

SAAKNOMMER: CC 482/85

DELMAS

1986-03-03

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

VOLUME 38

(Bladsye 1725 - 1780)

COURT RESUMES ON 3 MARCH 1986.

COURT: Is no. 17 back yet?

MR BIZOS: No My Lord. I am able to inform Your Lordship that our instructing attorney saw him and took instructions. He appears to be better but still a little confused and the doctors are reluctant to release him in that state. But there is something that we want to draw Your Lordship's attention to and we think, with respect, that it will be properly better done in the absence of the witness.

COURT: Do you want to do it now? (10)

MR BIZOS: As Your Lordship pleases.

COURT: Yes. Could the witness leave the courtroom for a while.

MR BIZOS: The evidence led in relation to the Evaton Rate-payers Association on the morning of Sunday the 16th, I beg Your Lordship's pardon, the 26th, presents problems. It is not, that meeting is nowhere alleged in the indictment or in the further particulars. We have given consideration to asking Your Lordship to strike the evidence off the record on that ground, but on reconsideration we consider that the evidence may possibly be admissible because the witness attempts to (20) connection what was said during the morning meeting and what was said in the afternoon meeting. We do not want to make any final submission in relation to that to Your Lordship, but it is a different matter as far as accused no. 6 is concerned, that is Mr Mokoena. Your Lordship will recall that this witness said that he presided at that meeting at which she says that calls to violence were uttered. Now that is a serious allegation which is made against all the accused but more particularly against accused no. 6 who, it will be common cause, presided at that meeting. He was not at the after- (30) noon meeting, that too will be common cause. The witness has not/.....

not put him at the afternoon meeting. What we, the reason why I have drawn this to Your Lordship's attention is this that we will submit that this is not evidence which is admissible against accused no. 6 because it is not specifically alleged against him. The evidence may be admissible on the somehow or other basis of part of the res gestae, although that is as Your Lordship knows a most unfortunate generalised term, or it may be connected with the afternoon meeting. We want to put that evidence in issue because it also affects the witness' credibility as to what she says was said at the (10) afternoon meeting. But we want to draw Your Lordship's attention to the fact that we will contend, we do contend and will contend that it is not admissible against accused no. 6 as a specific act and indeed not admissible as a specific act in relation to any of the other accused that are implicated, because of the State's failure to set it out in the indictment. We submit that Your Lordship's judgment excluding the evidence where Mr Lekota, accused no. 20, was alleged to have thrown a stone is of equal application. We thought that we should draw this to Your Lordship's attention because we intend (20) cross-examining on it but if we do cross-examine on it we did not want either Your Lordship or the State to be under any misapprehension as to how, as to why we did it and what our contentions are going to be.

COURT: Well your attitude is recorded.

MR BIZOS: As Your Lordship pleases.

COURT: In future I do not think it is necessary to send this witness out because she does not understand English.

MR BIZOS: Your Lordship may hear that she is not as obtuse as she may appear, as Your Lordship pleases. (30)

COURT: She may come back.

MNR FICK:

MNR FICK: Edele mag die Staat verneem op hierdie stadium of die ondersoekbeamptes kan terug kom of hulle nog steeds moet buite bly want dit is die probleem wat ons nou ondervind?

COURT: Yes, Mr Bizos?

MR BIZOS: I have no objection to their attendance My Lord.

PULANE RINA MOKOENA: d.s.s. (Through Interpreter)

COURT: Mrs Mokoena before Mr Bizos cross-examines you further firstly I would prefer it if you sit down during the cross-examination so that we do not have a repeat of what happened on Friday but you are at liberty to stand if you prefer to do (10) so. And then secondly if you do not understand a question please tell the Court immediately you do not understand the question and it will be repeated. And further you do not need to agree with counsel when he puts something to you or you need not agree with him entirely. You can agree partially or you can disagree. But when you disagree do not shake your head, say so. And the main thing is that you must understand the question before you answer it. Yes Mr Bizos.

FURTHER CROSS-EXAMINATION BY MR BIZOS: Mrs Mokoena on the day that they came to take your husband away had there been a (20) close and loving relationship between you and your husband?
-- In a way.

He, did you feel that he had committed any crime? -- I do not know, I am not in a position to tell. The reason being that all I know is that he was in the company of Matlole and now what they were doing while they were in the company of each other that I am not in a position to tell whether he had committed any crime or not.

COURT: Matlole is now accused no. 17?

MR BIZOS: 17. Did you feel Mrs Mokoena that you had (30) committed any crime? -- In reply to that question what I can say/.....

say is the following. By joining this organisation I was under the impression that I was helping.

COURT: Helping what? -- By sort of informing the people as to what is the main idea, as I was told, about the work opportunities which are going to be there as a result of what I was told. Therefore I was just carrying over to the people what I was told was going to happen. For them to be on the knowing.

MR BIZOS: Well is the answer that you did not feel that you had committed any crime, that you were really trying to improve your lot and the lot of your people? -- Yes. (10)

Therefore you felt that you had committed no crime? -- That is so.

You had committed no crime. And you knew that your husband was a hard working man? -- You mean physically?

Well you know that he tried his best to work as hard as possible for your eleven children? -- According to me he was a hard working man until the day when a house was given to us to occupy. The commissioner made some remarks saying "I am giving you this house to occupy just because of you - meaning myself - the reason being that your husband does not last at (20) his place of employment or in any employment." It is only then thereafter that I watched to see whether this was true.

Well irrespective of what the commissioner's view may have been about his changing employment did you regard him as a hard working man trying his best for the eleven children and yourself? -- He is not a hard working man, that is while being employed. Why I say that he does not behave or do things like other men that I see working.

I see. That is your view, alright we will leave it at that. Now tell me did you think that your husband had (30) committed any crime? -- No that I do not know.

You/.....

You did not know of any crime that he had committed?

-- No.

Right. When the police came to fetch him in October/November 1984 what did they say to him, why was he being taken into custody? -- Because I was shocked at the time when the police were there a policeman did say something in my presence there but in view of the fact that I was shocked I could not make out exactly what was it that this person was saying, or the remark which was being made by this policeman.

But now you know that people, you knew that people (10) who commit crimes are taken into custody and they are tried and they may be punished for the crimes that they have committed? -- I did hear people talking about that, that if a person has committed a crime that person will be punished for that.

But now, and you knew that the day that the police came there to take your husband away? -- What I can say in reply to this question is the following, as a result of what my husband had told me prior to the police arriving there about the missing people he referred to that they are missing and there is a possibility that the police may come looking for him, (20) it then struck me when the police came that this is what he meant.

Yes. And you knew that the two persons that you mentioned were members of the Zone 7 committee of the VCA as was your husband.

COURT: The two persons being? No. 17 and?

MR BIZOS: I have forgotten the name of the other.

COURT: Well let us get the names then first, it is Matlole?

MR BIZOS: Who was the other person that your husband referred to? -- That was Matlole accused no. 17, and Raditsela. (30)

And Raditsela. Well the one was a member of Zone 7 and
the/.....

the other was a member of the VCA. And did you expect that if your husband was taken into custody he would be taken into custody in relation to what he had done in his capacity as a committee member of VCA? -- As a result of what he told me about the disappearance of the two gentlemen I inferred from that that in fact he believes that he is also going to be arrested, the reason being that he was in their company.

Yes. Now you were not in their company, of Raditsela and Matlole. In the sense that you might have done something wrong or illegal with them? -- I also was in their company in the(10) sense that I associated with them and therefore I feel I am also guilty for my having been in their company.

Now do you recall that about two weeks before your husband came, before they came to take your husband away, about two weeks before you were visited by another policeman? -- I do recall a policeman who paid us a visit and who introduced himself as a policeman from the Vaal.

Do you remember his name? -- No.

What did he say to you? -- This person came to find out from me if I knew a person by the name of Dorcas. (20)

For how long were you in his company? -- For quite some time.

You had a long discussion with him? -- Yes we were involved in a discussion.

About what had happened in the Vaal Triangle in August-September 1984?

COURT: Just a moment. If this was two weeks prior to the arrest of her husband, when was her husband arrested?

MR BIZOS: October-November she told us. November she actually said. (30)

COURT: Go ahead. -- Not really being involved in a discussion about/.....

about particular things but all he wanted to know from me was whether I knew Dorcas and if I knew the husband to Dorcas and the name given to me was a name that he mentioned to me, as the name of the husband to Dorcas.

MR BIZOS: But you told us you spent some time together. If he only made an enquiry about Dorcas and her husband that would only have taken a minute? -- When this person came to my residence that day I was in the kitchen. I was not feeling well and while we had this talk it took place in the kitchen. At a later stage this person asked me for permission to get(10) into the house, meaning the dining room and the children's bedroom. I then allowed him to do so.

Mrs Mokoena you do not always speak as slowly and as softly and as deliberately as you are doing here in court do you? -- No that is not in fact the position.

That is not in fact the position. Alright we will come back to that. How much weight have you lost whilst in detention Mrs Mokoena? -- I have since gained weight after my detention. When I was taken into detention my weight was very low. (20)

You are sure about that? -- Yes.

Alright we will come back to that as well. But let me put to you directly this person that came to you about two weeks before your husband was taken up....

COURT: The policeman?

MR BIZOS: The policeman. Did he not want to know from you what you knew about what had happened on 3 September?

COURT: 3 September is the day of the march. -- What you are putting to me now is in fact confusing me to a certain extent because now if I have to think proper I remember this happen-(30)ing some time in June. Why I say this was in June it is because one/.....

one of my daughters who is a trainee as a nurse had gone to school, that is a training college for nurses, and when this man arrived I was busy ironing her uniforms.

Yes, let me just get clarity now. Are you saying that when this policeman came and asked you about Dorcas that that was in June? -- Yes that is how I remember the whole incident because when he came there he found me busy ironing and the policeman wanted to know whose uniform it was I was busy ironing. I then told him that these are my daughter's clothes I am ironing. (10)

In June of what year? -- I think it was in 1984.

MR BIZOS: You remember I asked you if a policeman came about two weeks before your husband was taken away? -- That I am not sure of.

