hulle was ingestel op geweld of nie gewelddadig nie? -- Na die woorde wat daar gebesig was in hierdie vergadering, die optrede van die mense daar sal ek as volg vertolk. Hulle was mense wat net gereed was om te baklei.

Wat was u eie persoonlike gewaarwording? Hoe het u gevoel? Sal u bereid wees om te baklei? -- Ja, ek het myself so (30) beskou. Ek was ook dieselfde, in dieselfde toestand.

U het nogtans met die opmars saamgegaan? -- Dit is so, ja.

As u die woord baklei hier gebruik, wat bedoel u daarby?

-- Ek weet nou nie hoe om dit te verduidelik nie.

HOF : Baklei kan werklik fisies baklei wees of baklei kan wees 'n soort teoretiese ding waar 'n mens nie fisies by betrokke is nie? -- Dit wat ek van praat is fisies baklei.

MNR. KRUGEL : Wat weet u van dr. Frederick van Zyl Slabbert?
-- Ek ken hom as 'n leier van die PFP.

Is dit vir u 'n bekende naam? -- Ja.

In 1983 was die naam toe vir u bekend? -- Ja, dit was. (10)

Toe u geluister het na die kasset waarvan beskuldigde nr. 2 vir u 'n stukkie voorgespeel het, het u die naam van dr. Van Zyl Slabbert op daardie kasset gehoor? -- Nee, ek het dit nie gehoor nie. As dit daarin vervat word, is dit miskien verder as wat ek geluister het, maar ek het dit nie gehoor nie.

As die naam genoem was deur mnr. Mabaso of Cooper, sou u dit gehoor het? -- Ja, ek sou dit gehoor het.

Of deur die persoon wat met hulle 'n onderhoud gevoer het?
-- Ja, ek sou dit gehoor het.

Het u die naam van Van Zyl Slabbert gehoor in hierdie (20) verhoor voordat ek dit nou met u geopper het? -- Nee, ek het niemand gehoor daarvan praat nie.

Ook nie toe die kasset, kasset nr. 25, vir u voorgespeel is nie? -- Ek het nie so goed geluister of die naam daar genoem word nie, want aan die begin het ek sommer onmiddellik gesê dit moet gestop word, dit is nie hy nie.

RE-CROSS-EXAMINATION BY MR BIZOS : Do you remember my asking you yesterday who the Vanguard ... (Court intervenes)

COURT : Did you not deal with this yesterday?

MR BIZOS : Yes, yesterday ... (Court intervenes) (30)

COURT : Then there is nothing to ask further about it. What

new matter has arisen?

MR BIZOS : I want to draw attention to merely one fact that similar questions were asked yesterday of him in relation to the vanguard being present at Caesar Motjeane's house and that Raditsela was not mentioned.

COURT : That you can do in argument.

NO FURTHER QUESTIONS.

COURT ADJOURNS.

... / HOF