

SAAKNOMMER: CC 482/85

DELMAS

1986-03-11

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORE: MNR. W.F. KRÜGEL

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

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COURT RESUMES ON 11 MARCH 1986.

COURT: Yes Mr Tip?

MR TIP: My Lord the State has now had an opportunity to scrutinise the first of the two documents submitted to them yesterday and they will revert to us in due course on that. It is a document that was based on the original admissions sought by the State. The State now wants to supplement those so there will be some changes apparently, and they will in the course of the morning do a similar exercise with the second of the two documents. I spent several hours yesterday (10) morning with Mr Fick, profitably, and with a view to a further leg of the admissions and work is proceeding on that.

COURT: When do I get the next document Mr Tip?

MR TIP: The next document ought to be available tomorrow morning depending on there being no problems arising from the further material that the State has introduced. I myself, I might just mention, have temporarily at least been closed again in harness here and that might cause a little hiatus.

COURT: Now why should there be something added to the document? What should be added can be in a third document as (20) far as I am concerned. Why should the document wait for things to be added?

MR TIP: It is a function really of greatest specificity in detail of the details set out.

COURT: You mean so an amendment of what is already in the document? What is the theme of the document?

MR TIP: The theme, that document deals with the nature of the incidents in the other areas outside the Vaal.

COURT: Yes but I may well have as a next witness somebody who speaks about areas outside the Vaal. I do not know what is (30) coming.

MR TIP: /.....

MR TIP: I appreciate that My Lord and that is something that we are in liaison with the State, so that that problem will not arise, that that will be the subject of the next document and that unless there are difficulties arising that should be available for tomorrow.

COURT: And what is the position on the documentation that was handed to us, the three boxes of documentation? How far have you got on that?

MR TIP: As far as the accused are concerned that is virtually complete. There are still some documents that we need to (10) have sight of, that we are in the process of doing. As far as other persons are concerned there still are difficulties there that we

COURT: But now what sort of quantity of documents are involved in those that the accused can deal with?

MR TIP: A fair proportion of those as far as the position ...

COURT: Half, a quarter, two thirds?

MR TIP: It is approximately a third My Lord.

COURT: One third.

MR TIP: Approximately. (20)

COURT: So this means that the other two thirds of the documents still have to be proved document by document?

MR TIP: No My Lord we have made substantial progress in clearing the way there as well. If I might indicate part of the problem that we have is that the inventory supplied to us by the State of documents seized from particular people is not always complete and more particularly there is very often no correspondence between the item in the inventory and the way that it is set out in the documents, the exhibits before Court and that makes it very difficult for us to correlate (30) the two. Practically ...

COURT./.....

COURT: The last thing I want in this case Mr Tip, and I can tell you straight out, is Constable X saying that at the house of Mr Y who is not involved in this case on top of a drawer in the left-hand corner he found document XXY. The next witness saying that in Mr A's house he found document XYX. I am not going to sit here and listen to that.

MR TIP: My Lord we are, with respect, of one view with the Court on that but the difficulty that confronts us of course is that the accused themselves are unable to give us instructions on that. We have got as far as we can on the inven- (10) tories and ...

COURT: Well whether the accused cannot give you instructions on that if such and such a man is called saying I found that document on top of this drawer what are you going to ask him? Where is the drawer, in the left-hand corner or the right-hand corner?

MR TIP: My Lord that, if I might put it this way we have with some difficulty ...

COURT: As I see it it is not so very material where the document was found unless the accused are involved with (20) that document in particular. What is material is whether these documents, or some of them, were issued by the UDF and by other organisations and surely that is a matter that is either in dispute or not in dispute. Now have you touched upon that already? That documents were issued, that they were printed, that they were distributed and where they were distributed? Surely that should not be in dispute? I have heard in this case evidence that pamphlets were printed by somebody and that they were distributed. Now either it is in dispute that the UDF printed and distributed documents or it is not (30) in dispute. If it is in dispute I will listen to the evidence
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but if it is not in dispute I am not going to listen to the evidence. Have you touched upon that issue yet?

MR TIP: We have My Lord.

COURT: But now why is there not any progress?

MR TIP: Well we are certainly trying to make progress as rapidly as we can.

COURT: But now what is the difficulty Mr Tip?

MR TIP: The difficulty is that it is a very large task, there are a very great number of documents, we

COURT: I am not talking about typed documents of which (10) there may be one or two around. I am talking about printed documents. Surely one can get instructions from the secretary or the publicity secretary of the UDF is the UDF involved with that document or not?

MR TIP: Yes. My Lord it is not the only area in which we have had to apply ourselves.

COURT: Well apart from that have you touched upon this area yet, the one I am discussing with you now?

MR TIP: We have and I am not able presently to give Your Lordship a clear indication as to what (20)

COURT: Now what is the difficulty there Mr Tip?

MR TIP: My Lord the

COURT: Is it in dispute? If so tell the State which documents you dispute and let us get on with the case.

MR TIP: Well My Lord that is the position that we certainly aim to arrive at.

COURT: I have read through most of these documents and I am sure you have. Surely you must know which you dispute and which you do not dispute? You cannot leave it just in the air. I cannot see why I must, it must take since 9 September (30) when I raised this question first until today for me to get
an/.....

an answer on this. You can give me an answer tomorrow morning Mr Tip on this issue as well and I want Mr Fick in court as well tomorrow morning and I would like to ask you both some questions.

MR TIP: As the Court pleases.

LUMA MAHLATSI: d.s.s. (Through Interpreter)

FURTHER CROSS-EXAMINATION BY MR BIZOS: Reverend Mahlatsi you told us that you ran away from that T-intersection where the lane is and you then looked back and you saw smoke (10) coming from its immediate vicinity? -- That is true.

Could you please tell us how far you ran before you turned back and saw smoke? -- I am sorry because the distance in court here cannot be indicated as the distance. I am not in a position to give an estimation from here. If for instance I knew this vicinity, that is the area here, I was going to be able to tell the Court what the distance could be approximately.

Yes well can you not do it by reference to something else?

COURT: Could you tell me did you run to an open veld? -- (20) Yes.

Was that veld to the east or to the west of where you started running? -- To the east.

To the east? -- Yes.

Was it about a block away from where you started running? -- That is so.

Looking at the aerial photograph AAR(1) it would seem that it is that open area to the east of block no. 55 and block no. 56.

MR BIZOS: As Your Lordship pleases. And by the time you (30) had reached that point and looked back you saw a lot of smoke coming/.....

coming up? -- That is so.

Yes. Were you able to see whether people were marching on the road towards Hunter's Garage when that happened? -- No I was not able to see that because I was far.

Yes. Now did you not go to the vicinity of Hunter's Garage after you ran away? -- No after that I left.

Because I am going to put to you that accused no. 15, Mr Hlanyane, Serame Jacob Hlanyane, will say that he saw you near that garage after the march had been dispersed by the police. What do you say about that? -- No I do not agree (10) with that because I met him in the veld. We then went home.

You see

ASSESSOR (MR KRÜGEL): Mr Bizos may I ask for my own clarification, I may have slipped this thing, are there two garages, B.P. and the Hunter's or are they the same?

MR BIZOS: No My Lord, B.P. is the earlier one on the incline going up towards Caesar Motjeane's house.

ASSESSOR (MR KRÜGEL): Yes. There is a marking on that, that is why I am asking, thank you.

MR BIZOS: Yes, and Hunter's Garage is beyond where we (20) indicated earlier that Mayor Mahlatsi's house is, Hunter's Garage is beyond that. You see because accused no. 15 will tell His Lordship that you met there and after the march had been dispersed the two of you headed back in the direction of Zone 3. -- I believe he must have forgotten that we met in the veld and from the veld we went home.

ASSESSOR (PROF. JOUBERT): Home is Zone 3 is it not? -- Yes.

MR BIZOS: In the direction of Zone 3 but that you parted at Zone 7 with accused no. 15 telling you he is going to his uncle's place? -- That is true that we parted there and he (30) said that he was seeing his uncle but it is after we had met

in/.....

in the veld. Originally we were on our way to Zone 3.

Did you not see anything which indicated to you that the march had continued up to Hunter's Garage and that it was dispersed there? -- No I did not.

Nor did you hear anything? -- No I did not.

COURT: From where you were in the veld, if you went home, you would go in an entirely opposite direction from the direction of Hunter's Garage? -- That is so.

And from where you were in the veld you were not able at all to see the vicinity of Hunter's Garage or Hunter's Garage?(10) -- That is true.

MR BIZOS: Did you not even see a helicopter? -- While being in this veld I did see a helicopter.

Yes. Well I am going to suggest to you that you in fact were in the vicinity of Hunter's Garage as accused no. 15 will tell His Lordship. -- I do not agree because before one reaches the vicinity of Hunter's Garage you have to walk past the vicinity of Caesar's place.

Yes. But you were in the vicinity of Caesar's place?

COURT: No, no his evidence is that he went to the veld and (20) if you come from the veld, go from the veld to Hunter's Garage he says you have got to go past Caesar's place again.

MR BIZOS: As Your Lordship pleases.

COURT: Where he had heard the shooting.

MR BIZOS: I see, yes. Did you go anywhere near the Post Office? -- No, on my way I did not go near the Post Office.

I am going to put to you that accused no. 8 saw you near the Post Office. -- No I do not agree.

Well are you sure Reverend Mahlatsi that in your desire to dissociate yourself from the march on your detention you (30) did not cut your activities short as a compromise?

COURT:/....

COURT: What do you mean as a compromise?

MR BIZOS: I will try to use a shorthand, I will explain it.

COURT: Well before you explain this to him is it put that he was at the, near the Post Office in Zone 11?

MR BIZOS: Yes My Lord. That is the only Post Office that we know of, yes. The corner, there is only one Post Office in issue in this case.

ASSESSOR (MR KRÜGEL): Before you turn left to Hunter's Garage?

MR BIZOS: Before Hunter's Garage, yes.

ASSESSOR (MR KRÜGEL): Before you turn left to Hunter's (10)
Garage?

MR BIZOS: Yes that is the Post Office. That he was seen by no. 8.

COURT: Yes?

MR BIZOS: You see what I am putting to you is this that you started off on oath denying that you took any part in the march, then for reasons that we do not have to go through. again you decided to admit that you were on the march.

COURT: But now did he not give evidence that he participated in the march? (20)

MR BIZOS: No My Lord what I put is that originally he denied that he took any part in the march at all, in his statement.

COURT: Oh you mean in the statement?

MR BIZOS: Yes My Lord. -- That is true but when they came for the second time it was on my invitation.

Yes I do not want to go through all that again. We have covered that ground. Now what I am suggesting to you is this that when you decided that you, when you decided for whatever reason you may have decided to speak about being on the march did you not perhaps out of the same fear cut your partici- (30)
pation in the march short to the vicinity of Caesar's place?

-- No/.....

-- No, the truth which I have told there was the truth that I have never been in the vicinity or at Caesar's house.

No I am not talking about, I am not suggesting to you that you went to Caesar's house. What I am suggesting to you is that you continued with the march and because you were seen at the Post Office and in the vicinity of Hunter's Garage?

-- No I do not agree.

There is just one, I am sorry, there is just one other aspect that I want to deal with very briefly. When you express the complaint that councillors use for their own benefit (10) the money paid for the rent you surely did not mean that they actually took the cash and put it into their pockets? But the other things that happened, such as using the money for schemes such as the development of shopping centres in which they or their nominees become the beneficiaries? Would you agree with that? -- Well the way in which it is being put to me by the defence it did not occur in my mind. What I had in mind was we are fighting against the increase of rents.

Yes, and one of the complaints was that the increases benefit the councillors? -- That is so. (20)

Yes, and let me put it this way, you do not know whether the people that said that the councillors take the money or get the benefit meant it in the sense which I have suggested or in the sense of actually going to the Administration Board and taking the cash out? -- No they did not say that.

Anyway I will leave it at that, I have put the defence version. I have no further questions.

HERONDERVRAGING DEUR MNR. JACOBS : Mnr. Mahlatsi, dit was hier gestel omtrent die VCA vergaderings. Het jy enige van die komitee VCA vergaderings self bygewoon? Nie 'n areavergade- (30) ring, maar 'n VCA vergadering? -- Nee, ek het nie.

... / Dan

Did they have placards? -- Yes, they had placards.

But you said that they did not take over the march? -- Yes, why I say that is because if a person is to take over something, that person will talk to you, the one who is in charge of whatever he wants to take over and get permission from you or otherwise this person will just join whatever you are doing and just follow what is being done. That is why I say they did not take over the march, because they just joined the march and followed what was being done.

And then you came across the second group, you say (10) about fifty people who came from the opposite end? -- That is true.

Is that the group that came from the lane? -- Yes.

So, according to you there were two groups of people who joined this march? -- These did not join the march. When they emerged there, what they said was that the councillors are shooting, as a result of which then there was disruption of the march.

I am sorry, I put it wrongly. AT THIS place you came across two groups of people. The first joined the march and the (20) second came with the news that the councillors were shooting? -- That is true.

And the second group is a group that came from the opposite end, the group that came from the lane and that is the same group. There were not two groups. You did not mean to tell the Court about two groups of people, when you said a group came from the opposite end and a group came from the lane? -- Yes, I was referring to the same people, those who came from the lane, is the group which came from the opposite direction.