No but you were sure then, you said yes he did come about two weeks before your husband was taken away. -- Well I did answer to the question but then maybe it is that I answered the question not the way you wanted me to answer the question though if my memory serves me well, and I say this policeman was there in June. (20)

But you see in June Mrs Dorcas Raditsela and Mr Matlole were busy addressing meetings all the time at which police were present. They would not have been looking for them in June.

MNR FICK: Edele die Staat maak beswaar. My Geleerde Vriend is besig met argument. Hierdie getuie, hy moet eers by hierdie getuie vasstel of sy weet dat hulle daardie tyd besig was met vergaderings en dan kan hy dit vir haar vra. Anders argumenteer hy.

COURT: Are you putting to the witness that

MR BIZOS: I am putting to her that Mrs Dorcas Raditsela (30) and accused no. 17 would not have been looked for by the police/....

police in June, and that your first answer was correct. What do you say to that Mrs Mokoena? -- No after the riots I do not remember a policeman coming to my residence, that is prior to those who came to arrest my husband.

Well I am going to put to you that there was in fact such a policeman and that you reported the fact to your husband? Did you tell your husband about two weeks before he was taken in that a policeman had visited you and had asked questions about the unrest and also about various people? -- No that I cannot remember. (10)

Well is it possible that it happened and you do not remember about it now? -- No I cannot remember even a little bit about that.

You do not remember. Now did this policeman that did visit you, whenever he might have visited you, tell you that he was looking for witnesses? -- I cannot remember that.

You cannot remember that. You see Mrs Mokoena I can understand you offering to put yourself in the place of your husband as a witness to the events of the Vaal Triangle but not volunteer to be an accused to be punished if you felt that you had done nothing wrong?-- That is a bit difficult because I was expecting to be arrested as my husband had said to me that I must agree in order to be arrested and I did not know a thing about a person who is arrested or detained or kept in jail, and then I got the impression that my husband was going to devise some means or will get me released from wherever after having agreed to be arrested. (20)

I think that the way you spoke a little while ago is more like yourself? Because let me ask you some things about yourself. Do you not consider yourself as a prophetess? (30)
-- Who me?

You./....

You. -- No.

What is the significance of the white doek that you wear?

COURT: Is that not merely a Charlie? What is called a Charlie?

MR BIZOS: Yes, but My Lord the colour and the way in which it is tied I am informed has some significance. -- Well this white kopdoek I have on I have it on with a reason.

Yes, what is the reason Mrs Mokoena? -- Now you want to hear my secrets?

Yes. You see your secrets are not secrets because I am (10) going to tell you that your husband has spoken to us, your children have spoken to us and I am going to suggest to you Mrs Mokoena that you are putting on an act because of your detention? What is the secret? -- Wait now let me tell you and give you the details of this thing because from the look of things I can hear that you want to be involved in these things. I am having this kopdoek because of the following reason, a word came to me while I was asleep. From that word I did not follow everything exactly what was it about. I only got to understand one word from the speaker with that (20) word. This person spoke about engagement. I questioned this person as to what engagement was on which this person said an engagement is your doek, this was in a dream. I got awake. When I got awake I was confused as to what was happening.

Who was this voice that spoke to you Mrs Mokoena? -- I am not in a position to tell you really, I do not know who this person was who was talking to me in that voice.

COURT: Was this now before your detention or after your detention? -- Long before.

MR BIZOS: And as a result of this voice speaking to you (30) in this dream did you adopt an apostolic mission in life?

-- Because/.....

-- Because of that voice?

Yes, and also because of the way you interpreted it? --
I joined this Apostolic Church because on another day again
a voice came to me instructing me to go to a certain person
who will have to baptise me.

And you followed that voice? -- It took me a very long
time before I came to know who this person was that I was to
go to in order to be baptised.

Did you find him? -- Yes I did. I was taken by someone
else to this person. (10)

COURT: How long before the march was this? -- Very long before
that because I came to know this person during the year 1977.

Now are we really interested in 1977 Mr Bizos?

MR BIZOS: No My Lord, no but the next question may, and
other questions, this person is not well with respect, on our
instructions. She has given evidence and we want to investi-
gate and place before Your Lordship information which we
believe is vital to her. And have you been hearing these
voices since 1977? -- Which voices?

No the voice that you have been hearing, that you heard(20)
before, has it been coming back to you since 1977?

COURT: There were two voices. The one was that she should
get baptised, that is in 1977. The other one was the later
one. Now which one are you referring to?

MR BIZOS: Well do you hear various voices, have you been
hearing various voices since these two voices were heard by
you for the first time? -- Many voices from the year 1968.

And do these voices tell you what to do? -- Yes the voices
are telling me what to do. Sometimes I even in fact follow
what is being said. (30)

Right up to today? -- Yes.

Now/.....

Now since November have you been in a cell alone? November 1984? -- Yes.

Without the company of any member of your family? -- Yes.

Without the company of any other human being?

COURT: If she was in a cell alone it follows that her family was not there and that no other human being was there.

MR BIZOS: As Your Lordship pleases.

COURT: Now you need not repeat the question three times.

MR BIZOS: As Your Lordship pleases. And whilst you were alone in this cell did these voices come to you again, (10) over and over again? -- The voices do come, though they do not come always. There are times where I hear this voice that the voice is here saying something which I cannot make out or which I cannot understand, and then there are times when the voice will come and say something which I understand. That is still happening up to now.

Whilst you have been alone in this cell for the last almost eighteen months have you told the doctor that you hear voices? -- Who, a doctor?

Yes. -- I have not spoken to a doctor about anything. (20)

And do these voices speak to you both when you are asleep and when you are awake? -- In most cases the voices come while I am asleep. It only happened once that while I was not yet asleep I heard a voice singing as if the wife to the Bishop is the person who is singing there.

And whilst you were alone in your cell did you, were there times, because you were alone, that you would be in a sort of a half sleep? A light sleep between wakefulness and sleep, not a deep sleep? -- Yes it does happen that I must feel as if I am asleep yet I am not asleep. (30)

And do you during this period, did you during this period during/.....

during your detention turn over and over and over in your mind how you came to be in detention? -- Yes.

And did you try to find out from the voices that come to you as to how you might manage to get yourself out of the position that you find yourself in? -- As to how can I get out of this?

Yes, did you not appeal for the spirits to come to you and tell you how you could get out of this trouble that you were in? -- Yes I always asked my God to help me out of the troubles in which I am. (10)

COURT: Now let us just see what sort of God is this. Is this spirits or one God, apostolic God? -- I am talking about the real God from Heaven.

MR BIZOS: I am told Mrs Mokoena that even before your detention you were able to recite, even though you have not had much formal education, large sections of the Bible? Is that right? -- That is right, yes.

And does not the Old Testament in particular speak of the Lord sending his spirit to speak to people? -- I do hear from the Bible that Jesus Christ said "I have not left you alone, (20) I will send you somebody to be with you."

INTERPRETER: My Lord I am lost here. The word used by the witness I do not have an equivalent for it in English, not unless I check it on the Bible.

COURT: What is the word?

INTERPRETER: She used the word in Sotho, which I do not have an equivalent biblically, what the meaning of that is unless I put it as it is. I will send you. Jesus Christ said "I have not left you alone. I will send you someone, namely a good spirit" or a word to that effect. A Holy Spirit. (30)

MR BIZOS: The Holy Spirit, I am instructed by the accused.

The/....

The Holy Spirit My Lord. Now you see even before your detention did you in your family life and in your public life say I am going to do this because the spirits or the spirit has told me to do it? -- To have been told by Holy Spirit what way, what to do?

Yes. -- That I do not understand.

COURT: The question is whether you, when you were still with your family, from time to time would say "I am now going to do this because the Holy Spirit has instructed me to do it"? -- I do not quite understand that, that I ever had to do (10) something because I was saying to my family the Holy Spirit said I must go and do this.

MR BIZOS: Well did you ever say to your family that the spirit, or Holy Spirit, or the Spirits told me to do this, that or the other? -- I did make mention to my family but I am surprised here, that the word has come which said I must use three white kopdoeks. No not all white, but three different kinds of kopdoeks.

And what is the significance of you using these three different kopdoeks? -- I am still surprised up to now as to (20) what does it mean, what is being conveyed to me.

Now let me return to the day that your husband was taken into custody by the police. Your husband Mrs Mokoena says that you put up a performance even before he was taken away, saying "Don't take my husband, don't take my husband. He is the breadwinner rather take me instead"? -- I have already told the Court that that was said to me by my husband after the disappearance of the two men.

You see I am going to put to you that you put up this performance also in the presence of accused no. 9, a relative, (30) Ephraim Ramagula? -- What do you allege I have done?

COURT:/.....

COURT: It is said that accused no. 9 was present at some stage when you told the police "Don't take my husband he is the breadwinner, take me instead". -- In the presence of Ephraim?

MR BIZOS: Yes.

INTERPRETER: The Court will realise that I asked a question from the witness to verify something. She is inclined of using a word which may have more meanings. Now in this case I asked her. The answer is "I cannot remember whether that happened or not, that such a discussion was there in the (10) presence of Ephraim."

MR BIZOS: Do you recall that your relative Ephraim was brought by car, police car, at the time that your husband was taken into custody? -- Ephraim was in the police vehicle outside. Why I say that is because when my husband left the house going out I also went out and saw Ephraim in the police car'.

And were you bemoaning the fate that led your husband being taken into custody even whilst you were coming out of the house? -- Pardon?

Were you bemoaning your fate of your husband being (20) taken into custody even whilst he, the police and you came out of the house?-- At the time when they took my husband away there I was so shocked that I did not even know whether I was coming or going. Some of the things that were happening there I could not account for except for one, that I remember saying to the police "Don't take him away", meaning my husband, "You rather take me".

So would you agree that you volunteered to be taken into custody instead of your husband? -- Yes, in completing or complying with the instructions from my husband. (30)

But you do now agree that you were speaking loudly for
all/.....

all those there present to hear? At the time that your husband was taken in that you must be taken in instead of your husband?

-- Yes.

And it was, or do you recall that Mr Mohage was in the company of Ephraim, accused no. 9?

COURT: You mean he was in the car?

MR BIZOS: In and around the car My Lord.

