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SAAKNOMMER: CC 482/85

DELMAS

1986-03-12

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORE: MNR. W.F. KRUGEL

PROF. W.A. JOUBERT

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

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COURT RESUMES ON 12 MARCH 1986.

HOF: Mnr Fick ek het gister mnr' Tip gevra om verslag te doen oor die kwessie van die ooreenkoms oor aspekte waarop ooreengekom kan word sonder om een of die ander kant te benadeel. Ek wil van u verslag hê want dit het vir my gelyk asof die ding, veral wat die dokumentasie betref, dit is nou die drie dose dokumente wat ek gekry het nie eintlik vorder nie. Wat is die posisie?

MNR FICK: Edele kan ek net vir die Hof die agtergrond gee? Daar is twintig erkennings wat die Staat opgestel het. (10) Nege daarvan het die Staat terug ontvang van My Geleerde Vriend is hulle bereid om te erken. Nou die dokumente is een wat ons nie gekry het nie. My Geleerde Vriend het aangedui dat hulle is nog nie gereed om die erkennings oor die dokumente te ...

HOF: Het u gevra ten aansien van soorte dokumente, klasse dokumente soos pamflette of notules of iets van die aard?

MNR FICK: Die Staat het elke dokument, het hy spesifiek gevra, en die skedule is vir my Geleerde Vriend gegee en hulle werk deur. (20)

HOF: Nou die nege wat u teruggekry het, ek het nog maar een gekry wat ingehandig is. Waar is die ander agt?

MNR FICK: Edele ek verneem My Geleerde Vriend het een by hom, en wat ek bedoel by nege erkennings in die dokument wat u terug ontvang het is daar een, twee, plus sewe, agt erkennings vervat. Nou die negende een het My Geleerde Vriend nou by hom en dan die res het ek nog nie enigiets terugvoering van die verdediging nie.

HOF: Ja ek sal vir mnr Tip vra.

MNR FICK: Ek kan net aan u meld Edele daar is 'n ander (30) probleem met die dokumente, dit is the ANC and SAKP dokumente.

Ons/....

Ons het dit gereed om te toon vir die verdediging. Ek verstaan mnr Dyason is aangesê om na die dokumente te kyk met die oog op erkennings. Ek het die erkennings opgestel en vir hulle gegee ook. Ek het drie dae gewag vir mnr Dyason toe het hy opgedaag vanoggend. Hy het die helfte gekyk en ek het hom nog nooit weer gesien nie tot vandag.

COURT: Wat is the position with Mr Dyason Mr Tip?

MR TIP: My Lord My Dyason, as I understand the position, has been engaged in the course of the last several days on the bail application which it is intended to bring before the (10) Court. I do not know precisely what the arrangements were between Mr Dyason and Mr Fick. That is something that I can go into. In the meantime

COURT: Well is nobody in control from your side? Does the left hand not know what the right hand does?

MR TIP: We certainly try to ensure that co-ordination but Your Lordship will appreciate that we necessarily have unfortunately to divide our resources.

COURT: Yes but you have vast resources, I think there are about four counsel in the case, there is a Legal Resources (20) Centre which works on the bail application and there are numerous attorneys sitting round in court. Three of them writing down the evidence at the same time. Which as far as I am concerned does not seem very necessary but anyway.

MR TIP: Well that may be so but I might indicate that in fact we have from day to day two counsel in court on a full time basis. The Legal Resources Centre in fact does not offer facilities. Your Lordship is aware that Mr Chaskalson is the National Director of the Legal Resources Centre and to some extent he stations himself in that office but the facilities (30) are not made available to the defence in this trial.

The/.....

The position today with the admissions we are able to hand up to Your Lordship admissions in relation to certain of the affiliates, if I might hand this up. This will be EXHIBIT AAS(2). With the Court's leave I might read onto the record the nature of the admission. It is that the following organisations as set out in column 1 of the schedules hereto were affiliated to the respective regions of the United Democratic Front, the UDF, as set out therein. 2. That save as set out in column 2 of such schedules the listed organisations were thus affiliated as at the date of the national launch of (10) the UDF on 20 August 1983 in respect of the Transvaal Region of the UDF, the Western Cape region of the UDF and the Natal region of the UDF. What follows then is a series of six schedules in which are recorded the affiliates in respect of the different regions insofar as those are extracted from the list originally handed to us by the State. I should indicate that this is one of the documents that was given to the State on Monday morning and Mr Fick has indicated today that there are certain further organisations that they believe ought to be included. Those will be investigated and if necessary (20) this admission will be supplemented. The second document given to the State on Monday is now complete, its typing was commenced last night, hopefully it might be possible to hand that in to Your Lordship in the course of the day. That deals with the nature of the incidents which occurred in the areas outside of the Vaal and that is complete and hopefully will contribute substantially to the shortening of the proceedings. In regard to the documentation that work is proceeding. As I have indicated to Your Lordship we really are very close to a position to hand something in to Your Lordship. I will not at this (30) stage span each and every document that has been supplied by

the/.....

the State. Part of the difficulty there is that there is no differentiation amongst the different categories of the admissions which the State has sought. As I have said to Your Lordship a number of those documents come from regions and persons outside our immediate knowledge. It is not clear that all of them will in fact turn out to be relevant and we are trying to in fact confine the first set of admissions to those that will immediately be of moment here in court. I can only say at this stage that work is proceeding on that and as soon as it is available it will be submitted. (10)

COURT: When is that expected to be? The bail application I understand has been completed?