COURT : On this question of groups, I have had it before (30) in court that there can be two meanings when the word group

... / is

is used. One meaning being a cohesive unit of people who go together. Another meaning being just a number of people who do not necessarily go together or have the same object. Do you understand what I mean? -- Yes, I do.

When you speak of the second group, the group that came from the lane, what do you mean? -- I am talking about a group which emerged after the fighting had started there.

Do you mean a number of people who do not necessarily have the same object, that is as people scattering in all directions or do you mean a group of people who stay (10) together? -- I will explain it this way. In a lane, when people are running, they cannot run in a group being together all of them. They will split in the running.

Mr Bizos, any questions flowing from those put by the Court?

MR BIZOS : One or two.

RE-CROSS-EXAMINATION BY MR BIZOS : Reverend Mahlatsi, you will recall that when I asked you whether you saw what had happened to the people on the march after you turned around and ran away, you said that you did not look back and you could not (20) say. Can you recall that? -- What I said is, immediately when I started running away, the people there splitted and what happened to them later after splitting, I cannot tell. I ran to the veld and when I looked back again, I noticed that there was smoke.

When you say that they splitted, you did not intend to convey that they dispersed, that they all went into different directions and that the march broke up completely? -- What I am saying is, I was right at the front of this march and therefore, when I am talking about the splitting, I am talking (30) about the people who were right at the front of the march, as

... / to

to what happened to them. I am not in a position to tell the Court as to what happened further on, with the people who were behind me backwards in the march.

Insofar as you were able to judge the mood of the group of people that were running down the lane towards the tarred road, was it clear to you that they were really running away from trouble? -- That is so.

NC FURTHER QUESTIONS.

MNR. JACOBS : Die volgende getuie wat ek wil roep is een van die raadslede. Hulle het my versoek dat ek 'n aansoek bring(10) vir getuienis in camera. Ek versoek dan dat die persoon se getuienis in camera aangehoor word.

HOF : Die publiek word gelas om die hof te verlaat terwyl ons hierdie aansoek aanhoor.

MR BIZOS ASKS PERMISSION FOR ACCUSED NO. 17 TO LEAVE THE COURT FOR A SHORT WHILE.

PERMISSION IS GRANTED.

MNR. JACOBS : Die getuie sal seker 'n nommer moet kry.

HOF : Die laaste nommer wat ek in gedagte het is nr. 9. Dit moet dan nr. 10 wees. Ek dink ons gee hom intussen nie 'n (20) nommer nie, dat ek hom eers vrae vra. Voordat die getuie inkom, kan u vir my meedeel waarom die getuie in camera wil getuig?

MNR. JACOBS : Die getuie en al die raadslede vrees vir hulle lewens. U sal onthou in die saak is hulle almal teikens gewees in die Vaal Driehoek omdat hulle ongewens was en beskou was as marionette van die regering. Daar is die getuienis, ons weet daarvan en die bewerings in die klagstaat dat vyf mense is reeds vermoor, waarvan vier raadslede is. Die mense word nog altyd beskou as marionette. Ek mag vir die Hof sê dat na die opheffing van die noodtoestand, het die Sharpeville (30) Civic Association alreeds Sondag vergaderings weer begin hou.

... / Daar

Daar word pamflette in die Vaal uitgegee deur die Vaal - maar eintlik is dit 'n eienaardige opskrif hier. Hulle sê "Issued by UDF farm." Dit is pamflette met die UDF wapens op en waarin nog altyd aangedring word dat raadslede moet bedank. Hulle staan nog altyd onder dieselfde probleme wat daar voorheen bestaan het in die Vaal en soos ons weet is hulle direkte teikens en die mense vrees vir hulle lewens. Met alle respek dink ek in hierdie geval kan die argument dat hulle leiers in die samelewing daar is en dat hulle openlik in die hof moet gaan getuienis gee, eintlik nie meer kan (10) opgaan nie, want as leiers was hulle die teikens en hulle is nog steeds die teikens. Ek vra dat die Hof, die getuie is hier, hy het ook gevra dat hy in camera sy getuienis gee, dat hy sy redes miskien self ook aan die Hof kan stel. Ek kan hierdie twee pamflette net inhandig. Dan kan My Geleerde Vriend hulle ook sien. Dit is deur van die raadslede na my gebring. Die een is in 'n Bantoetaal. Dit sê net dat die noodtoestand is nou opgehef en daarom kan hulle nou weer vergaderings hou en toe is die vergadering gehou verlede Sondag. Die ander een is in Engels en in 'n Bantoetaal wat sê dit is 'n UDF dokument (20) wat uitgegee word.

MR BIZOS : My Lord, we have not had an opportunity of either taking instructions in relation to this document. I do not want to say anything more about them in the absence of any instructions, but be that as it may, what we submit is this. That there can be no doubt on the evidence that has been heard by Your Lordship, that at one stage councillors were, what My Learned Friend calls, targets and a number of them have lost their lives. That is not related to their giving evidence before Your Lordship. The objection is that they partici- (30) pated quo councillors. Whether the accused are in any way

... / responsible

responsible for the unfortunate deaths is a matter which is an issue before Your Lordship, but that issue, however it may be determined at the end, has got nothing with respect to do with their in addition giving evidence. What I want to assure Your Lordship about is this, that these persons have taken part in public life. What happened in the Vaal Triangle during the period during the first eight months of 1984 happened openly and publicly. They themselves have made public utterances, public utterances were made in relation to them. It is absolutely essential in our respectful submission for the administration of justice that the public should know what they have said, that we should be able to receive instructions as to what they have said outside, which may not correspond with what they may say in the witness-box and in addition, in our respectful submission, the point that we have made previously, it is in their interests that they say in open court what they have to say, so that no suspicions arouse as to what they might have said behind the closed doors of the court. They are not alleged to be naturally members of the - of any conspiracy. The presumably have no secret information to impart to Your Lordship and no secret information which was imparted to them during the course of the period that we are dealing with. We are going to find ourselves in a situation, where if people in public life have to give evidence behind closed doors in relation to matters which happened publicly, then I submit with respect that the situation will be unbearable from the point of defending any one at a public trial. These councillors have been sitting outside court in the passages. They have been seen by the accused - sorry, not the accused, by relatives of the accused. They are known to the community, they drive openly to and from court. What

... / is

is going to be worse, that they give evidence behind closed doors and suspicions are aroused or that they come and say what they have to say and what I am asking Your Lordship is what to do with councillor Mokoena is to put to him what Your Lordship has put to other witnesses from the community who have desired to give their evidence in camera. That is in their interests that they should speak freely and speak the truth in open court. It may well be that sooner or later one hopes that some form of reconciliation will take place between the two sides in the Vaal Triangle. Speaking in open court, (10)

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herein open court, making a finding in relation to matters which have been spoken about in open court, may in our respectful submission assist in that process, because after all a trial was developed in order to stop blood feuds, but if we have it as a secret trial the very purpose of the trial may be defeated and I would urge Your Lordship to persuade councillor Mokoena that it is in his and his community's interest as well as the administration of justice that he should give evidence in open court. I am prepared to assume for the purposes of this argument that the VCA is holding meetings, (20) although I find it strange that ... (Court intervenes)

COURT : What do you say of the consideration that if you launch an all out attack on the integrity of this particular witness and his name is known, it may lead to bloodshed in the township?

MR BIZOS : With the greatest respect, I will not launch an all out attack.

COURT : It has been put that the whole community or a section of the community thought that these people are profiteering?

MR BIZOS : Yes, but that is part of our case and that is (30) why the wroth of the community irrespective of what may have

... / happened

happened at this meetings. I may have to do that, but I would be doing nothing new in relation to this community, but if they speak in open court and Your Lordship finds that there is no evidence of that or unjustified complaints were made in open court, if they speak openly and we try - Your Lordship is not a commission of inquiry as to whether this happened or not - our best. If no attempt is made at least to put that, Your Lordship may not have to make a finding, but that there was at least a bona fide belief in this, Your Lordship may come down against the accused and those who were making the alle- (10) gations that there was no attempt to justify them. So, that we cannot undertake that this is relevant, but with the greatest respect, I do not think that Your Lordship will allow me to cross-examine the person to convict himself in relation to this. I will only deal with what is already a perception in the community. It may be in their interests that they should defend their record in open court and if they are able to say that this is so, it is not a question where we have the weakness of an extortion victim where he has to be protected in camera because others may take up. This is the (20) public perception that there was, what I have given Your Lordship an assurance about in the past. I do not intend to become completely partisan in this situation and I forebear from calling people names or asking questions which will belittle them, either in the eyes of the Court or to the public and I intend continuing to do so, but that is no ground, with the greatest respect for closing the courts. The courts must be closed in order to protect the identity of some person. If a councillor is a target qua councillor how is he being protected by giving evidence behind closed doors. In our (30) respectful submission the administration of justice or the

... / image

image of the administration of justice will suffer immeasurably if people who are taking part in public life, one has all the sympathy that one can express for them, that as a result of performing what they consider to be their public duty, they have become targets, but having become those targets at a trouble time in the Vaal Triangle, this does not mean that their problems are going to be solved by giving evidence behind closed doors. I submit with respect that they may well be exacerbated, because we are going to have a situation, the public perception is going to be they were not prepared to (10) speak the truth in open court or possibly to defend their public record. That is the perception which is going to be created, that we have the accused being tried by the persons who are their political opponents and whose political opponents insist on giving evidence behind closed doors. That is going to be the public perception and in a case such as this where people according to Van der Linde are sometimes victims of political descension the perception will create a situation which can only make the situation worse. How does Your Lordship distinguish their position from other witnesses, from (20) Mr Masanya for instance? Mr Masanya came in and he was a candidate and he asked to be - in evidence and he in fact gave evidence at the meeting. I do not know whether these councillors were at the meeting. It is most unlikely that they were, having regard to the evidence that we have heard in relation to Mr Masanya, but they will not be able, in our respectful submission to support an application on the basis that they are in possession of secret information or that it must not be known that they have given evidence. In addition, what are they going to do? Are they going to come to court(30) they are free persons, they came into court this morning

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in their various motor-cars, they have been seen and recognised by the relatives of the accused and now the court is going to be closed to those very relatives that saw them arriving at court this morning and sitting in the passage. For good measure I may say immediate outside our own allotted room where the relatives were known or should have been reasonably foreseen to come and ask us things that they hear or can they see their relative or something like that. It just does not make sense. They have not been consistent in relation to the keeping of the secrecy and I submit with the greatest (10) respect that Your Lordship will not close the court for them.

PIET MOKOENA,

COURT : I understand that you are a councillor? -- Yes, I am.

How long have you been a councillor? -- Since November 1984.

Where do you live? -- Zone 3, Sebokeng.

You have been living there for many years I take it? -- Yes, that is true.

Being a councillor I take it that you are wellknown in the community, not only in Zone 3? -- That is so. (20)

I hear from the prosecutor that you have requested this court that you give your evidence in camera? -- That was our request that we requested.

Could you give me your reasons? -- The reason is that if it was going to be made known that you gave evidence about what you have said in this court, then you are putting your own life in danger.

Why? -- For example I would like to refer to the paper or note we had this morning, about a certain person who gave evidence in a case and this person has been threatened (30) after having giving evidence.

... / Which

Which person is it? -- It is in the Citizen newspaper which is in this morning's issue. We have it outside there. It is not in this case.

In which case was it? -- They do not make mention of the case in the paper. All they are saying is this person had given evidence.

Is there any other reason for your request? -- No, that was the only reason.

How many of you are there that make this request? -- Here today we are five or six. (10)

All councillors? -- Save for one.

Do you all have the same reason?-- I believe so, yes.

The evidence you give, let us leave aside at the moment your name, the evidence you give will be known, because the evidence so far where the witnesses have given evidence in camera or in open court has been made known by means of the press without the names being mentioned. So, it is not a question that the evidence will not be known. The evidence has to be known. Then remains the question of your identity. Your identity cannot be kept secret from the accused and (20) I am told that you have been seen in the vicinity of the court. So, it is doubtful whether people who really want to know will not be able to tie your name to the evidence published in the newspaper and then there is another side of the matter. A lot of allegations have been made in this court so far against councillors. The type of allegations that were made at meetings of the VCA. Do you not think it is about time that somebody stands up, being a councillor and either admits or denies those allegations, that I know exactly what the position is? And that can only properly be done if the council-(30) lor does so as councillor and as Mr Mokoena? One can see it

... / in

in another way. A lot of stories have been spread in the townships about councillors and this is a public opportunity you have to refute those stories if you can. So, seen from your point of view, I think it is advisable from your point of view that you give evidence in open court. Secondly, there is another reason and that is that you are a leader of your community. It is alleged in this court that things went terribly wrong on 3 September and that murders were committed inter alia and property attacked and it is absolutely necessary for the proper administration of justice that the (10) facts be placed before the Court, that they be placed before the Court also by the leaders of the community and that everybody knows who said what and why? The alternative is that you will merely sit with a lot of stories which are spread in the community which you cannot even refute because your name is not known, whereas if you give evidence in open court you would be able to say that story is not true, here is what I have not and now I have not even touched upon the principle that the administration of justice should be done in open court unless there is a very clear exception made, and (20) you must be assured that you are not the only one giving evidence in open court. I had a large number of witnesses doing so so far. I ask for your co-operation and I think it is in your best interest that you give evidence in open court and I so rule.