COURT: Because no. 9 she said was in the car.

MR BIZOS: Was in the car. But do you recall that Mr Mohage was both in and that he got out of the car and that he was (10) there in the immediate vicinity whilst you were crying for your husband's freedom and that you should be substituted for him? -- That I do not know, not at all.

Well do you not remember seeing him there? Mr Mohage?

COURT: That is now the policeman?

MR BIZOS: Policeman. -- Do you mean at the time when they came to arrest my husband?

Yes. No listen carefully, that the people that actually came to arrest your husband Mr Mohage was not with them but Mr Mohage came onto the scene in the company of Mr Ramagula, (20) Ephraim your relative, accused no. 9?

COURT: So is it put that the police who came to arrest came in a different vehicle from the police who came with accused no. 9?

MR BIZOS: No. 9 and Mohage.

COURT: And that with no. 9 was Warrant Office Mohage?

MR BIZOS: Mohage. -- Well this is confusing me. Though it is confusing all I can say is that Ephraim was in a car and as to whether that car was being driven by Mohage or not that I do not know.

(30)

You see I am going to put to you that at no time did your husband/.....

husband give you instructions to volunteer, to volunteer to go into custody on his behalf. -- With my husband? It was discussed before.

Well do you say that your husband compelled you to go into custody on his behalf? -- My arrest or my being taken into detention did not come as a surprise to me. I knew I was supposed to be detained or arrested. Why I say this it is because of the voice which came in 1968.

So you were responding to the voice of 1968 and not any the instructions from your husband? -- In reply to that I (10) will say at times for a reason to be there that something be done an act comes first which will justify the reason for something to be done.

COURT: Now could I just get clarity on your previous answer. Did the voice tell you in 1968 that you would be arrested or did the voice tell you later on that you would be arrested? -- The voice which came said "You are supposed to go to school and at the time of your going to the school you at that time will not be a person who is in the state of conceiving in order to give birth and you will have to remain at that (20) school, being yourself, incompetent of any conceivable."

Is that the answer? -- That is the answer.

But now what I want to know is the voice that told you that you would be arrested, when did the voice tell you that? -- Let us understand each other proper here. The voice said "You will be going to school", meaning that I will be going to school myself. When this voice said I was going to go to school while I was still awaiting that I might be going somewhere else then it came as a surprise to me that instead of going to anywhere else I landed in jail. That is my inter- (30) pretation of that voice which said I will be going to school.

And/.....

And when did that voice tell you that? -- In 1968.

Now let us go back to the question that was asked of you. Counsel put it to you whether you were compelled by your husband to offer yourself in his place to be arrested. Then you said "My arrest was not a surprise to me" and you told us about the voice. Now let us get back to the question. Were you compelled, that is forced, by your husband to offer yourself in his place? -- He did not compel me. He just said that and uttered those words.

MR BIZOS: And did you believe that that was your destiny, (10) to be arrested instead of your husband? -- Yes I accepted it that way because if one was to take what transpired in 1968 and if that happened in May I found it justifiable to be arrested.

You see, what happened in May that justified your arrest? -- Again a voice came in May where a priest spoke to me in that voice, an unknown priest again, saying I must open Johan, Chapter 13 verse 13.

Yes, and what did it say? -- The voice only referred me to that Chapter and the verse in the Bible. (20)

And did you know it? -- Do you mean that portion?

Yes. -- Yes I did. I paged it through to see what is there and I read it. At the time when I was reading this I did not understand the contents in that chapter, or the verse itself. I only came to be clear about it, as to what was contained there, while in detention.

What did that say to you whilst you were in detention? -- When I read this from the Bible I found it.

Yes what did you find there? -- What happened is while being detained I read this verse from the Bible. It is only (30) then that I understood the meaning of this particular verse

in/.....

in the Bible.

Yes and when you read it what did that mean to you? --
I understood it then.

What did you understand? -- I am not so good in the Bible,
that is quoting the scriptures. All I can say is what I
understand. This was said, the one who eats with me, that is
a literal translation of what the witness is saying, has
kicked me with a heel. And again what I understand there is
the following. I am telling you all that before it happens,
so that by the time it happens you must understand that I (10)
am the cause, or I am the person causing that to happen.

Whilst you were in detention ...

COURT: Now could you enlighten us Mr Bizos. You have got a
Bible there, just read the text please.

C107 MR BIZOS: 13, 30 My Lord?

COURT: John 13, 13. It will be the Gospel not the Epistle.

MR BIZOS: 13, 13 says "You call me Master and Lord and you
say well for so I am." That is why I did not see the

COURT: What are you reading there, the Gospel?

MR BIZOS: The Gospel according to St John Chapter 13, (20)
verse 13.

COURT: Very well.

MR BIZOS: If Your Lordship bears with me I might take an
instruction from Father Moselane in relation to this. Is the
passage that you referred to, does that concern about leaving
your husband and your children and devoting yourself to a
different life? Is that the passage that came to you? -- That
is true.

Is that the passage. Yes well perhaps we will identify
it later with the help of Father Moselane. Now tell me (30)
whilst you were in detention how often did these voices come
to/.....

to you? -- It takes time before this voice comes, not daily.

COURT: Did the voices come to you more frequently in detention than they had come previously? -- No.

MR BIZOS:

Well how often did they come? -- No I do not want to commit myself and say how often. It is when God decides to send you the word that the word will come, otherwise I am not in a position to tell.

And you actually hear the voice? -- Yes at the time when it comes.

Now you told us that you made two statements to the (10) police whilst you were in detention? -- That is true.

Can you please try and remember for how long had you been in detention before you made the first statement? -- Listen my problem is this, at the time of my being taken into detention I was ill with my ill health and not in my full senses and up to now I am still not yet alright.

What was wrong with your senses? -- What I am saying is I cannot think proper because at the time of my arrest I was ill.

Have you seen a doctor about your illness, your physical ailments whilst you were in detention? -- Yes all the (20) time I am being treated. In fact I am not having any ailments physically, I am quite alright.

There is nothing wrong with you physically? -- No not at all.

Are you on any medication? -- Yes I am. Yes I am, for instance when I were to say I am not feeling well or I am sick then I will be taken for treatment or I do get the treatment.

Do you take medication regularly? (30)

COURT: What is meant by regularly?

MR BIZOS:/.....

MR BIZOS: Daily.

COURT: Daily? -- I am only given some treatment when I report that I am ill.

When last did you have any pills? -- On Friday I was given some tablets.

Was that because you got dizzy in the passage? -- Yes.

MR BIZOS: Now, and try and remember please when your first statement was made, in relation to some event? We know that you were detained in November, we know that there is Christmas and there is New Year, now in relation to those well known (10) events can you tell us more or less when your first statement was made? -- I do not want to commit myself, I do not know.

Can you not please even try to tell us whether it was days, weeks or months after your detention when your first statement was taken? -- No I do not want to tell lies.

Can you tell us what was the period of time between the first statement and the second statement? -- I do not know but all I can say is when I made my second statement, that was to Captain Botha, it was during winter. Now when during the Winter I am not in a position to tell. (20)

Yes, we are fortunate in having a date as to when you made your second statement and that it was in July 1985, some seven or eight months after your detention. Now can you recall, can you recall whether your first statement was made during the summer months or had winter already set in when you made your first statement? -- No during that time it was bad with me, I know nothing.

Why was it so bad that you know nothing? -- Due to shock and the pains I was suffering.

What caused the shock and what caused the pain? -- I (30) do not know because as I have already said at the time of my arrest/.....

arrest and probably the shock as well added to that.

Were you given any explanation as to why, having made one statement you were required to make a second statement? -- No I do not know even though if they may have said something I do not know.

But do you not recall anyone coming to you and saying "Mrs Mokoena we have taken a statement from you but for some reason or another we are not happy with it, or it may be necessary for us to take another statement"? Do you not remember any fact or circumstance that led to another statement having to be taken? -- No I cannot remember that. (10)

You cannot remember.

COURT ADJOURNS FOR TEA. COURT RESUMES.

PULANE RINA MOKOENA: d.s.s. (Through Interpreter)

FURTHER CROSS-EXAMINATION BY MR BIZOS: Can you tell us of any differences between your first statement and your second statement? -- When I came to know about this organisation what I remember as a difference there is when they make mention of Paulina Ramagula, because when we went there it was myself, my husband and Ephraim Ramagula. (20)

Please listen to the question. Can you tell us of any differences between your first statement and your second statement? -- Do I have to explain the differences between the two?

COURT: Yes, counsel wants to know what differences were there, if any, between the first and the second statement. -- That is where they talk about Paulina Ramagula instead of Ephraim Ramagula and Paulina Mokoena and April(?) Mokoena.

So were the surnames mixed up? -- The difference is where they talk about the wife to Ephraim Ramagula instead of Ephraim Ramagula. (30)

MR BIZOS:/.....

MR BIZOS: Yes, any other difference that you can tell us about?

-- Again that is about the person who took us to Boiphatong.

Mokoena took us to Boiphatong, that is to Mokoena's place.

Any other differences that you can think of? -- I think that is about all I can remember.

Mrs Mokoena in your first statement did you say that at the meeting of 26 August, the morning meeting of the Evaton Ratepayers Association, did you say that you called for the death of the councillors? Did you say so in your first statement? -- In my statement, that is the first statement, I (10) said I also agreed with what had been said by Matlole, namely that these people must resign or be killed.

You said that in your first statement? -- Pertaining to the two statements, that is the first and the second statements, I know nothing. All I get there is what was said or told, or what was mentioned.

Is your answer that you do not remember whether there was mention in your first statement that you yourself called for the killing of councillors? -- Because of what I have already mentioned to the Court what my problems are I am not certain (20) of whether I did say so or not. It can be that I did say so.

Is your answer that you cannot really remember at all what you said in your first statement about your own supposed statement at the meeting of 26 August? -- I cannot remember my words in my first statement. In fact I am confusing the two statements as to what I said in which statement.

Well why are you confusing them? Why can you not tell us? -- It is because I was confused, not able to think proper. I may have said it or I may not have said it. I do not know.