MR TIP: I understand so.

COURT: So now Mr Dyason can give his full attention to this aspect it would seem?

MR TIP: Yes My Lord that has to some extent been the position but as unfortunately tends very often to happen when one finally settles the final document it turns out that there are unanswered queries, that there are further details that really ought to be canvassed and/or included and unfortunately it (20) really rests rather squarely in my hands at this stage. I am doing what I can.

COURT: Now why are you not relieved of your duties in court in the meantime? There are other counsel that can take over?

MR TIP: To some extent it is the function of the assistance that we can be to our Learned Leader from day to day in respect of different aspects of the case. I might say that Mr Yacoob is at present working on the admissions that the defence itself is generating. Those relate particularly to minutes of meetings, attendances and so forth. So he is at the moment (30) engaged squarely in the area of admissions.

COURT :/.....

COURT: Were you asked to admit the minutes of the meetings?
Or are you doing that on your own?

MR TIP: We are doing that on our own in greater depth than
the State has indicated it is interested.

COURT: So the State did not ask you that?

MR TIP: Save insofar as minutes appear in the schedule of the
documents but we are really going into the minutes themselves
and making admissions in relation to them. As the Court
pleases.

COURT: It does not. Yes Mr Bizos? (10)

MR BIZOS: My Lord may I just indicate in relation to this
that asking either Mr Tip or Mr Yacoob to be in court is not
done in an arbitrary way. They have undertaken to prepare
before these questions arose portions of the case and it would
be unfair to try and switch amidships as to ask someone else
to do the work that has already been done or partly done by
someone, and that is why there are these changes. The original
and two copies of the application for bail are now available.
They have been served on the State. An unsigned copy was
given to the State for its convenience yesterday afternoon. (20)
I ask leave to hand in the application and I am pleased to
inform Your Lordship that Mr Chaskalson has communicated
directly with the Attorney General in order that arrangements
may be made between the two of them as to when and

COURT: When it would suit him.

MR BIZOS: When it would suit him and when matters, because
I understand that our Learned Friends are under pressure and
I was informed by Mr Chaskalson, it was anticipated that the
unsigned copy of the application would be with the Attorney
General this morning and that some time during the course (30)
of the day the two of them would communicate. The top is the
original/.....

original if Your Lordship wants it.

COURT: Just for interest sake Mr Bizos will you convey to whoever is going to argue this bail application that I would like to hear argument on whether it is to be decided by a court consisting of three or a judge only, which may be an interesting point.

MR BIZOS: Yes, well I am glad I will not have to make the submission but I will convey Your Lordship's query to the appropriate person.

MNR JACOBS: Edele kan ek net vra dat mnr Fick verskoon (10) word? En dan wil ek net vra terwyl hierdie aansoek ingehandig is, ek sien die aansoek is neergesit vir môre oggend, die 13de. Dit mag

MR BIZOS: It is only on the basis that the Notice of Motion has got to have a date on it but it is not to be taken literally or seriously.

COURT: One gets the impression it was set down on an unopposed basis.

MR BIZOS: But I suppose it had to have some sort of date.

COURT: Very well, I will hear it when I hear of the arrange-(20) ments between counsel.

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

FURTHER CROSS-EXAMINATION BY MR BIZOS: You recall that yesterday you told us that you thought that the increase was inevitable if the services were wanted by the people? -- Yes, in fact what I said was the increase was being approved by me as long as it was going to do the work which was to be done on request of the community.

Yes. Well, and did you either personally or the Council(30) as a whole investigate whether there was perhaps, or there were/.....

were perhaps other resources for the capital development that was required? -- According to me there was no other way in which we would be able to go and find any capital resources except to increase the rentals.

You see you also told us that you became an owner of a beer hall shortly after you became a councillor? -- I applied for this as it was announced by the Development Board that each and every, or any other person can apply for that.

Now you see I want to show you a list of the assets which may have been available for this and to ask you a few ques- (10) tions about it because you yourself are personally involved in it: Has a copy of this document been placed before you?

COURT: Is this going to be handed in?

MR BIZOS: As Your Lordship pleases.

COURT: The exhibit number is AAQ(11).

MR BIZOS: As Your Lordship pleases. Now let us just get the more direct part, that which affects you Councillor Mokoena.

COURT. Could we just now get some clarity where does the list come from Mr Bizos?

MR BIZOS: I am informed that it is a copy of a document (20) which was drawn up in order to show to whom the liquor licences were sold.

COURT: But by whom was this drawn up?

MR BIZOS: I do not know but the witness will recognise it as dealing with the, I am instructed that it was annexed to the Minutes of the Council.

COURT: Oh you are saying it is part of the Minutes of the Council of which he is a member.

MR BIZOS: Of which he is a member. Now just please have a look Boiphatong. (30)

MNR JACOBS: Edele moet ons nie eder eers kry dat hy erken
dat/.....

dat dit n deel is nie. Ons weet nie of dit so iets is nie.

MR BIZOS: Well I will ask him My Lord, I will ask him whether any of the contents is known to him. That is what I am about to do. I am sorry, could you please have a look on the left-hand column about three, one third down where it says Bophelong, P.S. Mokoena. Does that refer to you? -- Yes.