Mr Mokoena, before we adjourn, you have now listened to my reasons. I suggest that you use the time now to explain those reasons to the other people sitting outside.

COURT ADJOURNS.

COURT RESUMES.

PIET MOKOENA, v.o.e. (Deur tolk) (30)

HOF : Mnr. Mokoena, voor ons begin, as u op enige stadium

... / moeg

moeg in u getuienis, is u geregtig om te sit. U moet net vir my vra.

MNR. JACOBS : U Edele, die getuie se getuienis sal handel oor die algemeen, die gebeure in die Vaal. Ek kan hom nie vaspen op sekere plekke nie, behalwe dat daad 47 15.4 sal hy ook oor getuig. Dit is op bladsy 360.

ONDERVRAGING DEUR MNR. JACOBS : Mnr. Mokoena, is u 'n raadslid?

-- Ja.

Van watter raad? Wat is julle raad se naam? -- Lekoa Town Council. (10)

Is dit 'n raad vir die gesamentlike gebied van die Vaal Driehoek en indien wel, vir watter gebiede? -- Ja, dit is reg.

En watter woongebiede word daaronder betrek? -- Sebokeng, Sharpeville, Zandela, Bophelong, Boipatong... (Mnr. Joubert kom tussenbei en praat gelyktydig met getuie) ... ville.

ASSESSOR (MNR. JOUBERT) : Mnr. Jacobs ons leef nou so in die Vaal Driehoek. Die Lekoa Town Council, ons ken nou al die naam, maar waar kom die naam vandaan?

MNR. JACOBS : Ek sal dit nou vra. Het jy nou vyf plekke opgenoem waaruit die raad bestaan? -- Ja. (20)

Is dit net ses? -- Sebokeng, Sharpeville, Zandela, Dennisville, Boipatong en Bophelong. Nee, dit is ses.

Die naam Lekoa, waar kom dit vandaan? -- Lekoa is die naam van die Vaal. Met ander woorde dit is die Vaalrivier.

Dit beteken eintlik Vaal? -- Ja.

Watter wyk verteenwoordig jy op die raad? -- Ward 21 Zone 3.

Is dit in Sebokeng? -- Ja.

Kan jy vir ons sê wanneer het jy lid geword van hierdie raad? -- November 1984. (30)

Voor die verkiesing van November 1984, watter datum was

... / die

die verkiesing? Kan jy nog onthou? -- Ek kan nie meer so goed onthou nie, maar as ek terugdink, dink ek amper dit was 29 November.

HCF : Was dit 'n tussen-verkiesing of 'n algemene verkiesing?

-- Dit was 'n algemene verkiesing vir al die woonbuurtes wat onder Lekoa val.

MNR. JACOBS : Voor die verkiesing, was daar verkiesingsveldtogte gehou? -- Ja, ons het vergaderings gehou.

Was daar enige van die vergaderings wat jy gehou het ontwrig gewees of nie? -- Nee. (10)

Kan jy vir ons sê, was daar enige veldtogte, pamflette versprei in daardie gebied, jou wyk?

HOF : Teen hom of vir hom?

MNR. JACOBS : Teen jou of teen die raad? -- Die pamflette wat ek gesien het, was die pamflette wat die boodskap in gehad het dat die mense nie die verkiesings moet bywoon nie.

Wie het die pamflet uitgegee of die pamflette? -- Ek weet nie wie dit uitgegee het nie, maar dit was volop in die strate.

Het daar 'n naam op verskyn? -- Ja. Die naam was UDF.

En wat het die pamflet gevra, wat moet die mense doen? (20)
Hoe was hy opgestel? -- Dat die gemeenskap nie moet deelneem aan die verkiesing van die raadslede of 'n lid vir die raad nie.

Het hulle skelname genoem vir die raadslede? -- Ja, dat hulle "puppets" is van die Staat.

Nogtans het die mense toe vir jou gestem en is jy verkies? -- Ja, dit is so.

Nadat jy verkies is op die raad, was daar enige projekte wat die raad wou aangepak het in die woongebied? -- Ja.

Dit is om die gebied te verbeter? -- Dit is so.

As ek nou praat van gebied, dan praat ek van die hele (30)
Vaal, die Swartwoongebied? -- Ja, dit is so.

... / Kan

Kan jy vir ons sê wat se projekte het julle beplan om uit te voer? -- Ja. Die eerste ding wat ons van plan was om te doen was om die elektrisiteit te installeer by verskillende huise.

HOF : In sekere gebiede? -- Vir die hele Lekoa gebiede. Dit wil sê by die gedeeltes van Lekoa se woonbuurtes wat nie elektriese krag gehad het nie.

MNR. JACOBS : Kan jy net vir volledigheid vir ons sê watter gebiede het nie elektriese krag gehad nie? -- Sebokeng Zone 3. Daar was huise gewees sonder elektriese krag. (10)

HOF : Was afsonderlike huise sonder krag of was 'n hele aantal blokke of die hele gebied sonder krag? -- Die posisie is daar is van die huise wat elektrisiteit gehad het in elke Zone. Dan is daar van hulle wat nie gehad het nie.

MNR. JACOBS : Wou julle toe elektrisiteit ingesit het by die wat nie gehad het nie? -- Ja, in die hele Lekoa.

Gaan dit in die hele Lekoa? -- Ja.

Dit is nou elektrisiteit aanlê na huise in die hele gebied en nog? Net voor jy na iets anders toe gaan, was daar enige planne gewees vir die elektrifisering van strate of (20) iets van die aard, straatligte? -- Ja, die "high mast lights".

Kan jy net verduidelik wat dit is wat julle beoog het om daar op te sit? -- Ons wou dit laat opsit om beligting te verskaf in die woonbuurtes.

Is dit nou in die strate of waar was die beligting? -- Dit is in die strate.

HCF : Werk die hoë masbeligting so dat die paal nie noodwendig in die straat staan nie, maar miskien agter 'n erf en dat hy

hele blok ongeveer verlig? -- Ek sal sê al hierdie wat alreeds daar geïnstalleer is, is in die straat om 'n groot area te (30) dek met die beligting.

... / MNR. JACOBS

MNR. JACOBS : En die hoë masligte, waar sou julle dit aangelê het? Is dit net in sekere gebiede of is dit ook deur die hele gebied? -- Ons het so besluit dat 'n paar by verskillende gebiede geïnstalleer sou word.

By watter gebiede wou julle installeer? -- Zone 3, 13, 11 - ek sal liever sê by al hierdie plekke van Lekoa. Dit wil sê al ses wat ek alreeds genoem het sou ons dit laat installeer het.

Dit is nou die elektrisiteitsvoorsiening wat julle beplan het. Is daar nog iets wat julle beplan het? -- Om teer op (10) te sit op verskillende strate, spesifieke strate in elk van hierdie woonbuurtes.

Watter strate wou julle geteer het? -- Ons sou met die hoofstrate begin het.

Die hoofstrate in elke gebied? -- Ja, dit is so.

En was daar strate wat geteer was op daardie stadium en sou julle dit net uitgebrei het? -- Ja, dit is die hoofstrate wat baiekeer gebruik word deur busse.

Was hulle geteer? -- Ja.

En die ander hoofstrate wat julle sou teer, kan jy net (20) vir ons meer besonderhede daaromtrent gee? -- Byvoorbeeld 'n straat in die woonbuurt, maar 'n lang straat. Dit is die tipe strate wat ons in gedagte gehad het.

Is daar nog projekte wat julle wou aanpak? -- Die bou van 'n kleuterskool te Boipatong.

ASSESSOR (MNR. KRÜGEL) : Is dit 'n kleuterskool of 'n bewaarskool? -- Ek beskou dit as 'n creche, maar dit is 'n plek waar net die kinders gelaat word as die mense werk toe gaan.

MNR. JACOBS : Sou julle net een kleuterskool of creche dan gebou het in Boipatong? -- Dit is so. (30)

Nog verdere projekte wat julle wou aanpak? -- In Zone 11,

omheining op te sit by 'n dam in Zone 3 waar die kinders verdrink het. Dit is al wat ek kan onthou.

Was daar enige beplanning gedoen oor sportstadions of iets van die aard, sportgronde, fasiliteite parke? -- Ja, die opset van Kwaggastroom sportkompleks.

HCF : Waar is Kwaggastroom? -- Dit is net buite Sebokeng. Dit is 'n oop veld naby die stasie.

Dit is aan die oostekant van Sebokeng? -- Ja.

MNR. JACOBS : Hierdie projekte wat julle wou aanpak, hoekom wou julle hulle aanpak? -- Die meeste van die goed was op (10) versoek van die gemeenskap, dat die gemeenskap versoek het dat dit nodig was.

Kan jy net vir ons een ding sê voor ons afstap daarvan, voor ek vergeet, is daar in enige van die woongebiede moeilikheid met stormwater of iets van die aard, wat huise oorstrom? -- Ja, Zone 13 en Zone 7. Die water vloei nie daar nie, want daar is geen drein nie.

Het julle enigiets daaromtrent beoog en beplan? -- Ja, ons was van plan om iets daaromtrent te doen. Eintlik was die ingenieurs besig om met die projek te werk om dit te (20) bewerk.

Vir hierdie verbeterings of projekte wat julle wou aangepak het, het julle beplan hoeveel dit julle sal kos? -- Ja.

En hoeveel het julle begroot sou dit kos? -- As ek nog reg onthou is dit R20 miljoen.

Het julle toe besluite geneem om hierdie projekte aan te pak en om die R20 miljoen in die hande te kry? -- Ja, die enigste manier om hierdie geld te bekom was om 'n lening te gaan maak.

En by wie was besluit om 'n lening te gaan maak? -- (30)
In die meeste van die gevalle praat hulle van "External loan."

Ek weet nie presies van wie kry hulle dit nie. Miskien van die sentrale goewerment. Daar is eintlik wat hulle leen van die sentrale goewerment.

Met wie het julle onderhandel vir 'n lening? -- Die tesourie-afdeling is die mense wat aansoek doen vir die lening.

HOF : Dit is nou u eie tesourie-afdeling? -- Van die Stadsraad.

As u praat van die Stadsraad, is dit die Lekoa Stadsraad of een van die Stadsrade van die omringende gebiede, soos Vanderbijlpark en Vereeniging? -- Lekoa Stadsraad.

MNR. JACOBS : Hoe het julle bespreek hoe sou die lenings (10) gedelg word? -- Ja, ons het.

Het julle 'n lening gekry om voort te gaan met hierdie projek? -- Nee, ons het nog nie begin met die aansoek van die lening nie. Ons het nog gewag dat na die ooreenkoms gesluit was met die gemeenskap en dit deur die Staatskoerant was, dan sou ons mense genader het vir 'n lening, want dan sou ons 'n ooreenkoms gehad het dat die gemeenskap die lening op 'n manier sal moet terugbetaal.

HOF: Hoe sou u die ooreenkoms sluit met die gemeenskap? -- Ons sou vergaderings gehou het en dit bekend gemaak het in (20) die koerante.

Met ander woorde, u sou die projekte propageer by die gemeenskap en dan die gemeenskap se toestemming daarvoor vra sodat u die lening kon opneem? -- Ja, dit was ons besluit gewees.

Sou die lening dan en die delging van die lening 'n verhoging in huur of in gelde te weeg bring? -- Die besluit was dat die huurgelde sal verhoog word.

MNR. JACOBS : Met hoeveel? -- R5,90.

HOF : Ek het gehoor dat die verhoging met R5,90 van krag geword het op 1 September 1984. -- Ja, dit is so. (30)

1984? -- As dit die geval was, was die verkiesing seker

... / in

in 1983. Dan het ek 'n fout gemaak.

Hierdie huurverhoging met R5,90 is dit die verhoging wat op 1 September 1984 van krag geword het of is dit 'n vorige verhoging wat u van praat? -- Die besluit omtrent die verhoging van die huurgeld met R5,90 moes dit volgens ons begroting begin het op 1 Julie.

Ja, maar ek het die datum van die jare 'n bietjie deurmekaar. Dit is my probleem. Van watter jaar praat ons nou? -- Dit is 1984.

Sou dit van krag moet word dan vanaf 1 Julie? -- Ja, (10) 1 Julie 1984.

En waar u vantevore gepraat het dat u verkies is in 1984, moet ek dit verander na November 1983? --Dit is reg.

Nou wil ek nog een ding met u opklaar oor hierdie aspek. Die mense het vir my vertel tot dusver in hierdie saak dat die huurgeld die verhoging sou begin 1 September 1984, die R5,90. Miskien het hulle vir my verkeerd gesê. Is daar 'n uitstel gewees van die verhoging van die huur vanaf 1 Julie na 1 September toe of was daar 'n ander huurverhoging? -- Dit moes eintlik begin het op 1 Julie, maar omdat die gemeenskap nog (20) nie in kennis gestel was nie, was dit toe uitgestel.

Om te begin op 1 September? -- Ja.

MNR. JACOBS : En was dit ook reg julle het ook nog nie die vergadering met die gemeenskap gehou nie? -- Ja, en dit was ook nog nie in die Staatskoerant bekend gemaak nie.