And can you recall whether in your first statement you (30) said anything about the other speakers having called for the death/.....

death of the councillors at the meeting of, the morning meeting of the 26th? -- Concerning people from Evaton, this that it was said they say councillors should be killed. I cannot recall that that they ever said so.

COURT: People from Evaton. Is accused no. 17 from Evaton?

-- No he is from Zone 7.

Yes, now let us just not mix up the witness.

MR BIZOS: Yes. Accused no. 6, is he from Evaton, Mr Mokoena?

-- Yes he is from Evaton.

And you do not remember him calling for the death of (10) councillors at this meeting? -- I cannot remember him calling for that because what I remember is that they were complaining about the piping, namely Mokoena, Khadi(?), and another person whose name I cannot pronounce proper, whether it Gobeka or Kopela.

COURT: Is any of these three persons in court? -- I only see Mokoena in court.

Which one is it? That is accused no. 6. Yes.

MR BIZOS: Now can you remember anybody saying that councillors should be killed at this meeting? (20)

COURT: This is now the morning meeting?

MR BIZOS: The morning meeting. Unless I change, I will make it clear to the witness. I am talking about the morning meeting now only and all my questions will relate to the morning meeting unless I tell you. -- The only person who made mention of the councillors during that meeting was Matlole.

That is the old man who is ill and who is not here today, no. 17? Is that right? -- Yes that is the one.

He is the only person that made mention of councillors?

-- Yes. (30)

You are sure about that? -- I do not understand, do you mean/.....

mean him?

COURT: Are you including or excluding yourself? -- Who me? I was also a speaker there. I may have mentioned that or not but my saying no I did not say that while I was with those people there and as a speaker can be tantamount to saying that I deny the truth.

MR BIZOS: Are you saying Mrs Mokoena that you believe that because you were there, because you were there you made yourself guilty of a call to kill the councillors, is that what you are saying? (10)

COURT: Is this question clear to you? A call by somebody else or a call by the witness?

MR BIZOS: No, may I repeat it?

COURT: Yes.

MR BIZOS: Do you believe that because you were there at the meeting you have, you called by your presence, by your mere presence, because you were there it was tantamount to calling for the death of the councillors? -- Yes.

COURT: That is without you saying anybody and without anybody else saying anything? Without you saying anything and without (20) anybody else saying anything? -- I am guilty because I did not dismiss that kind of a talk when it was said that these people must be killed.

MR BIZOS: But you yourself did not say that they must be killed? -- Well because this happened long ago it may be that I said it. I cannot dispute it.

) But now where did it come into your head that because you were there you made yourself guilty of calling for the councillors deaths? When did that occur to you for the first time Mrs Mokoena? -- While I was in detention it occurred (30) in my mind that I am here arrested now because of those people and/.....

and the documents.

Which documents are you referring to Mrs Mokoena? -- Those that were signed by the people.

Which documents were signed by which people? -- The documents which were supposed to be signed by the people to indicate as to how they pay and the pamphlets, I am the one in fact who was taking the pamphlets around to different people.

When did it occur to you that because you distributed pamphlets you were guilty, you were, it was as if you (10) said that the councillors should be killed in an open meeting?

COURT: Now just a moment. That was not the answer. The answer was "While I was in detention it occurred to me - that is now about what you said - I am arrested because of those people and the documents signed by the people to indicate how they pay. I took pamphlets round to different people."

MR BIZOS: Yes My Lord, but the question originally was

COURT: We are way off from that questions already Mr Bizos. Put the question again.

MR BIZOS: As Your Lordship pleases. Mrs Mokoena.... (20)

MNR FICK: Edele net 'n oomblik. Ek verstaan van die polisie dat die twee beskuldigdes wat laaste deur die Hof verskoon was, nrs. 4 en 8, het 'n afspraak om vandag, vanoggend om 12 uur mediese steke te laat verwyder. Nr 4 en nr 8. Dit was Vrydag so gereël. Met verlof van die Hof mag hulle verskoon word vir 'n oomblik sodat die

COURT: Any objection Mr Bizos?

MR BIZOS: No My Lord, we do have instructions from them and we are indebted to the District Surgeon for the concern, apparently it is a follow up. (30)

COURT: They are excused, no. 4 and no. 8.

MR BIZOS:/.....

MR BIZOS: You see you told us that whilst you were in detention you thought that there was a connection between the documents and you not remembering whether you had said that councillors must be killed or not. And you also said that some of the documents were signed by some people? Now let us just take them one by one. Were you shown any documents signed by any people? -- Yes I did see those documents because my husband was in charge of them.

No, did they, were you shown any documents whilst you were in detention? -- While still detained in the Free State (10) a policeman came to me and enquired about certain documents.

Were they documents signed by people?

COURT: Well the first question is was she shown the documents?

MR BIZOS: Yes, I thought that she said yes.

COURT: No he enquired about documents.

MR BIZOS: Oh, I beg Your Lordship's pardon. Were you shown any documents? -- By whom, by the police?

Yes. -- Yes they did show me a document.

Signed by anybody?-- It was just a document which was typed or printed, printing with a machine. (20)

So we will call that a pamphlet. Other than a pamphlet were you shown any other documents? -- By the police?

Yes. -- I cannot remember.

You cannot remember. Now you told us that you cannot remember whether you yourself called for the death of the councillors. Is that right? At the meeting.

COURT: Morning meeting?

MR BIZOS: Morning meeting. -- I said I cannot deny that.

Yes. -- The only thing I cannot remember.

Well I cannot remember and I cannot deny, that as you (30) are standing there now you cannot really tell His Lordship whether/.....

whether you said that or not? -- I was a speaker there. I addressed the people. In my address I also included the church, in other words what I am driving at is to say while addressing the audience there the people who were listening were in a better position to assess what I am saying than me the speaker.

You are right about the addressing the people from the Bible and we will come to that but do you, you say that you yourself can no longer tell His Lordship whether you called for the death of the councillors or not? -- I have already said that I cannot deny that. It may be that I said it, (10) that is namely to say that that must be done to those people. But the only thing is that I cannot recall that.

Yes. And you did tell us that Mr Matlole said so. Are you sure that Mr Matlole said it or is it that you do not remember his words well either any more? -- That he said the councillors should be killed I remember him uttering those words that the councillors should be killed. But whether it was in the meeting of the ratepayers or where, but those words came from him.

So what you are saying is that you do recall him (20) saying it at some time or another, you do not remember where and you do not remember whether it was at the morning meeting of the 26th of the Ratepayers Association? -- About the meeting in the morning I am inclined to forget whether he said that or not but what I can remember fairly well is that in the afternoon he did speak.

He spoke, yes. But now let us come back to these words. You say you do not remember whether he spoke those words at the morning meeting or not. Is there anyone else that you can remember having called for the death of the councillors (30) at the morning meeting? -- Not from the Evaton people, I cannot remember./.....

remember.

Or any of the people who were present at the Evaton meeting during the morning? -- All I know is what I heard the people from Evaton complaining about the pipes which are being installed there underground.

You do not recall anyone at the meeting of, the morning meeting which was a meeting of the Evaton Ratepayers Association, calling for the death of the councillors? Is that not so Mrs Mokoena? -- We did speak in that meeting. Though I cannot place it exactly when. That was uttered by someone but not (10) from the Evaton people because their complaint was about the pipes.

Was the morning meeting about the Evaton complaints? -- Yes.

Now Mrs Mokoena you yourself are a God fearing woman are you not? -- Yes.

And would you approve of the killing of anyone? -- This thing, the talk about the killing of these people, shocked me since I heard about it on the 26th, that people were going to be killed. (20)

Yes but you have already told us that at that morning meeting you did not recall anyone calling for the killing? If, you yourself, never mind about the meeting of the 26th, you yourself would be shocked to hear anybody at any time calling for the killing of the councillors even though you might have had complaints against them? -- I also had some grievances about the councillors but for them to be killed really it was difficult.

Yes. And you yourself would not call for their death? Is that not so? -- It is a difficult word to utter or to (30) take when it is being uttered. But now if it was being said that/.....

that these people are to be killed for what they are doing, they are no good, it would not be a correct thing to do for one person only to say "I don't agree".

COURT: The question is you would not call for their death? What is your answer? -- This thing of killing a person is a very difficult thing. I do not know what to say about it.

MR BIZOS: I am going to put to you what in fact happened at the morning meeting Mrs Mokoena, that neither you nor anyone else called for the death of any councillors. Would you agree with that? -- In the morning meeting? (10)

The morning meeting. -- I cannot dispute that.

And you see once you cannot dispute it let me try and remind you about yourself Mrs Mokoena, that at that meeting you were not the miserable person that you are now in the witness box but that you stood up and in a loud voice, in the character of a prophetess and recited Jeremiah's lamentations Chapter 5 off by heart for all the hundreds of people there to hear. Do you recall that Mrs Mokoena? -- I will not dispute that.

Yes. (20)

COURT: Can you recall it? -- Yes I recall that I was speaking very loud.

Now if you can recall so well can you recall what you told me on Friday? On Friday when I, rather surprised, asked you how you could make mention of killing in a speech that morning your answer to me was you did it for effect otherwise your speech would not be effective. You recall that? -- Yes I do.

Now how does that tally with what you have told us just now? -- They differ.

Yes, Yes Mr Bizos? (30)

MR BIZOS: You see Mrs Mokoena this meeting on that morning was/....

was a straightforward ratepayers meeting which was reported in the newspapers. -- From the people of Evaton, yes.

COURT: Are you handing this in Mr Bizos?

MR BIZOS: As Your Lordship pleases.

COURT: On the same basis as always?

MR BIZOS: As always.

COURT: Now when do I hear about the correctness of the other ones?

MR BIZOS: My Lord My Learned Friends are constrained not to admit the ones referring to Sergeant Branders but we have (10) made arrangements for the whole page of the newspaper to be photostatted and to be brought and handed in.

COURT: Please.

MR BIZOS: But they may not have such difficulty in relation to these but if they do we will go through the procedure.

COURT: Yes. This will be EXHIBIT AAQ(10).

MR BIZOS: Now .. -- I remember about this particular meeting, it was about rent.

COURT: And just for record purposes which newspaper is this?