And then the, for one hundred percent tender it says on top the value was one million one hundred thousand?

COURT: For one hundred percent share or one hundred percent tender? (10)

MR BIZOS: Well My Lord

COURT: It says "aandeel".

MR BIZOS. Well My Lord, share I beg your pardon, share.

COURT. Share, yes.

MR BIZOS: For one hundred percent share, that is for the whole thing, it is one million one hundred thousand. And the value of the building is given as four hundred and seventy-four thousand, leaving a balance of six hundred and twenty-six thousand and then that is apparently divided by two to give us three hundred and thirteen thousand, and then it is (20) rounded off in the last column to the last, to the nearest hundred Rand and it is three hundred and thirteen thousand. Now does this refer to a transaction in which you were personally involved? -- Yes it refers to a transaction where I am involved but this amount referred to here, one million one hundred thousand, is the amount I put as a tender.

You put in. Now you had been a personnel officer in a firm? -- Yes.

And you made a tender for one million one hundred thousand Rand? -- Yes. (30)

Yes. Now so that His Lordship gets a complete picture
of/.....

of how, as to whether the complaint is justified or not that councillors were there for their own benefit let us just have a look at the document as a whole.

COURT: Now let us just deal with this first so that we can understand it. I take it that you did not pay one million one hundred thousand Rand? -- Up till now I have not paid it.

And did you buy the property or did you not buy the property in which the business is conducted? -- Up to now I am still just there on a lease or hiring the place because the deal is not yet finalised. (10)

Yes but now what did the tender of 1,1 million Rand consist of? What would you get? Would you get ownership of the business and the land or would you get a lease and a running business? -- In Bophelong it has never happened that a person was buying the ground as well. What I was going to get for this amount was the building, the licence and goodwill.

MR BIZOS: Have you paid anything?

COURT: Now just a moment, I have not finished yet.

MR BIZOS: Sorry My Lord.

COURT: Can you understand why they deduct a value of the (20) building from that sum in this list? -- This document put before me here, if I were to explain about it we were supposed to have attended a meeting on the Monday with Mr Ganz pertaining to this document which meeting was not held. I am sorry, what I mean is the meeting was held but I was not present because I had to attend court.

Did you see this document before you saw it in court today? -- I do have it in my possession.

Now was this tender of yours an open tender in the sense that anybody could tender for this business? -- There was (30) no fixed amount for a tender but what was happening is that

it/.....

it depended on the highest tenderer then that person would be given that business.

Were there other tenderers? -- I believe so though I am not quite certain, the reason being that these things were being done by the Development Board.

Yes. Did the Council itself have anything to do with the allocation of these businesses? -- I remember pertinently in a meeting which was held, that is when we were being informed about what is going to happen to these businesses, in that meeting we requested that our Mayor be also involved in the (10) committee which will take decisions on that, which application was turned down by Mr Ganz saying it has got nothing to do with the Council. This thing concerns only the Development Board.

MR BIZOS: But these properties were in the area of your jurisdiction? -- That is so but up to now they have not been transferred.

May I ask you this, whatever these figures may mean did you actually pay any money to the Board? -- Up to now, I mean while this transaction is being discussed, I have not paid (20) anything except for rent.

What is the rent?-- On each and every litre I sell I pay three cent.

For how long have you been in control of the business?
-- From June last year.

And you have not paid anything in relation to the purchase price? -- It is still being discussed, it has not been finalised.

COURT: Now does this apply only to you or does it apply to all the others on this list, that you have not paid yet? -- It applies to the others as well as far as I know. (30)

MR BIZOS: And let us see that although your Mayor was excluded from/.....

from the committee that may, that decided on the tenders, let us see who got them. Is Mr M.B. Mahlatsi, the top one, a councillor? -- Yes he is.

Is Mr. P.M. Mahlatsi a councillor? -- Yes.

Is Mr J. Msina a councillor? -- That is so.

And is Mr M.B. Mahlatsi in ...

COURT: You are going a bit fast for me. The top two you have mentioned, who is the rest, the third one?

MR BIZOS: The third one My Lord, it is a company but the person in control of the company. (10)

COURT: Yes thank you.

MR BIZOS: Also a councillor? -- Which one now, Mokoena?

The third one. -- M.B. Mahlatsi?

Yes.

COURT: No, no, we are Msina.

MR BIZOS: Three.

COURT: The third one there.

MR BIZOS: The third one is a councillor.

INTERPRETER: Mr J Msina was the last one I interpreted to the witness. (20)

COURT: That is a councillor? -- That is a councillor.

MR BIZOS: And the M.B. Mahlatsi in Zone 12, is that the same person as the M.B. Mahlatsi in Zone 3 and you have already told us that he is a councillor? -- That is so.

And E.C. Mahlatsi, is he a councillor? -- That is so.

He is the Mayor in fact? -- That is so.

Yes. And Zone 14, E.C. Mahlatsi, that is the same person, the mayor again? -- That is so.

Right. Then we have one in Kwaggasfontein. On my instructions he is not a councillor. Or do you know him (30) otherwise?

COURT:/.....

COURT: Just give his name, it is Tsolo.

MR BIZOS: Tsolo, not a councillor? -- No he is not.

Right. Then the next one, Hostel no. 1 Mr Mofokeng is not a councillor but Mr Kuta is a councillor? I am sorry, I have got it wrong. -- Mofokeng is a councillor and Kuta is a not a councillor.