ASSESSOR (MNR. JOUBERT) : Net een punt, mnr. Jacobs, is nie vir my heeltemal duidelik nie. U het besluit om te begroot vir R20 miljoen. -- Ja.

U sou die gemeenskap raadpleeg en die gemeenskap se steun kry om die lening aan te gaan? -- Ja. (30)

Dan sou die huurgelde verhoog word? -- Dit was met die

... / oog

oog om aan die gemeenskap te verduidelik al hierdie vereistes wat julle wil hê moet gedoen word. Ons het R20 miljoen daarvoor nodig. Met die gevolg is, die huurgelde sal moet verhoog word om die R20 miljoen te kan dek.

Maar intussen is die huurgelde klaar verhoog? -- Nee, dit was nie verhoog nie.

R5,90 wat op 1 Julie in werking moes tree en toe op 1 September in werking getree het - wat gehief is vanaf 1 September 1984, was dit beoog vir die lening wat aangegaan sou word na raadpleging met die gemeenskap? -- Ja, dit is so. (10)

MNR. JACOBS : Het julle toe hierdie vergadering om die gemeenskap te raadpleeg belê? Met julle bedoel ek die raadslede? -- Daar was so 'n besluit geneem in die raadslede se vergadering waar daar toe besluit was ook oor die 5de Augustus.

19? -- 1984.

HOF : Is daar besluit om wat te doen? -- Dat elke raadslid 'n vergadering sal moet hou om die verduideliking aan sy mense in die "ward" oor te dra.

MNR. JACOBS : So, elke raadslid in sy eie kiesafdeling, om dit so te noem? -- Ja, dit is so. Waar daar twee raadslede (20) was in die onmiddellike omgewing, sou die twee raadslede bymekaar kom en een vergadering hou om die gemeenskap te laat besluit van wat gehou was.

Sou dit in die hele gebied, al die vergaderings op 5 Augustus plaasgevind het? Augustus 1984? -- Ja, dit was die besluit.

HOF : Die besluit was geneem op 5 Augustus. Wanneer moes die vergaderings plaasvind? -- Wat ek bedoel is, in 'n vergadering voor 5 Augustus was daar 'n besluit geneem dat vergaderings gehou moet word op die 5de. (30)

ASSESSOR (MNR. JOUBERT) : Die raadsvergadering was nie op

5 Augustus nie, maar voorheen? -- Dit is korrek.

HOF: Is daar toe vergaderings gehou deur die gebied op 5 Augustus? -- Ek en die ander raadslid wat naby my is, het die vergadering gehou.

MNR. JACOBS : Waar het julle die vergadering gehou? -- Op die perseel van die superintendent se kantoor in Zone 3.

Is daar 'n saal beskikbaar vir die doel? -- Die saal is klein. Die vergadering was op die ope erf daar buitekant gehou.

'n Plein, 'n binneplein? -- Ja.

HOF : Onder die blote hemel op die perseel? -- Ja. (10)

MNR. JACOBS : Het julle die vergadering geadverteer en die mense laat weet van die vergadering in jou gebied of in jou en die ander raadslid se gebiede? -- Die superintendent se bakkie was gebruik met 'n luidspreker, Donderdag en Vrydag, dit wil sê die Donderdag en Vrydag net voor die Sondag van die vergadering.

Waarvoor was dit gebruik, die luidspreker op die bakkie? -- Dit was gebruik om die mense in kennis te stel dat daar 'n vergadering gehou sal word aangaande huurgelde wat verhoog moet word. (20)

En om hulle te nooi na die vergadering toe? -- Ja, dit was die doel.

En was hulle ook gesê waar sou die vergadering plaasvind? -- Ja.

Op 5 Augustus 1984 was die vergadering toe gehou? -- Ja, dit was.

Wie het die mense toegesprek op die vergadering? -- Ene Edwin Mofokeng.

Wie is hy? -- Hy is 'n raadslid by die "ward" net langs myne. (30)

HOF : Noem dit maar die wyk. -- Ja, die wyk.

... / MNR. JACOBS

Dan het jy ook gesê op 'n vraag van My Geleerde Vriend dat op die vergadering van die 16de het jy die eerste keer gehoor van VCA. Wat bedoel jy daarmee? Dit is die vergadering op 16 Augustus 1984? -- Daarby het ek bedoel dat dit was die eerste keer hierdie dag op hierdie vergadering dat ek verneem het van die bestaan van die VCA komitee, want die komitee waar ek gedien het, was die Civic Association komitee.

HCF : Laat ons net duidelikheid kry. Het u voor daardie dag geweet dat daar so 'n ding is soos die VCA? -- Nee, glad nie.

Ook nie in ander gebiede nie? -- Nee, glad nie. (10)

MNR. JACOBS : Wat het jy dan die dag verneem van die VCA op 16 Augustus 1984? -- Dit was verduidelik daar in hierdie vergadering dat daar 'n ander organisasie bestaan met die naam van VCA. In hierdie verduideliking was dit gesê dat hierdie is die organisasie wat betrekking het in daardie omgewing.

Wat bedoel jy met betrekking het in daardie omgewing? -- Hulle het gesê dit is die organisasie wat help aangaande die huurgelde. Dit is die Vaal Civic Association.

Het hulle nog iets gesê? -- Nee, ek kan nie meer onthou nie. (20)

Het hulle vir jou verduidelik wat die doelstellings van die VCA was? -- Nee, ek weet nie. Ek weet nie eers wat hulle grondwet is nie.

Dan is daar nog die kwessie van die gesamentlike vergadering wat gebiede 3 en 7 sou gehou het op 26 Augustus. Kan jy vir ons sê, jy het genoem jy was op drie vergaderings gewees, die 16de, die 21ste en die 24ste - 23 Augustus, drie vergaderings wat jy bygewoon het. Kan jy onthou op watter een was besluit dat julle gaan 'n gesamentlike vergadering hou, 'n massavergadering op die 26ste Augustus? -- En die 23ste? (30)

HCF : Of die 23ste of die 24ste. Dit was wat die getuie

... / genoem

genoem het die "private meeting"? -- Die 24ste was daardie een. Dit was in die vergadering van die Vaal Civic Association.

MNR. JACOBS : Wanneer was hy? -- In die vergaderings wat ek bygewoon het by Vilakazi in Gebied 7, dit is waar hierdie VCA toe bespreek was, dat 'n VCA vergadering gehou gaan word op die 26ste te Small Farms.

My vraag was wanneer is daar besluit op 'n gesamentlike vergadering vir Gebied 3 en Gebied 7? -- Dit was op die 24ste.

ASSESSOR (MR JOUBERT) : Yesterday in your evidence you mentioned the Fawla Bus terminus? -- That is correct. (10)

You passed the Fawla bus terminus before you heard the shots? -- That is true.

Do you know more or less where councillor Caesar Motjeane's house is? -- No, I do not know at all.

When you heard the shots, did you immediately turn to your right and go into the veld? -- The position is that while we were walking towards the passage, that is the lane, in that vicinity the group emerged running from this lane and the shots were heard by me in the direction from where the group came. That is when I decided to run away. (20)

And in which direction did you then run? To your left, to your right or straight ahead?

COURT : Or backwards? -- I ran backwards.

ASSESSOR (MR JOUBERT) : From where you took refuge in the veld, you never returned to the tarred road and again went straight ahead after or behind the march? -- No, I did not, because the people had dispersed already.

So, where did you go from there from the veld where you took refuge? -- I went in the direction of my home when I met Hlanyane. (30)

ASSESSOR (MNR. KRÜGEL) : Ek wil u terugneem na die eerste dag

... / toe

toe u getuienis gegee het in hierdie hof. U sal onthou dit het gegaan oor die ontstaan van die komitee daar in die gebied aan die begin van die samesprekings? -- Ja.

Oor die propaganda vir die vergadering van die 26ste? -- Ja.

En dan het u op die vergadering van die 26ste gehoor wat die sprekers vertel het? -- Ja.

Ek meen dat u daarvan bewus is dat die getuienis wat u op die eerste dag gegee het, heelwat verskil van getuienis wat later onder kruisondervraging na vore gekom het? Ek wil (10) vir u die detail gee van wat u gesê het wat mev. Mokoena in haar toespraak sou gesê het. Die vraag is deur die advokaat vir die Staat aan u gevra "Het sy iets gepraat oor die huurgelde, of dit betaal moet word of nie?" Kan u die vraag onthou? -- Ja, ek onthou die vraag.

Kan u ook onthou dat u toe gesê het "Ja, ek vra om ver-skoning, dit het my net ontgaan, sy het daarvan gepraat dat die huurgelde nie betaal moet word nie"? -- Ja, dit is reg.

Die volgende vraag was "En enigiets gemeld omtrent die raadslede?" Kan u die vraag onthou? -- Ek kan nie meer die (20) vraag onthou nie.

Wel, dit staan hier in die oorkonde van die opname wat die dame daar mee besig is. Die vraag was wel gevra. Die antwoord, kan u dit onthou? -- Bedoel u die antwoord op die vraag wat gevra was aangaande mev. Mokoena?

Ja en het sy enigiets gemeld omtrent die raadslede, was die vraag? Kan u die antwoord op daardie vraag onthou? -- Ja, ek onthou my antwoord was ek het haar nie gehoor praat van die raadslede nie.

Inteendeel, u het gesê "Ja, sy het iets daaromtrent (30) gesê." U is gevra om voort te gaan en u het uit u eie die

... / volgende

volgende gesê "Sy het gesê as hulle nie die werk bedank nie, is al wat oorbly hulle behoort gedood te word." U sal ook onthou die mense hier in die hof het gesnak na hulle asems en die Hof het met hulle daaroor gepraat dat hulle nie so demonstratief moet wees nie. -- Toe ek dit gesê het, was dit nie dat ek gepraat het oor wat mev. Mokoena gesê het nie. Ek het verwys na 'n vroumens wat daardie woorde gebesig het wat eenkant was toe daardie ander manspersoon wou gepraat het.

Dit is nie wat hier in die rekord staan nie. U is ook bewus daarvan dat u daarna by verskeie geleenthede toe mnr.(10) Bizos u daaromtrent gevra het, ontken het dat enige ander vrou behalwe hierdie een wat u nou laas na verwys het, iets gesê het omtrent geweld? -- Ja, ek onthou my antwoord was nee. Dit is hoekom ek nee gesê het.

Korrek, u het toe nee gesê. U sê u is 'n priester, 'n biskop? -- Ja.

En u sê u het tot op 'n stadium aan die mars deelgeneem en toe vir uself daarvan gedistansieer omdat u maar 'n bangerige persoon is? -- Dit is so.

U het 'n eed afgelê om die waarheid te praat in die hof? --
(20)
Ja, dit is so.

Maar u het baie beslis hier uit twee monde gepraat. Hoekom het u eers baie duidelik gesê dat Rina Mokoena gesê het die raadslede moet doodgemaak word en daarna dat sy niks gesê het nie? Wat is die rede? -- Wat ek gesê het oor mev. Mokoena was dat toe sy gepraat het van bangheid van manspersone aangaande bewysboekies.

Ja, ek gaan nie herhaal nie, want ek het presies aan u voorgelees wat u gesê het. Dit is beslis nie al wat u gesê het van mev. Mokoena nie. Is daar enige rede, enige ver- (30)
klaring wat u wil gee aan die Hof van waarom u hierdie twee

... / teenstrydige

teenstrydige verklarings onder eed afgelê het? -- Wat ek kan sê is is dat ek miskien die goed verwar het.

U het ook vergeet om melding te maak van die insident rondom die sogenaamde "councillor" wat 'n geleentheid gevra het om te praat? -- Wat vergeet?

Toe u spesifiek daarom gevra is, het u gesê - ek het dit nie opgeslaan nie, want dit is nie baie belangrik nie - u het nagelaat om dit te sê dat daar 'n ander insident was waar 'n man opgestaan het en probeer praat het en dat die man toe dood geskreeu is? -- Ja, dit is so. (10)

Dit het ongeveer agtien maande gelede gebeur. Is alles vir u nog mooi helder voor die gees? -- Dit is juis die punt wat ek gemaak het. Ek het gesê ek onthou van party van die goed en party kan ek nie onthou nie.

Wat Esau Raditsela gesê het op die oggend voor die mars terwyl hy binne-in die gebou was - ek dink amper mnr. Bizos het hierdie behoorlik gedek. Ek sal u nie hieroor vra nie. Ek wil vir u vra oor die woorde van Esau Raditsela by die steeg. Daardie deel van die oorkonde is ongelukkig nog nie getik nie, maar wat u vir die Hof gesê het wat ek genotuleer(20) het hier is nie heeltemal vir my mooi duidelik nie. Wat presies het Esau gesê toe die mense van voor af uit die steeg uit nader hardloop en praat van die honde wat skiet of van die raadslede wat besig is om te skiet? Wat presies het hy gesê? -- Sy woorde was "Kom ons/julle gaan." Ek het toe nie geweet of hy bedoel ons moet soontoe gaan, of voortgaan met die mars nie, maar ek het toe gevlug.

HOF : Mnr. Die Tolk, ek wil dit net opklaar. In Engels het u die woorde vertolk as "Let us go." In Afrikaans het u dit in hoofgetuienis en nou vertolk as "Kom ons/julle gaan." (30)
Is dit dieselfde?