MR BIZOS: The Rand Daily Mail of 28/8/84 in the edition (20) which was called "Extra" edition.

COURT: Thank you.

MR BIZOS: Listen to what this meeting was about. "The re-planning and redevelopment scheme implemented in Evaton recently was strongly condemned at the weekend as the first move in depriving Evaton residents of their freehold rights to be replaced with the 99 year leasehold scheme. Mr Petrus Mokoena, the secretary of the Evaton Ratepayers Association - and that refers to Mr Mokoena now in court.

COURT: That is accused no. 6? (30)

MR BIZOS: No. 6. "The secretary of the Evaton Ratepayers

Association/...

Association spoke at a meeting held in Evaton Roman Catholic Church on Sunday. He vehemently attacked the Evaton Town Council, the Orange-Vaal Development Board and Dr Piet Koornhof, the Minister of Co-operation and Development, accusing them of implementing a township scheme rejected by the majority of the residents. He said property owners were requested to subdivide their properties on the freehold system, the portions of which were divided and then sold on a 99-year leasehold scheme to tenants. By doing so the property loses its freehold rights and thus deprives residents of their freehold (10) rights as well. The Council agreed to the sub-division system on the instructions of Dr Koornhof and the Board. They are not aware that by doing so they are selling out the residents, he said. Mr Mokoena, a former Community Councillor of Evaton, criticised the sub-dividing of the properties for the widening of roads in the township. He said it was unlawful as the property would be deprived of its rights. He warned property owners not to sell their properties to any person because they would be sold to the Board. Ultimately, he said, nobody would own any property in future. He also attacked leaders of (20) opposition groups who accused him of using double standards. Mr Mokoena appealed to residents not to pay their residential permit fees for they would be selling their right to live in the township. He said the monthly permits which cost R10 were illegal." Do you recall whether this was the tenor of Mr Mokoena's speech? -- No I do not quite remember and I cannot dispute that either.

And do you recall that there were hundreds of people at this meeting on church property? Let me correct it, approximately 100 not hundreds. (30)

COURT: One hundred.

MR BIZOS:/.....

MR BIZOS: Approximately. Do you recall that? -- Yes I agree with you the way you put it.

And do you recall that there were, like people here with their pads, with paper and pen making notes, the newspaper people? -- No that I cannot recall.

Yes. And would you recall that any calls for the death of councillors would have been completely out of place and it is not something that you could have forgotten about? Do you agree Mrs Mokoena, that calls for death are not easily forgotten if they happen? -- Yes. (10)

And do you agree that accused no. 6 is a calm person who speaks slowly and logically? And firmly? I am sorry, Mr Mokoena? -- Yes, yes I agree.

Yes, that he is a calm and collected person who kept absolute control over this meeting? -- That is so.

Mrs Mokoena on Friday you did not tell His Lordship that you called for the death of councillors, you also gave evidence of other people having made a similar call? -- I am not saying up to now that people from Evaton ever said that councillors should be killed. All I am saying I know who the person is (20) who uttered those words that they should be killed and that is Matlole.

Mrs Mokoena I want to know from you what pressures there were on you in that witness box on Friday morning when you told His Lordship that you called for the death of councillors, Mr Matlole called for the death of councillors, accused no. 8 the young man who left us to go to the doctor, called for the death of councillors? What pressures were there on you Mrs Mokoena to tell that story to His Lordship in a trial such as this, what pressures were on you? -- Matlole and who? (30) who are the others?

COURT:/....

COURT: No. 8.

MR BIZOS: Accused no. 8.

COURT: What is his name?

MR BIZOS: No, I beg Your Lordship's pardon, the witness' evidence, yes she did speak of accused no. 8. I have been corrected by My Learned Friend but I think I am correct.

MNR FICK: Edele die Staat het dit dat hierdie persoon eers, nr 8, eers die middag, hy was besig met die vergadering toe sy daar ingekom het volgens haar.

HOF: By die middage vergadering het hy gesê "Daar kom (10) mev. Mokoena" en haar toe aan die woord gestel.

MR BIZOS: Yes. I am sorry My Lord, accused no. 17 and herself then.

COURT: At the morning meeting it was only no. 6 and no. 17 and the allegation was that no. 6 said it.

MR BIZOS: I beg your pardon.

COUFT: I am sorry, that no. 17 said it and no. 6 was the Chairman at the meeting.

MR BIZOS: Was the chairman. What is it that, I will amend the question. What pressures were there on you to say that (20) you had called for the death of councillors and Mr Matlole called for the death of the councillors? What pressures were on you? -- The pressure was is it not correct that I am in detention because of the confusion which took place.

But, yes you are in prison for the confusion that took place but why did you think that you would get out of prison and go back to your eleven children if you said to His Lordship that you called for the death of councillors and Mr Matlole, accused no. 17, called for the death of councillors? How would that solve your problems? -- It is because it was (30) said, and this was said in my presence while I was there and

I/.....

I did not disagree with that and people were killed after it was said in my presence and therefore I am also involved in that.

Yes, but you told His Lordship a short while ago that you did not recall yourself saying that, you did not recall Mr Matlole saying it. The question is why did you say on Friday that it was said? -- The word about killing was said by him.

Do you want to change your evidence again now? Do you Mrs Mokoena? Would you rather not tell Your Lordship what happened in detention that persuaded you to tell untruths (10) about yourself and Mr Matlole? Would you rather not say that? Would you rather not say that? You see because I am going to put to you that even the State in the indictment, My Lord it is page 348 sub-paragraph (5), which was served probably after you made your first statement and before you made your second statement on page 348 sub-paragraph (5) what you ever said at any meeting is summarised as follows: "One Rina Mokoena addressed the meeting, launched an attack against the councillors and the whole council system and incited the audience not to pay their rent. She incited Black women and encouraged them to join the womens organisation and to actively take part in the struggle in the Vaal Triangle. She employed the earlier struggle of the women in the 50's in her address to convince the women to take part in the so-called struggle in the Vaal Triangle." Is that an accurate description of what you said at the morning meeting or the afternoon meeting or both? Is that an accurate description of what your speech was either in the morning or in the afternoon or both the morning and the afternoon? -- Yes that is so. (20)

Now you see Mrs Mokoena if the person that drew this (30) document had a statement from you that there were calls for death, /.....

death, either at the morning meeting or the afternoon meeting, it would have been in here. Is it possible that these calls of death came into your statement and in your evidence on Friday after an even longer detention and even after the voices had spoken to you again?

COURT: What counsel is actually putting to you is that it could not have been in your first statement and it only arose in your second statement, this story of the killing? What is your answer? -- I have no answer to that question.

MR BIZOS: Do you recall Mr Malindi, accused no. 5?-- Yes (10)
I do.

Do you recall whether he was at the morning meeting? --
I cannot recall that.

It follows therefore that you will not be able to admit or deny that Mr Malindi, accused no. 5, spoke at the morning meeting?

COURT: Is it put that he spoke?

MR BIZOS: He spoke My Lord. -- I cannot dispute that, I do not know.

He spoke just after you? Can you recall that? -- I (20)
am putting that he spoke after you, no. 5 spoke after her
My Lord. -- I can remember that he was a speaker. All I cannot recall is whether he spoke before me or after. What I know is he did speak.

Do you recall that he spoke in English and that he actually had a prepared speech that he was reading it, or using the document in order to make a speech? -- I cannot recall. I did not see him with a piece of paper. I would rather say I do not know.

Do you know Mr Ernest Nkabinde, a newspaperman? -- (30)
No I do not know him.

Do/....

Do you recall Mr Malindi, accused no. 5, going up to anyone and handing over the piece of paper, to anyone who had been busy making notes there? -- No I cannot recall that.

Can you recall that the theme of his speech was the struggle that the people of Evaton had put up over many years to preserve their freehold rights? -- I am not disputing that he ever said that. I just cannot recall.

Do you recall that he mentioned a number of what he described as court battles that took place in order to preserve the freehold rights of the people of Evaton? -- No I cannot(10) remember.

Well would you then agree that you cannot really give His Lordship any sort of accurate picture as to what happened at that meeting? -- Yes I am not able.

Now is it true, it is true is it not that councillors were accused of not doing their duty properly? -- Yes I quite agree with that, I heard it being said.

Yes. And that people were calling for their resignation? -- Yes.

You yourself, Mrs Mokoena, were a keen speaker were you(20) not?

COURT: Keen to speak?

MR BIZOS: Keen to speak whenever an opportunity was given?

-- What am I going to say otherwise? My husband is the person who was supposed to have gone there to address the meeting and he refused going there and gave me instructions to go there. What else could I do? I was just bound to go and speak.

Yes. Well let me remind you of some of your other achievements, and I am not being ironic, as a speaker and as a negotiator Mrs Mokoena. You recall that in the beginning(30) of 1984 a great number of children, 300 in all, were not

readmitted/....

readmitted to the school? -- I cannot recall that.

No just try and remember it properly because your own children were involved, or at least one of them.

COURT: Can you not just tell her pointblank what the achievements are? She may well agree with you.

MR BIZOS: Yes, that you got to the Principal and the Inspector that were not taking the children in and that you badgered them until all the children were admitted and that you got the better of the Principal and the School Inspector? And that you organised the mothers in particular to really badger (10) them until they agree to do that? You remember that? -- Oh well I am going to ask you to pardon me on that. I did not know which year it was but I remember that incident, it is true.

That was the real Rina Mokoena, not the one that is in detention now? Not so? That could take on the Principal and the Inspector and anyone else that stood in her way and in the better education of her child, that was the real Rina Mokoena? Not so? -- That is true.

And the Rina Mokoena that remembered with pride the (20) march of women to Pretoria in the 50's? Not so? -- Well I do not know those women, I only hear when they talk about that.

Yes you heard and that is what you said at this meeting on the morning of the 26th? -- Yes.

Where the theme of your speech was that unity brings results? And you relate that to the achievement that you and the other mothers had managed earlier in the year? You remember that Mrs Mokoena? -- I am not disputing anything.

Yes. And do you recall that what you have described as early meetings for the formation of the womens organi- (30) sation in the Vaal Triangle really arose out of house meetings that/.....

that you yourself were responsible in this early struggle with the education authorities? Is that not so Mrs Mokoena?