Right. I am sorry it was my, the people who got the information for me agree with you, my note was wrong. Mr Mpondo was a councillor for Boiphatong? -- That is so.

Mr P.S. Mokoena is yourself, for Bophelong? -- That is (10) so.

In Zandele Mr Maseko is a councillor? -- No he is not.

Are you sure? -- Yes.

Right. In Sharpeville Mr George Thabi, he was a councillor? But he was not at the time? -- Yes he was a councillor with the Community Council.

Yes.

COURT: Not at the time?

MR BIZOS: Not at the time. -- No.

In Mafube we have again Mr Mofokeng and Mr Kuta, one was (20) a councillor and one was not? -- That is so.

Right. And we again have P.M. Mahlatsi, that is the same one who has the facility in Zone 7, and he is a councillor? -- Yes.

And Mr S.R. Rabatope in Evaton is a councillor? -- That is so.

And Mr D. Matabole in Harrismith is a councillor?

COURT: I am sorry you are a bit fast again. Rabatope have we passed him?

MR BIZOS: Yes My Lord, he is a councillor in Evaton. (30)

COURT: He is a councillor, Rabatope?

MR BIZOS:/.....

MR BIZOS: Yes, Rabatope.

COURT: And then?

MR BIZOS: Matabole is also a councillor? -- No I do not know that one.

You do not know that one, right. Thank you. And we again have Mr M.B. Mahlatsi who is the well known gentleman from Zone 3 who also, we have already established that he is a councillor? -- Yes.

And J.B. Mahlatsi in Vrede, he is the councillor? -- No I do not know him. (10)

No is it not the same J.B. Mahlatsi? Is he not a brother to the other Mahlatsis and a councillor? -- No I do not know that one.

Right. And Mr P.M. Mahlatsi, is that the same gentleman as Zone 7 who got another facility in Warden? Do you know that? -- I believe so yes.

And Mr Z.A. Zakani in Bethlehem, is he a councillor? -- No I do not know him.

And Mr M.B. Mahlatsi again, the gentleman you already told us has a facility in Zone 12? -- Yes that is the same (20) person, I know him.

Yes. And Mr Hlaneni in Parys, is he a councillor? -- I know him to have been a councillor.

I see, yes. And Mr P.M. Mahlatsi again, in Reitz? --- Yes I believe it is the same person.

The same person as the one who has the facility in Zone 7 and elsewhere. And in Maokeng Mr E.C. Mahlatsi, he is the Mayor? -- Yes that is him.

Yes. And in Seeisoville Mr J.M. Kongwe? -- I do not know him. (30)

You do not know him but if I were to put to you that
he/.....

he is also a councillor you would not be able to deny it?

-- Well if you know that I cannot dispute that because I do not know him.

You cannot dispute it. Now you see here were twenty-five facilities, that is buildings, licences and everything else, under the Board's jurisdiction. Twelve of them were within your area of jurisdiction. You agree? -- Yes that is so.

And eleven out of the

COURT: That is Lekoa?

MR BIZOS: Lekoa. -- Yes that is Lekoa. (10)

Out of the twelve eleven were awarded to councillors and one to an ex-councillor. Is that right? -- What about Tsolo?

COURT: Where is Kwaggasfontein?

MR BIZOS: Oh I beg your pardon yes, I am sorry My Lord. You are quite right, I am sorry I did not read my instructions correctly. I am sorry I am going to amend the, I am going to amend. Of the twelve nine were to councillors, one to an ex-councillor, one that did not have anything to do with the council and one to a partnership in which there was a councillor? Is that right? -- That is so. (20)

ASSESSOR (PROF JOUBERT): Mr Bizos I missed the Kwaggasfontein one. What is your story there, Kwaggasfontein, Tsolo? That is number, just below the number 5.

HOF: Dit is nie een nie, niks met die Raad te doen nie.

MR BIZOS: Yes. But now

COURT: Just for my purposes could you tell me which on the list does not fall under Lekoa, that would be the easiest? So I can just mark them.

MR BIZOS: The way I understand it after Sharpeville.

COURT: Up to Sharpeville? (30)

MR BIZOS: After Sharpeville, that

COURT: /.....

COURT: But Evaton is behind that, is under that.

MR BIZOS: No Evaton is not part of Lekoa.

COURT: Oh Evaton is not part of Lekoa.

MR BIZOS: It is an independent council.

COURT: I see. So up to Sharpeville one should look and that part is Lekoa?

MR BIZOS: Yes, My Lord yes that is correct.

COURT: And this Maokeng, where is that?

MR BIZOS: Kroonstad My Lord.

COURT: So we have up to Sharpeville, twelve? (10)

MR BIZOS: Yes. And just for the sake of clarity My Lord Kwaggasfontein is Hostel no. 4, it is Sebokeng. It just has a special name but it is in Sebokeng. It is not a village of its own.

ASSESSOR (MR KRUGEL): Hostel no. 1?

MR BIZOS: Kwaggasfontein.

COURT: Hostel 4? -- Hostel no. 4.

MR BIZOS: Hostel no. 4 in Sebokeng. And by the way the one person who was in this partnership and who is not a councillor he was a candidate for the council, Mr Kuta? -- No (20) it was Mrs Kuta and not Kuta himself.