TOLK : U Edele, in die gebruik van die woord deur die getuie is dit dieselfde in die sin is die getuie die persoon wat die woorde besig. Ariyeng, beteken "Kom ons/julle gaan." Toe hy gevra was in Engels toe ek dit oorgetolk het, ek weet nie of die Hof dit opgemerk het nie, maar die getuie het op 'n stadium begin antwoord voordat ek begin praat het. Met die gevolg is dat ek dit wat hy gesê het begin tolk het omdat hy alreeds begin praat het. Dit is dieselfde op die manier wat dit gebruik was deur die getuie.

HOF : Maar wat u betref, die Afrikaans en die Engels is (10) dieselfde? Dit is dieselfde woord? --

TOLK : Dit is korrek.

ASSESSOR (MNR. JOUBERT) : Wat ons nie verstaan nie is "Kom ons/julle gaan." "Kom ons gaan" is vir my duidelike Afrikaans. Wat bedoel die getuie as hy sê "Kom ons/julle gaan"?

TOLK : Die getuie gebruik die woord op 'n stadium met 'n meervoud. Dit is hoekom ek dit altyd ingesluit het in my vertolking van "Kom ons/julle gaan." Dit is omdat die getuie 'n meervoud gebruik het in daardie sin. As die persoon, die getuie, 'n enkelvoud gebruik het in daardie sin, dat die persoon gesê (20) het "Kom ons gaan", sou ek "kom ons gaan" gebruik het.

ASSESSOR (MNR. JOUBERT) : Met ander woorde die "ons/julle" is een begrip?

TOLK : Dit is een begrip.

ASSESSOR (MNR. KRÜGEL) : Sou 'n mens dit behoorlik in Afrikaans kon vertaal deur 'n uitdrukking soos "Kom julle, laat ons gaan"?

TOLK : Dit is korrek.

ASSESSOR (MNR. KRÜGEL) : Is dit korrek? "Kom julle, laat ons gaan"?

TOLK : Ja. (30)

ASSESSOR (MNR. KRÜGEL) : Anders maak dit nie sin nie.

You will remember that while you were being questioned by Mr Bizos, you were asked about your impressions of the feelings of the people at the meeting on the 26th? -- Yes, he did ask me about that.

And his questioning in this respect was about the feeling of the people at the meeting immediately after the incident where this alleged councillor was shouted down? -- That is true.

You said approximately the following "I would say that the general feeling of the people sitting at the back of (10) the meeting was compatible with violence I would say and not of those people at the front"? -- That is what I said.

Could you please inform His Lordship why you say that? What happened? -- That I can explain in the following way. As a leader of the people, say something happens which excites the people and they feel excited about what is happening, you as a leader would not immediately be taken up in the same way the people are being taken up.

What happened to make you draw a distinction between the people sitting at the back of the meeting and those sitting (20) in front of the meeting? What happened? -- I find it difficult to explain the difference, what made we make the distinction between the two. I am not able to explain that. It may be that we were not taken up as those people there.

COURT : Are you contrasting the people on the "platform" with the people in the hall or are you contrasting the back of the audience with the front of the audience? -- By that I mean I am talking about the people who were at the tables as the people who were not taken up. Otherwise when I talk about the people at the back, I mean the audience as a whole. (30)

ASSESSOR (MR KRÜGEL) : Was it the audience as a whole that was

... / taken

taken up and not only that part of the audience sitting right at the back? -- That is correct. I was talking about the audience as a whole.

And the incident around this alleged councillor, Mr Masinya, this was right in the front of the audience? Near the platform? -- Yes.

For a bishop and a priest you told the Court something which I would personally regard as rather a shocking statement, coming from a priest? You said that if a person would over-charge you even one cent, you would be prepared to kill (10) him? -- Yes, that is what I said.

Is that compatible with you being a bishop, a priest, a christian? -- That I did make mention of but not with reference to myself as a person, a christian. What I meant was, a person who will be prepared or who is always in a fighting mood or a violent person, could kill someone for a cent, not necessarily meaning myself.

That is not the impression I had before. The impression I think that you left the court with is that you yourself will be prepared to kill for one cent? -- The question from Mr (20) Bizos was even if a person has cheated you with a cent, would you be prepared to kill that person. Then in reply to that question I said, not necessarily meaning myself, that a person who is violent will be prepared to kill someone for a cent, because then that person would have worked for that cent.

And on another occasion you did tell the Court that you are not a violent person and that you steer away from shooting and violence? -- That is correct.

Which is the real Reverend Mahlatsi, which one? The one who kills for one cent or the one who steers away from (30) violence?

... / COURT

COURT : You need not answer that question.

ASSESSOR (MR KRÜGEL) : I withdraw that. You told the Court that you sang with the audience the song about being a soldier for Mandela, because you wanted to identify yourself? -- That is so.

With what did you mean to identify you on that occasion? -- I will have to refer to scriptures in answering this question. I will therefore ask the Court to pardon me.

What scriptures would you like to refer to? -- If you read in the Bible there is a portion where they talk about a (10) person who had a call and that person must come in the way he had been called and that person must do what is being done where he is called to. That is how I had to do what these people were doing there, the owners, in the way they were doing it, because that would mean that if I was not doing what they were doing at the time, I was undermining what they were doing.

And what were they doing? -- They were singing this song about being soldiers of Mandela and I then decided that I must take part and sing with them. Everybody was singing and (20) if I was the only one who was going to sit down, then It would mean I undermine them.

I think that you made yourself clear on that. There is only one other matter that I would like to ask a question about. Just before you came to the lane, you said that quite a number of people, a group joined from the direction of Evaton? -- That is true.

And then you also said that is excluding the group that came from the opposite end.-- It is before even they emerged.

This first group, from where did they come? -- From the (30) direction, that is the side of Evaton. That is the side of

... / Zone

Zone 12, which is almost opposite or in the immediate boundary of Evaton.

From what side of the direction of the march did they come from? -- From the right.

More or less where did they join up with the march? -- Just before passing the BP Garage.

COURT : Is the BP Garage next to Zone 12 or is the BP Garage still in Evaton and before you get to Zone 8? -- This is in Zone 12.

ASSESSOR (MR KRÜGEL) : Could you give an estimate of how (10) many people they were? -- I would be telling lies if I were to give an estimation of the number of people who were in that group, because they joined the march and without me having taken any notice as to pay attention as to what number they are.

We have a group of people in court at the moment. If you count in all the twenty-two accused and the people sitting at the back, can you more or less compare this group of people to that group, by way of comparison? -- It was more than the group of the people I see in court including the accused.

Twice as many? -- Yes, twice as many as this. (20)

So, it is quite a large group of people? -- Yes.

COURT : The number of people in court is between 30 and 40.

ASSESSOR (MR KRÜGEL) : In what way did they join in the march? Did they join inside the march at a certain spot or did they filter in between the people in the march or what did they do? -- The infiltrated the march from all over. For instance some got into the march in front of me, some in the same row where I was, some behind me, some went up to as far as the people who were holding the placards.

And you were in the third row originally? -- That is (30) true.

... / Did

MNR. JACOBS : Wie nog? -- Ek het ook die mense toegesprek.

So, julle twee is dan die raadslede wat daardie gesamentlike vergadering gehou het? -- Ja.

Was daar mense van altwee die wyke se belastingbetalers om hulle so te noem of inwoners op die vergadering? -- Ja, ek aanvaar dit so, want die kantoor wat ek van praat is die kantoor van die drie wyke daar in Zone 3.

Hoe groot was die opkoms gewees? -- Ek kan nie 'n getal gee nie, maar ek kan sê hulle was baie.

Kan jy 'n skatting maak naastenby? -- Ek skat dit onge-(10)veer tussen vyf- en seshonderd.

Wat het jy verduidelik aan die mense? -- Ek het aan die mense verduidelik dat dit wat hulle versoek het ... (Mnr. Jacobs kom tussenbei)

Wat het hulle versoek? Jy moet meer besonderhede gee. Wat is die dit wat hulle versoek het? -- Die belangrikste was die elektriese krag in die huise, die "high mast", want hulle kla as hulle in die môre opstaan is dit donker, die paaie wat meeste van die tyd in 'n baie swak toestand is omdat dit geteer is nie en die dam wat na bewering nou twee kinders (20) laat verdrink het wat omhein moet word.

Die sportstadion en die ander goed, die creche? -- Daar was ook melding daarvan gemaak al was dit nie in hulle wyk gewees nie, maar ons het genoem dat dit ook besluit was.

Wat het jy vir die mense omtrent hierdie projekte verduidelik? -- Ek het aan die mense verduidelik dat om dit te kan voltooi soos versoek, het ons R20 miljoen nodig.

Ja en nog? -- En toe verder vir hulle gesê om die geld te kan terugbetaal vanwaar ons dit gaan kry, sal dit nodig wees vir 'n verhoging van huurgelde met 'n bedrag van R5,90 (30) per huis.

... / En

En die ander raadslid, wat het hy verduidelik? -- Ek sal sê dat hy ook maar dieselfde in sy toespraak gesê het, want ons was daar bymekaar gewees reeds vir daardie doel.

Die publiek, die toehoorders, hoe het hulle dit aanvaar? -- Hulle het dit so aanvaar soos dit aan hulle gestel was, behalwe een persoon wat 'n aanduiding gegee as gevolg van wat die persoon gesê het dat hy nie tevrede is nie.

Weet u wie is die persoon? -- Ja, dit was ene Mthinkulu teen wie ek al gestaan het as kandidaat vir 'n verkiesing. Hy kon dit nie maak nie. (10)

Jy sê die mense was tevrede met hierdie voorstel van jou. Was hulle tevrede om meer belasting te betaal? -- Ja, by hierdie vergadering wat ek daar gehou het, was die mense tevrede gewees, want toe hulle gehoor het dat daar voldoen gaan word aan hulle vereistes op dit wat hulle gevra het, het hulle dit so aanvaar.

Hoe het hulle hulle aanvaarding te kenne gegee? Kan jy vir ons sê? -- Dit het hulle woordeliks gedoen deur te sê dat hulle tevrede is, soos volg. Hulle was tevrede as hierdie vereistes gedoen gaan word soos versoek. (20)

Het julle toe op daardie vergadering vir hulle gesê wanneer julle beoog dat hierdie verhoogde huur in werking sal tree? -- Ja, ons het dit aan hulle verduidelik.

Hoe het julle aan hulle verduidelik, wanneer? -- Op hierdie selfde vergadering van die 5de was dit aan hulle verduidelik.

Wanneer sou die verhoogde huur dan in werking tree? -- Ons het gesê met ingang 1 September.

Was hulle ook daarmee tevrede? -- Ja, hulle was tevrede.

En is die vergadering toe daar uiteen? -- Voor die (30) vergadering uitmekaar gegaan het, na aanleiding van Mthinkulu

... / se

se woorde wat vir my 'n aanduiding was dat hy nie tevrede is nie, het ek aan die gehoor gesê indien hulle voel dat hulle nie tevrede is nie, is hulle geregtig om 'n petisie te skryf en dit deur te stuur na die stadsklerk toe.

Het jy gesê wat sal gebeur as so 'n petisie ontvang word? -- Ek het aan hulle gesê dit sal beteken dat hulle nie tevrede is nie of hulle aanvaar nie hierdie verhoging nie. Met die gevolg is die projekte sal moet wag en niks sal gedoen word nie. Selfs die verhoging sal ook nie voortgaan nie.

Is julle toe uiteen? -- Ja. (10)

Het julle ooit so 'n petisie ontvang op enige stadium na hierdie vergadering? -- Nee, ons het dit nie ontvang nie.

Na 5 Augustus 1984 het u agtergekom of het u opgemerk dat daar georganiseer word in die woongebiede? -- Ek het opgelet dat daar vergaderings was wat gehou word te Sharpeville.

Het jy enige van die vergaderings besoek? -- Nee.

Het jy enige pamflette of ander dokumente gesien wat versprei was in die woongebiede in daardie tyd? -- Ja, ek het.

Wat was die geaardheid van hierdie pamflette en deur is hulle uitgegee? -- Ek weet nie wie die skrywer daarvan (20) was nie, maar dit was geskryf en dit was versprei in die strate te Sharpeville.

Wat was die inhoud daarvan wat u opgemerk het? -- Die woorde wat ek gesien het was geskryf of afkomstig van Asinamali. Die raadslede moet bedank. Hulle aanvaar nie die verhoging van die geld nie. Dit is al wat ek kan onthou.

As gevolg van hierdie verwickelinge wat daar nou gekom het na die vorige vergadering, wat het die Raad toe besluit? -- Ons het die stadsklerk, mnr. Ganz, die hoofdirekteur en mnr. Lawrence van die sekuriteit by die Ontwikkelingsraad (30) op hoogte gehou van wat nou gebeur.

... / Het

Het julle as raadslede enige besluit geneem om weer na die publiek toe te gaan? -- Nee.

Het julle enige vergaderings gehou waarna die publiek uitgenooi was? -- Ja, te Bophelong op 29 Augustus.

Hoe het dit gekom dat julle op hierdie vergadering besluit het? -- Dit is omdat die raadslede geen vergadering daar gehou het op die 5de nie.

Het julle toe besluit om in Bophelong 'n vergadering te hou? -- Dit is reg.