-- I am not disputing that really if you put it to me.

Yes, I think that I am going to insist on a better answer than that. I want to know whether you remember it or not because I am suggesting to you that you could not have forgotten it. -- Not at the moment, I cannot remember it unless maybe perhaps while you go on putting things to me I might remember exactly what you are talking about.

And that you complained about the rent increases? (10)
You recall that?

COURT: Is that now at the morning meeting?

MR BIZOS: At the morning meeting. -- That is true.

And you had a set speech that here you are the mother of eleven children, that your husband works, that you were not a woman who just sat around, you yourself had a job from time to time or were a free trader, hawking in order to bring up your children. Not so? -- Yes about work or jobs that I am doing I do try.

C108 Yes, and you gave your family as an example, that you (20) cannot make out and here there is going to be an increase of R5,90 to the rent? -- Yes that I remember.

Yes. Now that is a far cry from getting together on church property to call for the murder of councillors? Not so? -- Things are difficult.

You know they would be easier if you forgot about what you made up your mind to say whilst in detention and you just told His Lordship what happened. Try and think of yourself that morning at the meeting where you raised your hands and said in your own language "Oh God why have you forsaken (30) us". Do you recall that? -- I am not disputing that.

Do/.....

Do you recall it Mrs Mokoena? -- I do not really know because because this happened long ago.

Yes. And you went on "Why have you allowed strangers to steal our land"? -- I am not disputing anything really.

COURT: But do you remember saying that? -- I cannot remember.

MR BIZOS: "Why have we been rendered hewers of wood and drawers of water in the land of our birth"? Were not those the words of the prophet Jeremiah and were you not lamenting in his style? Not so Mrs Mokoena? -- I am not disputing anything because I have already said to His Lordship that people(10) who are listening to what you are saying are in a better position to analyse what you are saying than you the speaker at the time. Therefore I am not disputing anything from what is being put to me.

But do you not agree ... -- Though I cannot remember exactly whether I said it or not.

But do you not agree that calling for the death of councillors and at the same time uttering the words of the Holy Bible is quite inconsistent? -- I agree they do not go together. (20)

Was the spirit speaking to you when you were speaking at that meeting Mrs Mokoena? -- At what stage, do you mean at the time of my addressing the meeting?

At the time that you were quoting Jeremiah? -- That I do not know because I was just addressing and uttering words.

Guided by the spirit? -- Are you saying I was being guided by the spirit in what I was saying there?

I am asking you whether you were. -- I am not in a position to answer that.

Do you recall that towards the end of the meeting Mr (30) Esau Raditsela and Miss Edith Lethlake came in? -- Yes I do recall/....

recall that.

Do you recall whether accused no. 17, that is Mr Matlole, the old man who is not here today, was with them when they came? -- No I do not know that.

Are you able to dispute that that was no. 17's, that is Mr Sam Matlole's first appearance at that meeting when he came towards the end with Mr Raditsela and Miss Lethlake? -- I am not in a position to dispute that but people I can remember is Edith Lethlake and Raditsela.

And they came so late to the meeting that they were (10) really too early for the afternoon meeting, it was going to sort of run over? -- I am not sure on that.

You are not sure. Do you recall that Mr Raditsela made a short speech about the million signature campaign? Do you recall that? That he made a short speech and he handed out forms for people to sign in support of the million signature campaign? -- Yes that I do remember.

Yes. And do you recall that Mr Matlole, the absent elderly gentleman who is accused no. 17 before His Lordship, speaking very briefly supporting what Raditsela had called (20) for, namely that people should sign the forms? -- No that I do not know.

Do you recall at all for how long, if at all, Mr Matlole, accused no. 17, spoke? -- I cannot recall because this happened long ago.

Yes. Now if you do not recall for how long Mr Matlole spoke, if you do not recall when he spoke, if you do not recall what he said, how did you come to put those terrible words in his mouth when you were giving your evidence-in-chief on Friday? -- The word about killing of a person, this I (30) remember, came from his mouth.

No/.....

No but you know you have already said that you do not recall him saying it at the morning meeting. You do not want to change again do you? -- I am not changing my evidence. What I am saying is what was said about the councillors that they should resign and be killed, this came from his mouth.

But you told us that at the meeting, that morning meeting, at which you do not remember whether you said it and you denied that you said it and you do not even remember no. 17 said it, do you now want to change your evidence again? -- The things we are discussing about here are difficult. What I can (10) remember is that he did say so. Another thing the discussion here it is so difficult in such a way that it is confusing me in my head.

What was easier, this or the eighteen months detention when you were being asked questions by police officers in a room?

COURT: Well you must now first determine whether she was asked for eighteen months long in a room.

MR BIZOS: As Your Lordship pleases. For how long did your interrogation last? For how many days, weeks or months (20) were you interrogated? -- I do not know.

But please try and remember. For how many days, weeks or months were you interrogated? -- No I cannot remember.

What was easier, the way that I am asking you questions under the protection of His Lordship or the interrogation in a police room? -- They are the same.

COURT: It puts you on a par with some other people.

MR BIZOS: Well I wish everybody had Your Lordship's protection whilst they were being interrogated in detention. But if it is a compliment I will accept it. Mrs Mokoena were (30) you told when you made your statement that you had to take the oath/.....

oath that it was true? -- Yes they made me to sign.

Under oath? -- I cannot remember.

Did anybody tell you what might happen to you if you departed from that which you had signed? -- No I cannot remember.

You cannot remember. -- No.

What do you think will happen if you departed from that which you signed? -- I do not know. The Court will decide.

Decide what? -- About everything, mistakes and the correctness of whatever is happening here, it will be for (10) the Court to decide.

Yes. When do you expect to be released Mrs Mokoena? -- Well any time when God will give me that right to be released.

Without wishing to be disrespectful to your beliefs do you not think that somebody has got to make a decision on this earth of ours before you are released? -- God is a human being in the sense that whoever will decide on what is to be done on me will be doing that with the permission from God and direction.

Did anyone not suggest to you that you may be punished (20) if you departed from the written and signed statement that you had made, the second one? -- No not that I can remember.

Not that you can remember. Let us, do you remember when the womens organisation was formed in the Vaal Triangle? -- No I do not know that.

And if I were to suggest to you that it was at the end of February, beginning of March 1984 would you be able to admit it? -- I do not know at all. I just joined it.

Yes. Because I am going to put to you that your evidence-in-chief that you were told in January 1984 and that you (30) started attending its meetings in January 1984 cannot be correct./.....

correct. What do you say to that? -- I came to know about their existence during the time of the children, pertaining to their problems at school.

Yes. Well you see I am going to put to you that you were a founding member of the womens organisation and that you really founded it, or helped to found it as the result of the experience that you had had earlier on in the battle that you had with the Principal? I am referring to Vaal My Lord. What do you say to that? -- Well that talk puts me in a difficulty. It defeats me. (10)

Well I am sorry that ...

COURT: Well let us break up the question into two parts. Were you a founding member of the VOW? -- I do not know about that, that is the beginning of the organisation. The only organisation I know about is the one which was, in which Lethlake was involved where it was said it is a womens organisation.

But it is put to you that you started this organisation we are talking about.

MR BIZOS: Helped, was concerned with the starting of it.

COURT: You helped found it? (20)

MR BIZOS: Can I help you Mrs Mokoena. You were a very handy woman, I understand that you had buying in bulk schemes for the women in your neighbourhood? -- I was not yet involved in the bulk buying scheme. I was just hearing from people about the existence of that.

I am going to put to you that you were a leading member of these schemes because of the size of your family, the bulk buying of food and uniforms and exercise books? And that is how the womens organisation came into being, and as a result of Miss Lethlake's intervention who had some experience in (30) these matters? -- I know nothing about the starting of the whole/.....

whole thing. All I know is when Lethlake spoke about it. Otherwise prior to that I did not know anything.

Tell me was your husband an area committee representative of the VCA? -- I do not know about organisations. All I know is that my husband was associating with Matlole and Raditsela. Whether there was any organisation involved in that I cannot tell you.

Mrs Mokoena it will not help you I am afraid to try and play the role that you are trying to play. Were you not present at the meeting at which the VCA was founded? -- I do not (10) know about these organisations. I only joined the organisations when mention was made of UDF. Now if a person is mentioning different organisations to me to me they are not known.

Because I am going to put to you that you were at the launch meeting on 9 October 1983 at the Roman Catholic Church in Sebokeng. Do you not recall that? -- I do remember my husband telling me about meetings he attended at the Roman Catholic Church and I remember an occasion on my way from church I decided to pop in and see what was happening there. On arrival I found them speaking English. (20)

And no interpreter? -- When I arrived there they were speaking English. I was not long, for a short while, then I left.

I am going to put to you that at the launch you were seated on the platform next to Mrs Ramagula, the wife of accused no. 9? -- That is exactly what I am saying. I did arrive there, that is true.

COURT: Did you pop in and land on the platform? -- Yes.

MR BIZOS: But was this not an overcrowded meeting? We have heard from other witnesses. How did you come to have a (30) place of honour when you just popped in? You see let me just put/....

put it to you so that we can get onto another topic. I am going to put to you that your husband is and was a keen supporter of the VCA, you knew all about the VCA and you did not need anybody in the beginning of 1984 to recruit you into any political activity by any promise that Mr Mandela and Mr Thambo were going to come and build factories in your area. Do you agree that you knew all about the VCA both through your husband and through your attending meetings before the womens organisation was formed? -- No I know nothing.

You do not know. Well you managed to tell quite a lot(10) in your statement for a person who knew nothing, to implicate the accused.

COURT: If that is a question we can hear the answer after lunch.

COURT ADJOURNS UNTIL 14h00.

C109 COURT RESUMES AT 14h00.

PULANE RINA MOKOENA: d.s.s. (Through Interpreter)

COURT: I would like to ask a question just before you start. Mrs Mokoena do you live in Zone 7 Sebokeng? -- Yes.

Where did you live before coming to stay in Zone 7 (20) Sebokeng? -- Evaton.

When did you move from Evaton to Zone 7? -- 1969.

Yes thank you.