Oh I see, it was his wife. Yes, it makes it one step removed. Now tell me, I am going to put it to you directly if people in their thousands at meetings said that councillors are there in order to feather their own nests on this evidence alone would you say that they are justified? -- I would not agree fully though I do agree because it was announced or made known to the people that these places were being sold.

And was it an accident, was it an accident or was it by chance that the tenders of the councillors were accepted? (30)

MNR JACOBS: Edele ek weet nie of hy kan sê hoekom hulle
aanvaar/....

aanvaar is nie, hy was sekerlik nie, as ek sy getuienis reg verstaan het was hy nie deel van die Tenderraad wat daaroor besluit het nie en dat hy kan sê wat op die Tenderraad wat daaroor besluit het gebeur het nie.

COURT: Are you putting it that the councillors had something to do with the allocation of these businesses?

MR BIZOS: No My Lord I am only concerned here as to whether the perception that our clients had, and the speeches that they made were justified, that the effect of whoever may have been responsible that the effect of it was that the coun- (10)
cillors were lining their pockets with public property.

COURT: Yes. -- I do not agree with that. It is being put to me because when the announcement was made or when people were notified about these premises being for sale a meeting was called where even the shebeen people were invited to apply for these places. I will be happy if it can be put to me for instance to say that so and so and so and so applied for these licences, their applications were turned down.

Yes we will come to that Councillor Mokoena. Tell me do you agree that of the twenty-five licences, of the twenty- (20)
five licences that were to be disposed of by the Board according to its decision twelve were disposed to the Mahlatsi family, the Mahlatsi extended family? The Mayor's family? -- I quite agree with you. It is because there is a firm known as Mahlatsi company which firm in fact had applied for these licences but they were not allocated the licences in toto.

Oh only twelve out of twenty-five. -- It was the decision of the Board that they are not going to do that. In fact the Mahlatsis had applied for all these licences.

I see. And they only got twelve? -- Yes I agree with (30)
you on that.

COURT:/.....

COURT: Are these Mahlatsis, are they brothers or are they cousins, how wide is the family? -- As far as I know only two are brothers and the others are cousins. The two are brothers, the Mayor is a cousin to the two brothers, then there is that one which I do not know who he is.

So there are three Mahlatsis that you know that are related, two brothers and a cousin? -- That is so.

MR BIZOS: Now you see if we take a rough total of the first column, if we take a rough total of the first column it is over twenty-two million Rand and within your area of jurisdiction (10) there was public property worth over ten million Rand. -- Are you referring to this here?

Yes. -- Yes I will agree on that.

You agree with that? In round figures? -- No I did not calculate that, I will agree with that.

Now did I understand you, when His Lordship asked you questions, that none of these people has paid a penny, or a cent, of these twenty-two, well never mind the twenty-two million the over ten million that should have come into your Council's coffers so to speak because it was in your juris- (20) diction?

MNR JACOBS: Edele ek maak eintlik 'n beswaar. Die getuie het gesê die beslissing sou geneem gewees het Maandag toe hy hier by die hof gewees het, hy was nie daar. Hy het verder gesê van verlede jaar Junie af het hy huur betaal het. Om te stel dat daar nie 'n penny dan ingekom het in daardie plek nie is nie heeltemal dan reg nie. Hy het drie sent per liter bier wat verkoop is het hy betaal. Ons moet miskien dan die feite dan reg aan die getuie stel.

MR BIZOS: No with respect My Lord I am putting it correctly. (30)

COURT: Not entirely Mr Bizos. What does the three cent a
litre, /.....

litre, what does it represent then?

MR BIZOS: He says rent.

COURT: He calls it rent but it is something.

MR BIZOS: Well it is something My Lord, it may be a commission, it may be rent, it is not, it is certainly not payment of the capital amount that was sorely needed for improvements.

COURT: But how do we know it is not redemption of the capital amount? We do not now.

MR BIZOS: He calls it rent My Lord and I took that at its face value. I took it at its face value and for the pur- (10)
poses of my questions I am going to develop it, is that, I am going to put to the witnesses that there were people with money to pay in order so that there should be capital to fence the dam. That is really what I am getting at.

COURT: Yes go ahead.

MR BIZOS: Now this three cents that you are paying, you call it rent? -- According to explanation to me.

How much does that amount to per month? On an average?
-- In average I will say it is six, seven hundred Rand, depending on the sales. (20)

Six to seven hundred Rand. Do you know what percentage return six or seven hundred Rand is on a capital asset that you tendered one million one hundred thousand for? -- You are using the building, you are using the goodwill, you are using the furniture that was

COURT: At the moment you should wait for the answer. Do you want him to make the calculation, give him a calculator.

MR BIZOS: As Your Lordship pleases, it is being calculated. And whilst it is being calculated Councillor Mokoena could you please tell us whether you are using the building? -- (30)
That is so.

You/....

You are using the furniture that there was there? -- That is so.

You are using the large and expensive refrigerators that were probably installed there in order to keep the beer cool? -- May I explain something?

Are you using the refrigerators? -- Yes I am.

COURT: Yes you may explain.-- The bottlestores are still under the control of the Board.

MR BIZOS: Now were you, for how long have you been using this? -- From June. (10)

1985?

COURT: Now could I just get clarity. Did the tender of 1,1 million Rand include or exclude the bottlestore? -- Including the bottlestore, the whole building and everything on those premises.