Waar is hierdie vergadering gehou op 29 Augustus 1984? (10)
-- In die saal van Bophelong.

Is die vergadering geadverteer voor die tyd? -- Ja, die superintendent se bakkie was gebruik met die luidspreker om die mense te verwittig van hierdie vergadering.

Waar is die adverteerding gedoen? -- Die bakkie het in die lokasie deurgery en orals daar en daar was toe woorde gebesig oor die luidspreker.

As jy sê in die woongebied of in die lokasie daar, is dit nou in die hele woongebied of is dit net in Bophelong? -- Aangesien die vergadering bedoel was vir mense van Bophelong, (20) was dit net vir mense in Bophelong gewees.

HOF : Behalwe nou vir die vergadering in Bophelong, wat laat gehou is, eers op 29 Augustus, is in al die ander wyke en afdelings vergaderings gehou op 5 Augustus? -- Ja.

MNR. JACOBS : Die vergadering van die 29ste, is hy toe gehou op die 29ste? -- Ja, ons het die vergadering gehou.

Hoeveel raadslede het gegaan om daardie vergadering by te woon of te praat? -- Dit was 'n klompie van hulle. Ek sal net die name noem van die mense wat ek nog kan onthou. Dit was eksself, ene Majoro, dit is eintlik die burgemeester. (30)

HOF: Wat is die burgemeester se van? -- Mahlatsi. Paul

... / Mahlatsi

Mahlatsi.

Is dit die burgemeester of iemand anders? -- Dit is iemand anders. John Mqocina, Ramakgule, Mpolenyane, Skobane, Majila, Posisi, Mofokeng, Dit is die mense wat ek op die oomblik kan onthou.

Hoe groot is jou raad? Hoeveel lede het julle raad? -- Destyds was dit nege-en-dertig.

MNR. JACOBS : Op die vergadering, toe julle daar was, was daar 'n groot opkoms van mense? -- Ja, die saal was vol sowel as daar buite die saal. (10)

Toe die vergadering nou 'n aanvang neem, wie het toe begin verduidelik vir hulle of wat het toe gebeur? -- Dit was so gereël gewees dat die burgemeester die persoon is wat daar gaan praat. Die raadslede van Bophelong sou ook toesprake gemaak het daar. Hulle is in die saal in. Ek en die ander byvoorbeeld het daar buite gebly.

Waar het julle gebly? Was julle by 'n deur of waar? -- Ons het net hier voor die deur gestaan. Eintlik wat van belang was vir ons daar was om na die voertuie te kyk.

En toe? Kon julle hoor en sien wat aangaan binne? -- (20) Ek het niks gehoor nie.

Wat gebeur toe daar? -- Terwyl ons daar was en daar 'n toespraak gelewer was in die saal, het die ligte afgegaan.

Voor die ligte afgegaan het, hoe was die gehoor gewees? Was hulle kalm en stil of hoe was dit binne-in die saal? -- Daar was af en toe 'n geraas gewees binne-in die saal, wat ek nie kon gehoor het waaroor dit gegaan het nie.

Jy sê die ligte het skielik afgegaan en toe? -- Die polisie het toe die saal binnegegaan.

Toe die ligte afgaan, wat doen die mense binne-in die (30) saal? -- Die mense het die saal verlaat. Eintlik uitgevlug.

... / Hoekom

Hoekom sê jy hulle het uitgevlug? -- Ek dink eintlik die rede hoekom hulle uitgevlug het, is omdat dit donker was in die saal. Hulle het nie geweet wat gaan gebeur nie. Hulle het eintlik mekaar gedruk om uit te kom by die deur.

En toe? Waar was die polisie? Jy het nou gemeld die polisie het ingegaan. Waar was die polisie toe op daardie stadium? -- Toe die ligte afgegaan het, het die polisie onmiddellik die saal binnegegaan met die oog daarop om die burgemeester en die raadslede daar te gaan uitkry.

Watter polisie is dit? Suid-Afrikaanse Polisie? -- Ja, (10) Suid-Afrikaanse Polisie.

Waar was hulle voor dit, direk voordat hulle ingegaan het? -- Hulle was daar buite.

Kan jy vir ons sê waar hulle was daar buite? Buitekant die perseel of buitekant in karre of waar? -- Hulle voertuie was net buite die saal geparkeer gewees. Hulle het by die voertuie gestaan.

Wat gebeur toe verder? -- Toe die mense daar uitgekom het, was die volgende ding net klippe gewees. Voertuie was met klippe bestook. (20)

Watter voertuie? -- Die voertuie waarmee ons soontoe gery het.

Ja en toe? -- Die polisie het hierdie voertuie beskerm en ons begelei uit daardie woonbuurt uit.

Wat het van die mense geword wat klippe gegooi het? -- Hulle het voortgegaan met hierdie klippe van hulle deur te gooi met die klippe.

Wie is die mense wat die klippe gegooi het? -- Dit is die gemeenskap wat daar teenwoordig was.

Was daar enige kenmerke aan hulle, aan kleredrag of (30) iets van die aard? -- Ja, hulle het gewone burgersklere

... / aangehad

aangehad.

Ja en toe, wat doen julle toe? Julle is daar uit, die polisie begelei julle? Is daar van die voertuie beskadig? -- Ja, Skobane se voertuig was beskadig. Die venster was stukkend. Die voertuig wat die burgemeester mee gery het, was ook met 'n klip geraak en Caesar Motjeane se voertuig.

Was Caesar ook op die vergadering? -- Ja, ek het vergeet om melding te maak van hom. Hy was ook daar.

Ja en toe? -- Ons is uit die lokasie uit terwyl hulle ons gejaag het met hierdie klippe en die polisie het ons (10) beskerm.

Waarheen is julle toe? -- Ons het toe daar buite die lokasie gewag en die polisie het die raadslid Mqcina begelei na 'n plek toe waar hy sy besittings moes gaan haal het, want hy woon in Bophelong.

Hoeveel polisie was daar gewees? Hoe groot polisiemag? -- In getal sal ek nie kan sê hoeveel hulle was nie, maar hulle was daar teenwoordig. Buite die lokasie was daar 'n bus gewees wat hulle mee gery het. In die lokasie self het hulle met drie bakkies gery. (20)

Na die polisie julle toe buitekant toe geneem het, is jy na jou huis toe terug? -- Ons het eers daar gewag tot Mqcina se besittings gebring was. Ons is toe daar uitmekaar.

Is jy huis toe? -- Ja, ek is huis toe.

Het daar enigiets by jou huis gebeur? -- Nee, niks nie.

Na hierdie voorval en 3 September het daar enigiets gebeur met jou of met jou huis ... (Hof kom tussenbei)

HCF : Ons is nou besig met die 26ste, 29 Augustus, nie 3 September nie.

MNR. JACOBS : Ek sê tussen 29 Augustus en 3 September (30) 1984 of daar iets gebeur het by hulle? -- Nee, niks het gebeur

... / nie

nie.

Op 3 September, die oggend, was jy by jou huis gewees. Het jy opgestaan? -- Ja, ek het my huis verlaat om 06h30.

Is jy seker van die tyd of is dit 'n geskatte tyd of het jy gekyk hoe laat dit is? -- Dit was 06h30 die oggend.

Waarheen was jy toe op pad? -- Ek was op pad na die burgemeester toe.

Jou familie was hulle by die huis gewees? -- Ja, hulle was tuis.

Het jy hulle daar agtergelaat? -- Ja. (10)

Terwyl jy op pad was na die burgemeester se huis toe, waar is sy huis? Kan jy net vir ons sê? -- Zone 11.

Terwyl jy soontoe met jou voertuig gery het, wat het jy opgemerk? -- Met my aankoms te Zone 7 het ek opgelet dat die inwoners daar heen en weer beweeg.

HOF : Waar het dit plaasgevind? -- In Zone 7 het dit plaasgevind. Daarby bedoel ek daar was meer mense in die strate as wat dit normaalweg die geval is. Ek kan verder sê hulle was nie besig om iets te doen nie, maar hulle was baie.

MNR. JACOBS : Het hulle net gestaan in die strate? -- (20)

Ja, die meeste van die mense het net daar gestaan. Die grootste aantal mense wat daar was, was ou mense gewees wat 'n mens sou verwag het wat op daardie tydstip alreeds by die werk moes gewees het.

Wat is nou ou mense? -- Ek praat van mense van my ouderdom.

HOF : Hoe oud is u? -- 40.

MNR. JACOBS : Die mense het hulle beweeg na 'n sekere plek toe? -- Die mense was uit die erwe uit en in die straat gestaan, dit wil sê aan die straat se kant van die omheining. (30)

Kon jy daar tussen hulle deur ry en het jy deur hulle

... / gery

gery? -- Ek het deurgery.

Het enigiets gebeur? -- Nee.

Waarheen is jy toe? -- Ek het voortgegaan op pad na Zone 11 toe.

K131 En toe? -- By Zone 12, dit wil sê voor jy by Zone 11 kom, op 'n distansie het ek opgemerk dat in die nabyheid van 'n garage in Zone 12, dit is Moloantoa se garage, rook was.

Wat se rook het jy opgemerk? Waar was die rook gewees? -- 'n Mens kon nie van so ver af sien wat se rook dit was nie. Dit was 'n bietjie rook wat op die teervlak van die straat (10) was. Die pad wat ek van praat is 'n hoofpad en die mense wie se huise geleë was by hierdie hoofpad het toe op my geskreeu. en vir my gesê ek moenie soontoe ry nie, want as ek met 'n voertuig deur ry in daardie rigting, gaan die voertuig beskadig word, want die polisie het alreeds traangas geskiet daar.

Jy sê dit was toe jy gery het by gebied 12? Dit is daar in die hoofpad? -- Ja in gebied 12 op pad na gebied 11 toe.

Hierdie pad wat jy in gery het, watter pad is dit? Het hy 'n naam of waarheen loop daardie pad? -- Ek weet nie wat is die naam van die pad nie. Dit is nie aan my bekend nie, (20) maar wat ek kan sê is, dit is 'n hoofpad wat die busse gebruik om deur hierdie verskillende gebiede te ry, 3, 12, 11 ensovoorts.

HOF : Is dit 'n teerpad wat loop tot uiteindelik by die administrasie se kantore? -- Ja, dit is so.

MNR. JACOBS : En waar jy hier gery het, weet jy waar Caesar Motjeana se huis is? -- Dit was baie ver van waar ek was op daardie stadium. Dit is in gebied 11.

Ek wil net weet, weet jy waar hy is? -- Ja, ek was al daar gewees. (30)

Waar jy nou die mense gekry het, was dit nog voordat

... / jy

jy by Caeser se huis sou kom soos wat jy ry in die pad op na Houtkop toe? -- Ja, dit is reg.

Wat doen jy toe? -- Toe die mense dit aan my gesê het, het ek daar gedraai en toe gery na Evaton toe.

Wat merk jy op? -- Met my aankoms te Evaton het ek na 'n huis toe gegaan waar ek mense ken. Dit is te Small Farms. Terwyl ons daar was, het ek kinders gehoor skreeu hier buite en sê iets is aan die brand in Zone 12.

Wat doen jy toe? -- Ek het op 'n hoë plek gaan staan en kyk. (10)

Wat se hoë plek? -- Dit is 'n ashoop.

Ja? -- Ek het net die rook daar gesien in Zone 12, maar ek kon nie sien wat dit was wat aan die brand was nie.

Was dit baie rook gewees? -- Ja, baie.

Is dit nou net daar in gebied 12 of wat merk jy nog op? -- Terwyl ons nog daar staan en kyk na die rook in gebied 12 het ons opgemerk dat daar nog rook was in gebied 13.

Gaan voort? -- Daarna het ek rook gesien op verskillende ander plekke ver van waar ek was. Ek was dus nie in staat om te kon sien by watter gebiede dit was nie. Ek het toe (20) vir 'n rukkie daar gewag totdat ek later besluit het om te gaan verneem te Houtkop wat gebeur het.

Het jy na jou huis toe probeer gaan voor dit? -- Nee, ek is eers Houtkop toe.

Is jy met daardie pad wat jy netnou beskryf het Houtkop toe of is jy met 'n ompad Houtkop toe? -- Ek het 'n pad gebruik buite die woonbuurt. Dit is die Golden Highway.

Gaan voort? -- Toe ek daar kom vind ek dat die burgemeester daar was en sy broer ook Paul Mahlatsi.

Het jy daar vertoef of wat het jy gedoen? Het jy na (30) jou huis toe probeer gaan? -- Ek het 'n telefoonoproep gemaak

... / na

na my vrou toe en haar opdrag gegee om die huis te verlaat en 'n punt vasgestel waar ek haar sal gaan optel saam met die kinders.

Het sy die huis verlaat en het jy haar toe opgelaai? --
Ja, ek het haar saamgeneem na Houtkop toe.

Het jy weer daardie dag na jou huis toe teruggekeer? --
Nee, ek het nie.

Wanneer het jy daarna weer na jou huis toe teruggekeer? --
Ek het op die 5de gaan kyk.

En toe? -- Met my aankoms daar was twee vensters se (10)
ruite stukkend. Ek het toe 'n rapport gaan maak te Houtkop.