FURTHER CROSS-EXAMINATION BY MR BIZOS: I want to deal with the afternoon meeting of 26 August. Do you agree that you were called upon to speak as soon as you arrived in the hall? -- Yes.

And that you did not hear anyone speaking during the afternoon meeting before you yourself spoke? -- What happened is immediately when I entered the hall one Nkopane said to (30) the audience "Here comes Mrs Mokoena, she will take over the floor"../....

floor".

COURT: Who is Nkopane?

MR BIZOS: That is accused no. 8.

COURT: Could he just stand up, accused no. 8?

MR BIZOS: He is the one who went off to the doctor.

COURT: Yes.

MR BIZOS: Therefore it is correct that you did not hear anyone speak before you at this meeting, the afternoon meeting?

-- Yes.

Now would you like to please tell us, if you can remember, what you said at the afternoon meeting? -- I repeated what I had said in the morning. (10)

Yes. But now you told us today that you did not call for the death of the councillors in the morning? What do you say to that? Do you recall that this morning you told us that you did not call for the death of the councillors? Is that right? -- I cannot remember whether I did speak.

Yes, about the death of the councillors? Is that right?
-- Yes.

And do you say now that you do not remember whether you spoke about the death of the councillors in the afternoon as well? -- Because of these events having taken place long ago I cannot remember. (20)

Yes. And you also told us that you did not remember accused no. 17, that is Matlole, calling for the death of the councillors in the morning meeting? You recall that? You are finding it difficult to contradict your statement again Mrs Mokoena? Do you want to give an answer or can I proceed to the next question? -- I will ask you to proceed with another question. (30)

Thank you. You see because you told us, you told His

Lordship/.....

Lordship when you spoke on Friday, when the Prosecutor was asking you the questions, that you stood up and spoke in order to agree with Matlole, accused no. 17 who had called for the death of the councillors earlier, you recall that? Do you recall that that was the reason that you gave for calling for the death? -- I remember that this word was uttered by him, not from the others.

Yes but you see you also told us before lunch, before the adjournment you told us that you could not deny that accused no 17, that is Matlole, had not spoken but merely called (10) for signatures of the one million signature campaign. You recall saying that?

COURT: You must wait for an answer Mr Bizos. I am waiting for your answer. -- These things are confusing me in my head because I find that I got into this trouble not in a proper way.

Well we are only interested in the truth. Now tell us what happened there. -- I do not know how to explain that because the papers or documents are not revealing what I am saying orally here. What is written in the papers is not (20) exactly what I am saying and therefore as a result it would mean that what I am saying is not true, I am telling lies.

Now what papers are you referring to, to your statement? -- It is because of what is being put to me that Matlole arrived there late. As a result of which then I find it not.

You need not agree with everything that counsel puts to you. If you agree with him you agree with him and if you disagree you say you disagree. But whatever you do I want the truth. Now understood? Yes now answer counsel's question. Please put it again. (30)

MR BIZOS: As Your Lordship pleases. I asked you whether
you/....

you remembered that before lunch you said that you could not deny that the only thing that accused no. 17, Matlole, did was to come at the end and ask for signatures to the million signature campaign? You said that before the adjournment, do you recall that? -- Yes those which were talking about rent.

Alright. You see let me put to you the difficulty that we have in your evidence. If Matlole did not call for the death of the councillors in the morning and you spoke as soon as you arrived without hearing any speakers speaking in the afternoon meeting you could not have followed Matlole's (10) example. Have you any answer to that?

COURT: Well that is a very difficult question. Is that not actually argument Mr Bizos. That you can address us on.

MR BIZOS: As Your Lordship pleases, I will leave it at that. Now I am going to put to you that your speech that afternoon was substantially similar to the one that you agreed that you made this morning and that you did not call for anyone to be killed?

COURT: You think about this a long time. Now while you are thinking about this tell me the truth. -- These events are (20) confusing me.

MR BIZOS: Yes. And I am going to put to you that Mr Matlole, accused no. 17, actually spoke at the beginning of the meeting.

COURT: The afternoon meeting?

MR BIZOS: The afternoon meeting. And that after Mr Nkopane, that is accused no. 8, had opened the meeting and that he offered a prayer, that is accused no. 17 offered a prayer, Mr Matlole. You were not there at the beginning of the meeting? -- I was not there.

And that he spoke in your, I am just putting it for (30) the sake of completeness, in your absence about the aims and objects/.....

objects of the VCA but that he did speak again towards the end when in answer to a question as to what would happen to the children if people got arrested on the march, you recall that? -- No I cannot recall that.

Can you recall that he used a biblical example, Gideon. Of Gideon, the biblical example of Gideon? -- No I cannot recall that.

And that he called for the unity of the people? You do not recall that? -- I cannot remember.

Right, but now you know Mr Masenya? -- Yes I do. (10)

And you saw him at this meeting? -- Yes I did.

Now I am going to put this to you that Mr Masenya gave various versions in relation to various accused but one thing that he was consistent about before His Lordship was that Mr Matlole, accused no. 17, did not call for violence against the councillors. I have the references to the record if they are going to be of any assistance to Your Lordship, My Lord, to place them on record, that it is on page 593 in chief, line 17 to 595 line 9, he reiterates that he did not advocate violence in cross-examination on pages 643 to 656. Those are (20) the places. Now, and you see have you any explanation, possible explanation as to why Mr Masenya, who was there, would not have heard Mr Matlole who you say was the person who called for violence? Can you explain it? -- Just repeat that?

Another witness ...

COURT: Is this also not argument Mr Bizos.

MR BIZOS: As Your Lordship pleases. I will carry on. Now do you remember the woman speaker other than yourself? -- I remember Mrs Olifant though I cannot remember them all according to their order. (30)

Can you remember of any woman speaking of violence to
councillors?/....

councillors? -- No I cannot remember.

Do you recall whether there were two or three women that spoke at this meeting? -- I remember Mrs Olifant and Tiny Masaneng.

Yes well do you remember any of the women speaking of violence to councillors, including yourself? The three women that spoke? -- From the two women?

Yes, do you recall -- No I cannot recall that.

COURT: Where does Mrs Olifant live? -- Zone 3.

And Tiny Masaneng? -- Zone 7. (10)

Did Tiny Masaneng at any stage live at Evaton? -- No I do not know that.

How old is Tiny Masaneng? -- I do not know what her age is.

As old as you are? -- No I am older than her.

Much older? -- I do not know, maybe she can be of the same age with the child who comes after me. I do not know.

Yes thank you.

MR BIZOS: Is Evaton and Zone 3 and Zone 7 adjacent to one another? -- One can walk, for instance myself I do walk from (20) Zone 7 to Evaton.

Yes, they are the same neighbourhood? -- Yes.

And the small, the Catholic Church at Small Farms was that part or is it still part of Evaton? -- I will say it is falling under Evaton.

And do the people of Zone 7 and Zone 3 and indeed other zones in Sebokeng use the Small Farms church hall as a venue? -- I do not know about people from Evaton but it was the first time for me to be aware of the meetings that are being held there after I moved to Zone 7. (30)

Do you recall whether accused no. 5, Mr Malindi, spoke at/.....

at this meeting?

COURT: Afternoon.

MR BIZOS: The afternoon meeting? -- Yes I do.

Yes. Can you recall what he said? -- No.

You recall what language he spoke in? -- He addressed in the language which I did not understand.

Well you know the difference between English and Zulu?

-- Yes. English is not identical to Zulu.

Well can you remember whether he spoke in Zulu or in English? -- Well he was addressing in Zulu or in English, (10)
I do not know. All I am able to tell the Court is the language in which he was addressing I do not understand.

Do you agree that there were elections for Area committees at this meeting? -- I remember about the people who were elected from Zone 3.

Yes. Were they accused no. 8 and the Reverend Mahlatsi? Mr Nkopane?

COURT: Just a moment now, three persons or two persons?

MR BIZOS: Two persons.

COURT: No. 8 is Nkopane? (20)

MR BIZOS: Nkopane. -- Yes I do.

There were others as well but I do not want to.. Were you there when resolutions were taken at this meeting? --
What I know is the last which was done there it is when they were being elected, that is electing people who are going to represent Zone 3.

I will repeat my question, were you there when any resolutions were put to this meeting? -- Maybe I did not hear what the resolution was, it can be that resolutions were taken but I did not hear them being taken at the time. (30)

So can you not tell His Lordship whether any resolutions were/.....

were taken at this meeting or not? -- No the last I can remember is when they said these two people from Zone 3 are the people who are going to represent Zone 3.

COURT: Apart from it being the last thing that you remember during that afternoon were any resolutions taken? -- I do not want to tell lies on that, I do not know at all.

MR BIZOS: Were you just repeating your statement parrot-like in your evidence-in-chief when you did remember? -- I am not clear on that.

I will leave it there My Lord. I do not know if My (10)
Learned Friends want to take it up. Was there to be a third meeting? Or are you confusing this with a meeting of COSAS that was going to be held on the Saturday, that is 25 August?

COURT: You mean was there to be a third meeting on the same day in the same venue?

MR BIZOS: In the same venue. Not the same venue but I am told, could I just repeat ...

COURT: I understood the witness to say that there was to be a third meeting of COSAS in the same building on the same day. (20)

MR BIZOS: That was her evidence-in-chief.

COURT: That was her evidence ys.

MR BIZOS: That was her evidence-in-chief yes. What I am putting to her that is not so.

COURT: I see. Yes.

MR BIZOS: Can you remember that, that there were only two meetings, there was no third meeting on the 26th? -- Oh I can hear the way you put it.

Well what do you say? -- What I know is it was said that the next meeting coming was a COSAS meeting. What I can (30)
add is in that one I do not know what was the discussion about.

Yes./.....

Yes. Alright. Now in relation to the events of the 3rd are you sure that you did not take part in the march? -- To tell the honest truth about the march on the 3rd I was physically not there or forming a part of the march. I would say I was there because of my having seen them marching.

You see I am going to put to you that you are the second witness in this case who was looking for children who happened to come across dramatis personi in the case.

COURT: That is also argument Mr Bizos because it may well be that she is the only one who was in or out of that march (10) and that the other one is not truthful or is truthful. It is irrelevant.