You have not got the bottlestore yet? -- No.

You have only got a portion of the business? -- That is so.

And a portion of the premises? -- Yes.

That is the beer outlet? -- Yes. (20)

MR BIZOS: Who is operating the bottlestore? -- The Development Board.

Now when you purchased this, when you agreed to pay this 1,1 million were any guarantees asked of you? -- I had a letter of guarantee from the people who are giving loans.

Which people are those? -- Matins Lowe Enterprise in Meyerton.

Is that just a private company? -- That is so.

And how did they come to guarantee you? -- Well I had to discuss this with them. How it came about all I can say is (30) they were known to me.

Did/....

Did they act for all the Councillors? -- No not for all the councillors, it was only myself. Paul and the others had got some loans from the Trust Bank.

I see. Do you know an association known as the Tavern Keepers Association? -- Yes I do.

Yes. Well for a number of years now these people, well hundreds of them, have they come together and formed an association? -- I believe so, yes.

COURT: Is that the shebeens?

MR BIZOS: The shebeens, yes they have made themselves respectable My Lord, the Tavern Keepers Association. (10)

COURT: Yes. No I was a bit at see.

MR BIZOS: Yes, the Tavern Keepers Association. -- That is so.

Yes. And they do not operate secretly any more, they do not keep it a secret that they are shebeen runners, or tavern keepers? -- That is so.

And whether their money has been acquired completely lawfully or not over the years there are people with lots of money? -- I know that.

And they even have a magazine of their own in which the (20) breweries and refrigeration companies advertise? -- I understand but I have not seen the book.

Now, and they rightly or wrongly believe that they are capable of meeting the liquor demands of the population better than the old Municipal beer hall style. -- Well that is what you are saying.

No do you not know that they say that? -- I have not met them, in any meeting.

Now were members of the Tavern Keepers Association not interested in acquiring the liquor licences in the various (30) townships? -- I know that is the position in Lekoa as such, they/.....

they have applied for licences. They are being processed.

They are being processed.

COURT: But that is now licences for their existing businesses?

-- No for their own shebeens.

For their own shebeens yes.

MR BIZOS. Were they not interested in acquiring these licences that were, or the businesses that were going up for sale? -- I cannot testify on that because I do not know whether they applied or not.

Now I am going to put it to you Councillor Mokoena, or (10) I am going to ask you, I am sorry I am going to ask you Councillor did it ever occur to you or any of your fellow councillors at the Council meeting to say "Gentlemen this is an unsatisfactory state of affairs, that somehow or other businessmen, tavern keepers, shebeen keepers, none of them managed to make it. Only councillors in ninety percent of the cases managed to get the licences. This is going to make a bad impression." Was this ever raised in your Council? -- -- I have already told the Court that we did try to have a say about this but our request was turned down by the (20) people in authority saying the Development Board is the only body which will be concerned about that.

Oh I see. Did you want to have a say so that you would not give it to councillors? -- I would not say so but I believe we were going to sort of scrutinise and check each and every person who has applied.

You see, did anyone of your Council members, you or any one of your fellow councillors say "Gentlemen you know this business of leaving it in the air and halving it and quartering it is not satisfactory, we need the capital. Let us (30) have

COURT:/.....

COURT: What do you mean halving it and leaving it in the air, and quartering it?

MR BIZOS: Well I will try and explain My Lord. These transactions of so much for the building, so much for the goodwill and dividing it by fifty percent and finding a final figure, for whatever reason may have been given, did it occur to any one of the councillors that it is an unsatisfactory way of dealing with capital assets of which we are the lawful successors? -- Now the other day when they were discussing this document I was not present, I was in court here attending (10) court. I am therefore not in a position to have a comment about it because I do not know what was explained to those people who were present at the time.

COURT: How long have you had the document AAQ(11). -- I got it some time last week.

And it was given to you for the purpose of a discussion last Monday? -- Yes last Monday.

Monday of this week? -- Monday of this week.

When you could not attend.

MR BIZOS: Councillor Mokoena this document has been in (20) circulation and we certainly got a copy over two months ago. -- No with me it is not more than two months. I do not know how you came to get it.

But even before you got this document you knew to whom these businesses had been allotted, you could see who ran them? -- Yes I came to know that.

And you knew them to be councillors in the main? -- Yes I knew that.

Yes. So did you not at any Council meeting raise the question that I suggested? "Let us get ten million cash (30) money"? -- I have already said that those buildings up to now they/.....

they are not yet belonging to the Council, they still belong to the Development Board.

COURT: Now let us get clarity now. I spoke to you about your particular position where the liquor outlet, that is the hard liquor outlet, is still in the hands of the Board. Does that apply in all the other cases? -- That is so.

So the whole thing has not been finalised yet? -- I said there is still some discussion about this, everything is still in the power of the Board.

MR BIZOS: Let me ask you this, are the Mahlatsi brothers (10) not operating any of these bottlestores? -- All the bottlestores are under the Board.

The question is are the Mahlatsi Brothers or cousins operating any of the bottlestores that are in your area? -- All the bottlestores belong, or they are still under the control of the Development Board.

Now ...

COURT: What is the main income earner, the beer hall or the bottlestore? -- From the information we got, that is through the Development Board, the bottlestore. (20)

MR BIZOS: Now tell me this did at any one of your meetings when it was decided to sell these liquor outlets, did any councillor say or ask how much money did the Board make out of the liquor outlets?