Het jy verdere ondersoek ingestel by jou huis of nie? --
Toe ek verder ondersoek ingestel het, het ek gevind dat van
my besittings, naamlik kledingstukke gesteel was. Ek het dit
vermis.

Was daar enige ander skade aan die huis? -- Nee, niks
anders behalwe die klere wat gesteel was nie.

Enige ander - het jy enige voertuie op die perseel gehad
en hulle was hulle beskadig? -- Nee, ek het nie 'n ander voer-
tuig by die huis gehad nie, want ek het met die voertuig (20)
gery.

Het jou huis ooit gebrand daarna of nooit nie? -- Nee,
my huis was nie gebrand nie.

HOF: . Het u 'n veiligheidsheining om die huis gehad? -- Dit is
hierdie heining wat bekend staan as 'n "stop nonsens." Dit is
'n "pre-cast wall".

Is dit een van hierdie betonmure? -- Ja.

Hoe hoog was hy? -- Vyf voet.

MNR. JACOBS : BEWYSSTUK AL(103). Hierdie pamflet het jy
hom ooit gesien dat hy daar in die woonbuurt opgeplak was (30)
of versprei was? -- Ja, ek het 'n dokument gesien met hierdie

... / tipe

tipe geskrif, maar dit was nie hierdie grootte nie, dit was 'n kleinerige een gewees.

Soos hierdie een AL(103), het jy ooit sulkes gesien daar in die woonbuurt, teen drade of op pale of iets opgeplak? -- Nee, ek het nog nie so 'n groot een gesien nie.

HCF: Hierdie is nie 'n pamflet nie.

MNR. JACOBS : Dit is 'n plakkaat. Dan toon ek aan jou 'n pamflet dit is AM(38). Het jy gesien dat dit versprei word daar in die woonbuurtes? -- Ja, dit is hierdie tipe wat ek van praat wat ek gesien het. Dit was gevou gewees soos ek dit nou (10) aan die Hof toon.

HOF : Dubbeld gevou? -- Dubbeld gevou, ja.

MNR. JACOBS : En op hierdie dokument sien ek staan "Do not vote for apartheid" en dan is daar so 'n wapen van die UDF in die regterhoek? -- Ja, dit was net so gewees.

Dan wil ek hê jy moet ook kyk na 'n plakker, of jy dit in die Vaal gesien het dat dit daar versprei word in daardie gebiede, dit is AM(45)? -- Nee, hierdie een het ek nog nie vantevore gesien nie.

HOF: Gaan die dokument dan in as die getuie hom nog nie (20) vantevore gesien het nie?

MNR. JACOBS : Met die erkennings wat kom sal dit inkom. Dan is hier 'n dokument AM(58). Dit is ook 'n dubbelgevoude pamflet. Het jy so een gesien dat dit daar versprei word in die Vaal?-- Nee, hierdie een het ek nog nie gesien nie, met hierdie inskrywings van Koornhof.

Dan BEWYSSTUK AN15(1). Dit is so 'n gedrukte kennisgewing, kan 'n mens dit noem. Kan jy sê of jy gesien het dat dit versprei word daar in die Vaal? -- Nee, hierdie een het ek ook nog nie vantevore gesien nie. (30)

HOF : Mnr. Jacobs, ek doen aan die hand dat u vir die getuie

.../ net

net dokumente gee wat hy al vantevore gesien het. Ons het drie kartondose vol. U kan hulle natuurlik almal wys en vir hom vra of hy dit nog nie gesien het nie.

MNR. JACOBS : Ek sal net hierdie een nog aan hom toon. Miskien kan hy vir ons sê of dit die een is van die Asinamali waaroor hy getuig het. Dit is AN15(3). Kan jy onthou of dit in die Vaal versprei is, of jy dit gesien het daar? -- Nee, wat ek gesien het wat geskryf was Asinamali was 'n klein stukkie papier wat gebruik was om die gemeenskap te laat weet van die vergadering wat gehou gaan word. (10)

CROSS-EXAMINATION BY MR BIZOS : Councillor Mokoena, you told His Lordship that the rental was to come into effect on 1 July? -- That is so, because that is the time during which we made out our budget.

You say that it did not come into effect on 1 July, because it could not be gazetted on time? -- Yes, that is so, plus the holding of the meetings.

Let me ask you this. If it was to come into effect on 1 July, does this mean that the decision to increase rent by R5,90 was taken before 1 July? -- It was not yet R5,90, (20) because it took some time in working out how much the community will have to pay and how much money was required for the projects.

I am sure that that was done. Just listen to the question.

COURT : The answer is not R5,90. You should ask him about the decision to increase.

MR BIZOS : When was the decision made to increase the rent? What month, what year? -- It was during June, when we were working out our budget. (30)

Do you recall the date of that meeting? -- I cannot recall

... / in

in which meeting and on what day it was when this was decided.

Was there more than one council meeting during June 1984?
-- There was quite a few meetings held during June, because the reason was we were trying to come to the finality of the budget, therefore we had to hold more meetings.

You had a number of meetings during June, because it was to finalise the budget? -- That is so.

Was it during June 1984 that it was decided that there would be a rent increase in order to finance the R20 million required for the projects as you have told us? -- Yes, that(10) was in June.

Was it also in June that it was decided that there would be an increase and that the increase would be R5,90 per month?
-- In June we were not yet certain as to by how much was this rent going to be increased, although a decision was already taken in June that there was going to be an increase of rents.

When do you say it was decided that the increase would be R5,90? -- It was in July according to the budget. In fact the money was supposed to have been increased already and had been put into operation. (20)

Something cannot be increased and be put into operation unless a decision was taken as to how much it was. I will repeat my question. When was it decided that the increase would be by R5,90? -- It was during July.

Were you party to the decision that the rent should be increased? You personally? -- Yes.

And were you personally party to the decision that it should be increased by R5,90? -- Yes.

And did you make yourself party to both those decisions before 1 August? -- Yes. (30)

So, that if the perception of your constituency was that
... / you

you made decisions and thereafter announced them, would that perception be correct? -- No, it would mean then that there is a misunderstanding. We are having a language problem probably. The decision which was taken was the proposal of that rent.

You know, people do not send things off to be published in the Government Gazette unless there has been a decision? Is that not so? -- That is exactly like that, but that is what I am saying, in saying when taking this decision, it must be decided first, as it was done, so that it can later(10) be gazetted for the people to take note of it, that this is what had been decided upon.

So, the meeting of 5 August was to tell people what had been decided, not to consult them as to what the decision should be? -- We did have a talk with the community prior to this decision. That is what in fact resulted to the community requesting what I mentioned as projects which were to be dealt with.

WITNESS STANDS DOWN.

COURT ADJOURNS UNTIL 14h00.

COURT RESUMES AT 14h00.

PIETER MOKOENA: d.s.s. (Through Interpreter)

FURTHER CROSS-EXAMINATION BY MR BIZOS: Councillor Mokoena

when you made a decision in June 1984 that there would be an increase of R5,90

COURT: The decision was not made in June 1984 that there would be an increase of R5,90. The decision was made that the loan would be taken up or it would be budgeted for and the R5,90 was worked out later.

MR BIZOS: That is not how I understood the evidence in the (10) beginning of the cross-examination but I will try and clarify it.

COURT: Well will you clarify it for me. It may be that I am mistaken.

MR BIZOS: Yes. Would it be correct to say that by the end of June 1984 the Council had resolved to increase the rent by R5,90? -- It was decided on the increase on rent but no amount was made as to how much was it going to be increased.

Are you sure about that?

ASSESSOR (PROF. JOUBERT): This had been said before. (20)

MR BIZOS: I am not saying it has not been said, I am asking the witness if he is sure that that is his evidence and that there is no possibility of a mistake. -- Yes I am.

And are you sure that His Lordship summarised your evidence correctly that there was talk of a loan, there was talk of a loan of twenty million, is that right? Is that right? -- No in June we did not know yet as to how much we would need as a loan.

I see. So are you saying that before the meeting of 5 August there was no decision by the Town Council to increase (30) the rent and there was no decision by, it goes without saying,

by/.....

by how much it should be increased by?

COURT: But we have not dealt with July now. You start in June and then you jump to August?

MR BIZOS: Yes My Lord I am ...

COURT: But he has not said so yet. The budget is in July. Once the budget is approved it follows that there has to be an increase.

MR BIZOS: No My Lord I understood that the budget was in June.

COURT: No the budget is in July.

MR BIZOS: Well could I clarify that? When were your budget(10) discussions? -- We started that in June but it was not completed in June.

I see. So when was the, when were the budget discussions completed? -- In one of the meetings which were held in July although I cannot remember exactly which one.

Would you say that until that meeting in July there was no decision to increase the rent? -- There was already a decision taken that the rent will be increased. The only thing which was not discussed is to how much was going to be increased on the present rent. (20)

Right. Can we please have absolute clarity. At which meeting do you say that there was a decision that the rent would have to be increased, in June or July? -- The decision was taken in June that rents will have to be increased and by then we did not know by how much until we decided later that some of the things which is the demands which were supposed to have been met, we had to cut off.

Right. By the time you held your meeting on the 5th of August was there a decision that the rent would be increased and was there a decision that it would be increased by R5,90 (30) or was the amount still not decided on when you called your meetin/.....

meeting in August 1984? -- By the time of the meeting which was held in August we knew already as to how much was going to be added to the present rent as an increase. That is the reason why we had to call the meeting and explain to the people.

So you had to, did you have to announce or to ask for their concurrence? -- This meeting was held with the view of informing the people about the decision. That is why I said in my evidence later in the address to the people in that meeting I informed them about a petition which they can draw if they were not satisfied with what was being carried over (10) to them.

So the decision had already been taken. If they wanted to they could apply to have the decision reversed or amended? -- That is what this meeting was about.

And the meeting at which the R5,90 was decided on was it the beginning, the middle or the end of July? -- I will say it was during July, in the middle.

In the middle. -- That is why we decided on this date in August.

COURT: Could I just get clarity on this decision on the (20) R5,90. Was there a decision it would be R5,90 or did the R5,90 follow as of course from the amount involved in all the projects that you agreed to take on? -- As I said earlier as a result of the amount which was decided upon as a budget for the projects we came to the conclusion of this increase being R5,90 and I earlier made mention of the fact that we had to cut off some of the requirements which were asked for in order to keep the amount low, otherwise it was going to be higher than it was.

MR BIZOS: And this was in July? -- Yes. (30)

And if a decision to raise the rent by R5,90 was taken
earlier/.....

earlier than the middle of July would you have called meetings much earlier than 5 August in order to explain it to the people? -- Yes that is so because otherwise if that be the case then this would have been put into operation. The beginning of July was it that the decision was taken prior to that.

Yes. Now, and let me see if I understand you correctly. The first meetings to explain to the people that there was a decision to increase the rent and to increase it by R5,90, that was in August? -- In August?

COURT: What is the question? Is it the information meeting, (10) is that in August, that is the evidence. Is there something else?

MR BIZOS: The information meeting, yes.

COURT: The information meeting was in August.

MR BIZOS: August, other than that meeting in August there was no prior meeting?

COURT: Yes. -- The only meetings which were held with the community were those which were held when councillors had to hold meetings and listening to grievances of the people about what they were complaining in those particular areas. (20)

Counsel is asking you not about general information meetings but about the information meeting on the increase of R5,90. -- This was the only meeting held in respect of that, that is on the 5th.

MR BIZOS: Yes, and nothing before that? -- No. Not pertaining to increase.

Now if I were to suggest to you Councillor Mokoena that a formal decision was made by your Council on 29 June 1984 to increase the rental by R5,90 per month for the Board's houses and R5,50 per month for private houses what would you say (30) about that suggestion? -- If that is the case it is being put

to/.....

to me like that I am quite prepared to admit that I may have missed the date then in saying it was in July.

Yes. Yes I think you did miss the date. But nobody can blame you too much about missing a date. What I want to put to you is that your budget was agreed upon by the end of June and that you voted for its passing and voted for an increase in the rental at the meeting of 29 June? -- I admit that a decision was taken in a meeting but I admit again that it was probably a mistake on my part by saying July whereas it was in June. (10)

I want to ask you a few questions about your personal decision to vote for this increase Councillor. Did anyone at that meeting explain to you that according to the Research Unit of the University of Port Elizabeth before you voted for this increase your predecessor, your predecessor in authority had already increased the rental

COURT: What has the University to do with it?

MR BIZOS: They give the figures My Lord, the percentage figures. It is a research unit.

COURT: Yes but you are going to make it very involved now. (20)

MR BIZOS: Yes well I will cut out the source.

COURT: Why do you not cut out the source?

MR BIZOS: Well I can cut it out by I thought that Your Lordship may be interested that it was not the UDF that got the figures.

COURT: I am more interested that the witness understands the question.

MR BIZOS: As Your Lordship pleases. Just listen to this, if anyone suggested or mentioned at this meeting of your Council before you voted for this increase that between 1977 and (30) 1984 there was already, before this increased was voted on,

an/.....

an increase of 427,04 percent on the rentals in your area, did anybody explain that? -- No nobody.

Did you ask any questions, but when was the last increase and what percentage increases have we had in the last few years? -- No.

Did anyone try to work out that with this increase your percentage increase from 1977 would have jumped up to 469,50 percent? -- No one did that.