MR BIZOS: As Your Lordship pleases. I am going to put to you that you went into this march?

COURT: She participated in the march?

MR BIZOS: In the march. She was seen towards the end My Lord, so she was seen as part of the march towards the end from which we draw the inference that she participated. Accused no. 4 and no. 8 are back.

COURT: It is so recorded. (20)

MR BIZOS: Now you see I am unable to put to you whether or not you saw Mr Esaud Raditsela and Edith Lethlake or not.

COURT: What is the question?

MR BIZOS: But could you please tell us precisely where you say you saw them?

COURT: That is going to be difficult.

MR BIZOS: Well she gave some evidence about it.

COURT: And that also was very difficult.

MR BIZOS: Is Your Lordship anticipating the answer?

COURT: No, you can try Mr Bizos. (30)

MR BIZOS: Can you tell us where you saw Mr Raditsela and

Miss/.....

Miss Lethlake? -- Miss Lethlake?

COURT: Miss Edith Lethlake.

MR BIZOS: Edith Lethlake? -- I did see Raditsela in the company of another person, both of them were helping someone who is the third person who was in their company who was short on the leg. The other person with whom he was helping the other, the injured man, is a stranger to me.

Did you go anywhere near Hunters Garage? -- Yes I was there.

Yes. And do you recall that at that spot you saw (10)
Mr Ramagula, accused no. 9? -- Yes that is where I saw him.

Yes, and also accused no. 8, Mr Nkopane and Mr Matlole, accused no. 17? -- Yes.

And that they were busy

COURT: The two of them or the three of them?

MR BIZOS: 17 and 8 in particular My Lord.

COURT: No. 8 and no. 17, yes.

MR BIZOS: No. 8 and no. 17, that they were busy rendering assistance? -- Yes assisting a young man who was shot on an arm or hand. (20)

How near did you get to Caesar Motjeane's house, the nearest you ever got to it?

COURT: On that particular day?

MR BIZOS: On that day, on the 3rd? -- I do not understand that. I am not clear, what do you mean?

You know, can you please tell us whether you left the tarred road at all at any given time whilst you were looking for your children on the day of the march? -- Yes I did.

Where did you leave the tarred road? -- What happened is on noticing that there were some places on fire we walked (30)
in the direction of this garage. That is the garage I am
referring/....

referring to. In the vicinity of that garage that is where I met Nkopane and Matlole.

Yes, and is that on the tarred road? -- Off the tarred road into the houses.

Yes. Did you only leave the tarred road after the march had been dispersed by the police? -- I did not see what was the end of the march, the people in that procession as to what happened to them, I did not see that.

Did you see accused no. 9, Mrs' Ramagula at all? -- Yes, I was with her. (10)

Was she also looking for her children? -- Yes we were together, walking together.

Is this whilst the march was taking place? -- We at some stage parted company and again met.

Now do you know Mr and Mrs Masenya well? -- Yes I know them.

COURT: Well? -- I know them because we are staying in the same vicinity.

MR BIZOS: Were you present on 4 September when there was a discussion with Mrs Masenya? About damage to property and (20) threats? -- I do not understand that, what the question is.

Do you recall that there was some suggestion that there may be an attack on the Masenya house? -- Yes I slightly remember the incident though differently from what is being put to me, that is Mrs Masenya coming to my residence and making mention of that, that there are allegations or suspicions that they, meaning themselves Mrs Masenya and family, will be attacked.

Do you recall that Mr Ramagula, accused no. 9, was there? -- I cannot recall that. (30)

Yes. Do you not recall that there were assurances given that/.....

that the VCA had no business attacking or would not attack anybody's house but that they had to protect themselves from the irresponsible elements in the township? -- That I cannot remember except of course I remember what I said. My advice to her was if that be the case you people better run away.

Do you recall that actually accused no. 9, who went away with Mrs Masenya to the Masenya home? -- I am not disputing that, all I am saying I cannot recall it.

Now do you recall that Mr Masenya, whether Mr Masenya was present at any meeting? -- Yes the meeting of the 26th(10) if I am not mistaken, yes I did see him in a meeting.

Do you recall whether he also had complaints about the increased rental? -- Well I am not disputing that. All I am saying I cannot recall that.

Do you remember him speaking? -- I remember him speaking, yes.

For how long did he speak more or less, for as long as you did or a little more or a little bit less? -- That I cannot tell.

I am sorry, I did not hear? -- That I cannot tell. (20)

Do you recall whether he got up more than once? -- I cannot recall that, whether he got up more than once but what I can tell the Court is I remember him speaking at some stage when another woman called him to sit down.

Is that all she called upon him to do? -- Mr Masenya was busy addressing the meeting there when a woman just shouted him to keep quiet.

Is that all? -- I remember this woman saying Masenya must keep quiet or shut up because she knows him as a sell-out from Sharpeville. (30)

Did she say anything else at all? -- No that is the last

I/....

I heard she said.

And what did Mr Masenya do? Did he respond to the command of the woman? -- Yes he sat.

And did he remain at the meeting? -- Yes.

Until the end?

COURT: He or she?

MR BIZOS: He, Mr Masenya. -- Because of these things having taken place long ago I cannot remember exactly what happened but what I still remember is that Masenya had to sit down.

Yes. Now are you, I am going to put this in fairness (10) to you because accused no. 17, that is Mr Matlole, has no recollection and we can put it no further than that, that Mr Matlole has no recollection of asking you to come and speak or your husband, to the meeting of the 26th? Can you recall that? Were you not anxious to speak about your grievances anyway?

COURT: Well now what is the question? Whether Mr Matlole can recall whether he asked her to speak? She cannot comment on that.

MR BIZOS: Yes. Well I will put it the other way. Were (20) you not yourself anxious to speak anyway about your grievances? -- When Matlole came to my house I was busy preparing myself for going to church. He, Matlole, wanted my husband to go with him to a meeting and my husband then said no he is not getting there, instead let the woman go there meaning that I should go there.

Yes. -- I then had to go as instructed by my husband to attend that meeting.

I am going to put to you that insofar as you are referring to the morning meeting accused no. 17, Mr Matlole, would not (30) have asked you to speak at the morning meeting because he had
nothing/.....

nothing to do with its organisation, he was only concerned with the afternoon meeting.

COURT: Have you any comment on that? -- If that be the case how did it happen then that he was present in this meeting in the morning?

MR BIZOS: We have been through that. I have no further questions thank you My Lord.

RE-EXAMINATION BY MR FICK: No questions.

NO FURTHER QUESTIONS.

----- (10)

COURT: I did not want to spoil your day this morning Mr Bizos but may I ask you now late this afternoon what happened to the agreement on certain non-contentious matters?

MR BIZOS: Could I hand over the floor to My Learned Friend Mr Tip?

COURT: Yes.

MR TIP: My Lord I hope the Court, what I have to say adequately spans the subject of non-contentious matters. The process of formulating admissions is continuing and there is continuous consultation also between the defence and the State on that. I can indicate to Your Lordship broadly the areas on which fairly final results have now been reached by us which are now presently being reduced to a proper form for submission to the Court. Those relate to the status of the ANC and the SACP; secondly in relation to the documents the very vast quantity of documents the admissions insofar as those can be obtained from the accused and from people readily accessible by the defence relating to the authors, where they were found, as far as possible where they were distributed, those admissions are being compiled in a comprehensive document. I must add to that that that process is not yet complete and/..... (20) (30)

and that is because of the difficulty that many of these documents emanate from persons and regions well beyond our immediate range. The third area is a schedule of organisations affiliated to the UDF and that is complete and is being typed in a proper form, as also a schedule of office bearers of certain organisations relevant to this matter. In regard to transcripts of meetings that task is nearly complete. It still requires some last instructions to be completed. That is partly a function of the fact that the State has until a fairly late stage been supplying us with certain amendments (10) of transcripts and those have had to be incorporated. Translations of freedom songs as set out in the indictment is a task that has been completed, as also formal admissions relating to the various deceased referred to in the indictment and the post-mortem report findings. A further category, the eighth category is agreement in respect of the damage effected to various properties in the Vaal during the relevant period. Ninthly the schedule of damage arising in areas outside the Vaal. That save for one or two minor quibbles is also virtually complete. A further category generally is that the (20) defence of its own accord has been working through the indictment in order to produce admissions additional to those required of us by the State and those relate particularly to admissions arising out of documents referred to in those paragraphs. At this stage we have completed that process from paragraphs 1 to 29. The sort of thing that is envisaged there is minutes of meetings, who were present at those meetings, the correctness of the records kept of these meetings and that sort of admission. And that is more or less as matters stand. The only major task that really is outstanding to some extent (30) is documentation arising out of areas beyond our immediate reach/.....

reach, and we have done what we can. We continue to work on that. One of the difficulties of course is that our first priority has been to ensure that proceedings here can remain under way.

COURT: As far as these areas for agreement are concerned need everything wait until everything is completed? Can you not do it piecemeal?

MR TIP: As Your Lordship pleases, it had originally been our intention to do everything in one large document but in view of the time we intend to put in admissions as they are (10) completed so that that can take shape in a progressive way.

COURT: Now, can you bind yourself to a date?

MR TIP: Well certainly some of these admissions, I would hesitate to allocate a date to each of those ten items but certainly some of ...

COURT: Well let us say one item per day from tomorrow morning.

MR TIP: Well My Lord, that would give us two weeks. It might not be possible to complete all the documentation issues in that period. (20)

COURT: Well at least to keep me happy you should give me something.

MR TIP: We will make a point of handing that in regularly.

COURT: Yes, when do you start?

MR TIP: On Wednesday.

COURT: On Wednesday. Well I will look forward to Wednesday. There is one matter outstanding and that is the aerial photograph. I understood the parties were agreeing on certain locations on that aerial photograph?

MR TIP: I am instructed that that has been completed. In (30) fact there was a joint session in one of the offices here
and/....

and that is ...

COURT: Well then no doubt I will have that photograph soon.

MR TIP: As the Court pleases.

COURT: Thank you very much Mr Tip.

COURT ADJOURNS UNTIL 4 MARCH 1986.