COURT: You are putting it on the basis of income earned, not sale price?

MR BIZOS: No profit.

COURT: Profit, running profit?

MR BIZOS: Running profit.

COURT: Yes? -- Each and every one had a profit according (30) to that paper though I do not have it with me here.

MR BIZOS:/.....

MR BIZOS: And was that profit, whilst they were still with the Board, was that a substantial profit which was used to finance services and other expenditure of the Board? -- What I know is from the beer a cent is being given to the Council, each and every litre.

No that is not the question. Was the money, was the profit used for services? -- The one cent which was transferred to the Council from each and every litre was subsidising rent.

Now did any councillor, when this suggestion was made that tenders should be called did any councillor say "Gen- (10)
tlemen we owe a public duty here, this is a profitable business, do not let them to be sold to individuals but let us, like the Board had them let the Council keep them so that it can earn income for services." Did any councillor suggest that? -- The first meeting which was held, that is the meeting we attended inclusive of the people, that is the community and the tavern people, that is the shebeeners, we did not agree with the idea of the place being sold or the places being sold and we later in a meeting, that is the council meeting, discussed it further again where we agreed that this thing cannot happen, that (20)
is the selling of the premises and the licences. But then later when we approached the Board we were overruled by the Board in saying this was decided by the Cabinet. That is why it is to be sold.

But what prevented you as a Council saying "Gentlemen this is a good source of income for the benefit of the people as a whole. The Cabinet for its own purposes decided that it should be sold by the Board, let it be sold to the Council." When I mean the Council I mean the Council as a statutory body, not the individual councillors. (30)

COURT: Which council?

MR BIZOS:/.....

MR BIZOS: The Lekoa.

COURT: The Lekoa Council. But the Cabinet had already decided it had to become private property.

MR BIZOS: No My Lord it had to be sold I understood.

COURT: Well it had to be sold, yes. Now from the, by the Development Board.

MR BIZOS: Yes.

COURT: Which you say is the predecessor of this Council.

MR BIZOS: Yes but My Lord a predecessor can sell it to its successor. (10)

COURT: It could yes but that was not the intention of the Cabinet.

MR BIZOS: Well I do not know what the intention of

COURT: It was clearly the intention of the Cabinet it had to be sold to private concerns.

MR BIZOS: Well My Lord let me, your Council is an independent statutory body? -- That is so.

And it does not take orders from anybody? -- On things pertaining to the council yes.

Yes. Now trading and licensing of trading or organi- (20)
sation of trading is your prerogative? -- Not as far as liquor is concerned.

Not as far as liquor is concerned. Anyway you say that the idea was not mooted on your Council that the Council should continue benefitting from this, the Council should continue benefitting? -- I say we did discuss this issue but then we were overruled by this word of saying this is a decision from the Cabinet.

Who said that it was a decision from the Cabinet? -- Mr Ganz, Chief Director. (30)

Now tell me do you work in the bottlestore? -- I am
working/.....

working in my beer hall.

Do you not work in the bottlestore at all? -- Not at the moment.

Were you working in the bottlestore? -- No I never worked.

Is any member of your family working in the bottlestore?
-- There is one who is being trained.

Who is the member of your family that is working in the bottlestore? -- My wife's sister.

Your wife's sister. Do you place any orders for liquor?
-- Yes for the sorghum beer I do the orders and then for the (10) other kind of liquor then they do it.

Who is "they"? -- The Development Board people do that.

Not your relatives? -- She is being trained, that is what I said.

Have you never worked in the bottlestore? -- Not at all.

Well did you ever hear allegations of corruption? In the Council?

COURT: Against councillors or in the Council?

MR BIZOS: No against councillors performing their duties as councillors. (20)

COURT: Yes but in the Council, I mean was it mentioned in the Council or did he hear it outside the Council?

MR BIZOS: No anywhere My Lord.

COURT: Anywhere, yes.

MR BIZOS: Anywhere. -- I see it in the papers.

Before we get to any of the more serious allegations and Court records in relation to corruption let us just deal too with this aspect of the matter, the allocation of these licences.

COURT: Actually there are two things involved, either they (30) be licensed to run a liquor business or the business itself.

Are/.....

Are you referring to the taking over of the business?

MR BIZOS: To the taking over of the businesses. You see we are concerned here with public perceptions and even whilst the 3rd of September was breaking off as a day, would you please have a look at what The Sowetan had to say.

COURT: Of what date?

MR BIZOS: Of the third of the ninth My Lord. 1984.

COURT: Is that going to be handed in?

MR BIZOS: As Your Lordship pleases. On the same basis.

COURT: AAQ(12). (10)

MR BIZOS: As Your Lordship pleases.

MNR JACOBS: Edele ons sal waardeer as daar aan ons ook van die goed beskikbaar gestel word.

MR BIZOS: No just ask me please, I was about to give it to you.

COURT: Should he ask for it, I thought it was as of course?

MR BIZOS: No My Lord I was about to do it My Lord. What I meant was it is easier to just whisper it to me. Right "Opposition groups have called on the Lekoa town councillors to resign...." (20)

COURT: Why is there a portion blotted out here, is that a mark or

MR BIZOS: That is a clip My Lord.