Did anyone draw to your attention that by way of contrast, for the same period in Cape Town there was only an 87,13 (10) percent increase? -- No.

Did anyone by way of contrast point out to you, or did you ask, that in Durban it was 182,27? -- No.

I do not want to give you all the areas.

COURT: Especially not if you give all the decimal figures.

MR BIZOS: I will cut out the decimal figures My Lord. Did anyone tell you that it was only, that it was 183 in Bloemfontein? -- No.

COURT: Well the answer is this was not discussed.

MR BIZOS: So comparative figures from other cities and (20) other averages were not discussed at all? -- No it was not.

Did anyone suggest, during this meeting, leaving aside the figures, "Gentleman in this area we, our people in our area, the people that elected us are already paying the highest rents in the country"? -- No.

Now this was the first time that the Lekoa Town Council had a budget of its own? -- It was my first time to attend a meeting where a budget was being discussed.

Yes. And it was also because of the new dispensation, this was the first time that the Lekoa Town Council had a (30) budget of its own? -- I will say so.

But/.....

But you were really successors to the Orange-Vaal area Development Board, in part? -- I will say we were in fact successors to the Community Council.

Yes. No but for the purposes of administration your preceding Council had no administrative or regional power. You were the first to succeed to this sort of power that you are exercising by having a budget? -- That is so.

And is it correct Councillor Mokoena that your predecessor published accounts by the Auditor General?

COURT: Let us call it the Orange-Vaal Development Board and (10) not call it the predecessor because it was not entirely the predecessor.

MR BIZOS: As Your Lordship pleases, because of the Council, yes I understand.

COURT: And it still exists.

MR BIZOS: It still exists, yes. I will call it the Orange-Vaal Board.

COURT: The Board.

MR BIZOS: Orange-Vaal. -- Made accounts to us?

No did you know that the Orange-Vaal Board published (20) accounts for the year 1983-1984 of its administration? -- No I did not know that.

But let me just be quite fair to you Councillor Mokoena because you made a very important decision on that day and I want to see if you understood the position. The Orange-Vaal Board administers an area wider than the Vaal Triangle? -- That is so because it includes the Free State as well.

Portions of the Free State. Now, but the biggest slice so to speak of its area of jurisdiction and its income comes from the Vaal Triangle, that is where the concentration (30) really is? -- I will say that is correct.

That/....

That is correct. Now did anyone at this Council meeting where you made this important decision say "Let us have a look at the balance sheet of the persons who, of the Board of whose power we are taking over to see what sort of money did they have available and how the money was spent"? -- We were still awaiting on the balance sheet.

I see. So did you make a decision without any, what accountants would call any historical data, without knowing what the past showed?-- We took a decision because the budget is being worked in the following way that we work out the (10) expenditure of the Council a month.

Just listen to me please, did you not have any past figures to guide you into the future? Did not anybody ask for them? -- No it was not mentioned or explained.

But now did anybody give you any figures as to how much of the money that was collected in the past was utilised for administration and how much was used for population settlement, "bevolkingsbestigting", did anybody give you any such figures? -- I would not know about the previous years because this was our very first year serving in the Council. (20)

But now did not anyone raise the question that if you compared how much was spent on administration with what was spent on housing and other facilities that there may be a disproportion? -- There is such when you work a budget that you sort of work out a certain amount for certain things to be done differently and separate in order to come to the total amount for the budget, as to what money will be used for what.

Did anyone raise the question as to what portion of the reserves of the Orange-Vaal Board would come into your account? -- I know about an amount of five million which was given (30) by the Orange-Vaal Board to the Council when it started working.

Do/.....

Do you know how that figure was arrived at in relation to the total reserves of the Board? -- There was no explanation there.

Did you not ask? -- No.

You may have been benefitting the people of Parys and Kroonstad and others.

COURT: Well the answer is he did not ask.

MR BIZOS: He did not ask. Did you decide with whom this money would be invested?

COURT: That is the five million? (10)

MR BIZOS: The five million. -- It was in a way put aside and in fact that is why we could not raise this money more than the R5,90 we had decided on because the difference was subsidised from that amount.

No you are quite right about that. The question was did you decide with whom it should be invested? -- It was in the bank which was being used by the Council.

At what rate of interest? -- I do not have the figures at present.

Did you ask whether the Orange-Vaal Board operated (20) at a profit or at a loss the previous year? -- All I know it was being assisted by the central government.

No whether on its accounts it showed a profit or a loss for the previous financial year? -- No that I do not know.

You did not ask? -- No.

Because if in fact the Orange-Vaal Board operated at a profit during the previous financial year you might have said "Oh no do not let us put an extra burden on our people, let us try and economise by spending less on administration or by doing other things so that the profit can become even (30) greater". -- It never occurred, we did not do it.

Neither/.....

Neither you nor any of your fellow councillors did it at this budget meeting? -- No all we decided on was the rent which was being paid at that present moment was sufficient because we knew what was this money spent on.

Yes. Without asking any questions or without having any historical data? And without the accounts of the Orange-Vaal Board that was administering it before you, having put before you? -- That is so, we did not have that.

Now, and you see if I were to count the number of questions that I put to you the answer to which was "I do not (10) know" or "We did not ask" it would tot up to quite a lot would it not? Do you agree? -- Yes.

Now without wishing your or your fellow councillors any disrespect because I think that you are operating under difficult conditions but when members of the community say that you are councillors but that others are pulling the strings or are making the decisions do you consider that completely unfair? -- I will say it is not fair because it was just when we started with the whole thing, still busy teaching ourselves how to go about it. (20)

Well this may be but what I want to put to you is that the officials who had been working for the Orange-Vaal Board in fact prepared the budget? -- That is quite so, the Treasury Department.

That is the Treasury Department consisting of officials of the Orange-Vaal Board, or people who were employees of the Orange-Vaal Board? -- It was being worked out by the people from the Town Council of Lekoa with the help from the Vaal, the Orange-Vaal Development Board.

Yes. But you yourself did not ask any questions and (30) none of your fellow councillors asked any questions? -- Yes that/.....

that is because they explained to us what this budget is about after having prepared it.

The officials? -- Yes.

And no one asked them any pertinent questions, or any of the questions that I suggested to you might have been asked?

-- No none of us.

Yes. Now I want to put to you that the average rent increase in the country as a whole, from 1977 to 1984.

COURT: For Black housing or White housing, all over?

MR BIZOS: Black housing. Metropolitan areas all over the (10) country My Lord. Metropolitan areas throughout the country was 255 Rand.

COURT: Two five five Rand?

MR BIZOS: Sorry two five five percent My Lord.

COURT: Of from when to when?

MR BIZOS: From 1977 to 1984.

COURT: Why do we start in 1977?

MR BIZOS: Well that is when the figures became available.

That is the figures that I have been supplied with. And I am told that it is not arbitrary, it is when Community Councils (20) were introduced.

COURT: Yes. Would you like to comment on this figure? -- About what, just repeat that?

MR BIZOS: The average increase between 1977 and 1984 was 255 percent during this period, for housing such as your constituency uses.

COURT: You need not comment if you do not want to. -- No comment.

MR BIZOS: No comment. Now can you or would you have voted for this increase if you knew that by increasing the rent (30) by the amount that you did you would be 214 above the national average?/.....

average?

ASSESSOR (MR KRÜGEL): I am sorry may I just enquire about this, it is not clear? Is that now 214 percent above the national average of increases during that time?

MR BIZOS: That is so.

ASSESSOR (MR KRÜGEL): Or over the actual figures of what rent is in say Zone A, or in Area A as against Area B?

MR BIZOS: The figures relate to

ASSESSOR (MR KRÜGEL): To increases only?

MR BIZOS: To increases of Black housing in urban areas. (10)

ASSESSOR (MR KRÜGEL): Not considering where one started from? Whether the one started on say R5 a month as against the other of R15 a month?

MR BIZOS: No it is a percentage increase.

ASSESSOR (MR KRÜGEL): It is only the percentage increase.

COURT: But now where does it lead us? Can you not compare apples with apples? At the moment you are telling us what the increases were but we do not know where we started. Would it not be fairer to the witness if you tell him "Look here in Cape Town they are paying R30 a month and in the Vaal Triangle you had to pay R50 a month"? That is the sort of thing that you are after but the way you are putting it it leads nowhere. (20)

MR BIZOS: We submit My Lord that it does lead somewhere because the percentages show a national, the national figure is of some importance because minimum wages are based on that, the cost of living index is based on that and numerous other things which we will draw to Your Lordship's attention about the burden of this community, and if we have to get down as to whether in Springs the house has got a slightly better finish or not I think that that may lead us to greater, I am dealing/..... (30)

dealing with the broad spectrum because Your Lordship asks whether we

COURT: Yes but in this increase it may well be that in a portion of the area there was electricity, in another portion there was not electricity, in some there were stormwater drainage, in others there was not, in some there were tarred roads, in others there were not. Where does this figure lead us?

MR BIZOS: If Your Lordship wants it that way

COURT: No I am not telling you how to run your case, I am (10) just telling you that you may be wasting your time with this witness.

MR BIZOS: No I am not My Lord, with respect, because I will come to the figures that Your Lordship has indicated to me because in the Cape, we started off in Cape Town with 11,27 and with the Vaal at 11,87 per month. So those figures too are available. Bear with me My Lord, with respect, we have...

COURT: I will bear with you till 15h00.

MR BIZOS: The statutory limit, as Your Lordship pleases. I will try and round this point off at any rate. But these (20) schedules will be put in in due course, with respect, but I must put this to them in support of what was being said about the independence of the councillors. Now if you knew that you were voting for a further increase which would make the Vaal Triangle not only the highest rents in the land but would also put you 214 percent above the national average would you still have voted for it? -- Because of the request by the community and if the community understood the reason for the increment I would have voted for that.

Yes. Well the request of the community, how many (30) people voted for you Councillor Mokoena? -- If I still remember/.....

remember well it was 500.

No think again because we have the precise figure I think. You do not remember? -- I am not quite certain if this long back, if not five it can be four.

Well we will put the figures before His Lordship in a composite document but your Council as a whole, do you know by what percentage of the population it was voted into power? How many people voted? -- I cannot quite remember.

Yes. Now tell me did you know or did anyone bring to your attention at this meeting before you decided on any rent (10) increase whether the per capita income in the Vaal Triangle was below or above the average for metropolitan areas in the country? -- As far as I know it was not below.

Well I am going to put to you that, well did you ask? -- We did get an information from the Town Clerk.

Did he say that it was above average? -- No he did not say it was above average, he said it was par' with the average.

Do you recall whether any information was given to you in relation to your unemployment rate in your area, whether it was, the unemployment rate was above or below the average?(20) -- We came to know that quite a great number of people is unemployed.

Do you agree that at the time that you voted for this increase the unemployment rate in the Vaal Triangle was higher? -- I did not know that it was above or higher than the average but I knew that there were people who are not employed.

Would you agree that you were one of four candidates in your Ward 21 and you got 309 votes and you topped the poll?

-- I can agree with that.

And that the average poll was, just for the whole (30) area, that the percentage poll for the whole area was 14,7 percent?/.....

percent? And that the number of voters in your Ward were 2755? And in fairness to you you got apparently one of the highest percentage polls of 20,8. Do you agree with those figures? -- Yes.

They were made available publicly by the Electoral Officer.

-- I agree.

What was your occupation before you became a councillor?

-- As a personnel.

A personnel officer in a company earning a wage? -- Yes.

What is your present occupation Mr Mokoena? -- I left(10) employment last month.

What is your present occupation Mr Mokoena? -- I am running a beer garden selling corn beer.

Only corn beer? -- About the liquor which is now the beer we are still busy that they are going to hand over that.

Yes. When did you acquire this business? -- I got it from the Development Board I think it was in early 1984 when they were advertising those things.

Were you a member of a party then that was in the Community Council? Or were you already on the Council? -- I was(20) already in the Council because we started in January 1984.

Where is this outlet Mr Mokoena? -- Bophelong.

Were you a resident of Bophelong? -- No.

Were you in business before? -- No.

Did you have capital accumulated in order to acquire a successful business? -- I had already applied for loans.

No did you have any capital resources of your own? -- No.

Was it given out that these businesses that the Board decided to sell would be sold to business people with (30) experience in business and capital resources and with a proven record?/.....

record? -- No what was said in the advertisement was that businessmen, shebeeners and members of the public may apply.

Tell me Councillor Mokoena how did you manage to run a business and remain a Personnel Officer? Was it not intended that the person who bought it should be running it himself?

-- My aim was not that I will be employed by someone until one day I am old. I had in mind that one way or another or during some time I will have to acquire a business of my own.

How many beer outlets were awarded in all and how many of them to councillors Councillor Mokoena? -- I cannot (10) remember exactly the figure but I estimate them to be about twenty.

And how many to councillors? -- I think it is four or five.

And who made the decision to whom they would be allocated?

-- It was in the hands of the Orange-Vaal Development Board.

And how many to relatives or employees of councillors were the others granted? -- That I will not know.

Well but you know that some of them were awarded to councillors' employees, relatives, in-laws and people like that? -- No I do not believe so. (20)

You do not believe so. In view of the five at least that you know, councillors that managed to

COURT: Time is up Mr Bizos.

COURT ADJOURNS UNTIL 12 MARCH 1986.