COURT: Oh a clip which has been photographed.

MR BIZOS: Yes, this is how they paste them into their files.

COURT: I see, yes thank you.

MR BIZOS: "Opposition groups have called on Lekoa town councillors to resign following news that they have allocated themselves bottlestores in the area."

So you see although you may have got the document early this (30) week Soweto knew about it on 3 September, 1984.

COURT: /.....

COURT: When were these tenders?

MR BIZOS: We are instructed that it was almost immediately after the elections in November 1983. Is that correct? When were tenders called for by the Board? -- I cannot quite remember.

Was it shortly after the elections? -- Yes I believe it was in 1983 or 1984.

Yes. "During previous meetings to protest the increases in house rents and service charges at the weekend leaders of the Vaal Civic Association, Azanian Peoples Organisation, COSAS and AZANYU lashed out at the councillors (10) and called on them to resign immediately. Yesterday The Sowetan Sunday Mirror reported that several community leaders, including the mayor Mr Esau Mahlatsi and South Africa's soccer supremo Mr George Thabe had been allocated bottlestores costing over fourteen million. The bottlestores are being phased out by the Orange-Vaal Development Board and sold to residents subject to Minister of Co-Operation and Development's approval. The Reverend Tebogo Moselane said that the bottlestores should have been given to people who had knowledge of the business (20) and councillors must stop using their little powers in the chamber to obtain businesses. An executive member of the National Taverns Association, Mr Ray Moleson, said that the action of the councillors should be deplored, 'they are just rushing into business after acquiring the status they obtained through a low percentage poll.' The Association was not worried about issuing of liquor outlets to councillors, 'We shall continue to build our own stores where our members will support us' he said." Now would you say that this, or did this report come to (30) your notice for a start? -- Yes I saw it in the newspaper.

Yes./.....

Yes. And would you agree that on the information then available, and more particularly on the information now available on AAQ(11) that rightly or wrongly a perception had been created in the townships that councillors were favouring themselves? -- It is because the community did not get the correct version about the whole issue. As I have already said that the bottlestores were under the control of the Development Board, they were the people to decide.

But you see is it really an answer Councillor Mokoena that it was not your decision? Do you think the people were not (10) justified in believing that there was some form of favouritism to say the least? -- I said if they did not get the proper and the correct version they are bound to believe that.

Well did you go to the Sowetan and say that this is, you have given the wrong impression? -- No.

Did you take any other step to correct this impression that apparently was being created by The Sowetan report? -- What I know is Mr Ganz made the report which was published in the paper, that they as the Development Board are the people in charge of everything there. (20)

Can you please explain why there is a division by two of the price after the building costs have been deducted, can you explain that at all? -- I have already said that the meeting which was going to explain the details on this document is the one which was held during this week and I was not there in that meeting.

Was anything in your tender document, was anything, you know after all you committed yourself to a very large sum of money, was there anything in your document which made mention of dividing the balance by half? (30)

COURT: Which document, do you mean his tender?

MR BIZOS:/.....

MR BIZOS: The tender document. -- In my tender I was buying the building, goodwill and the licence.

Yes. So you do not know ...

COURT: Should you not discuss this document with somebody who knows what it is all about?

MR BIZOS: As Your Lordship pleases.

COURT: It may well be a deposit for all I know.

MR BIZOS: Well we

COURT: I have no doubt that you will have somebody in the witness box at some stage who was at this meeting. (10)

MR BIZOS: As Your Lordship pleases. Now I am not unmindful of the fact that you only became a councillor in 1983. -- Yes.

Now, but do you agree that the people's perception of the Council is a continuous one? -- Yes I agree that is so.

Yes, so that although you yourself, and please understand me that I have no information whatsoever of any irregularity committed by you so I want to make that quite clear to you Mr Mokoena. -- I quite agree with you, I have done nothing wrong.

Yes. I am not, what I am about to say now does not (20) apply to you personally, what I am asking you is the public perception of the Council. -- I am listening.

Now the Council was dominated, I do not mean it in a bad sense, was dominated by Mr George Thabe for a number of years? -- During the time of the Community Council, yes.

Yes. That is correct. And do you recall that he resigned in protest with the famous words "I am not prepared to be anybody's puppet"? -- That is so.

And that was given the widest possibly publicity? -- I agree. (30)

And in explanation did he publicly explain what was carried/.....

carried in practically every newspaper that councillors were regarded as puppets by the Administration Boards? That is puppets of the Boards? -- That is so.

And ever since Mr Thabe used those words in relation, when he resigned, the words stuck so to speak? -- I agree with that.

And after Mr Thabe's exit from Council politics was Mr Johannes Knox Majela a strong personality in Council politics? -- I agree yes.

And for how many years was he the strong man? -- I (10) cannot remember for how many years.

C134 Well three, four years would you say? Did he dominate the early 80's? -- I would not like to bind myself on something because at the time I was not featuring anywhere on that.

No you were not on the Council but you and I know that you were not inactive in Council politics? Is that right? -- That is so.

So would you agree that Mr Majela dominated the scene in the early 80's right up to November 1983 when you were elected? -- No I do not agree with you on that because towards the (20) end of 1983, just before the Council was introduced, Mahlatsi was the Chairman.

Yes. So shortly, up to the time shortly before the 1983 election was Mr Majela the Chairman? -- That is so.

Right. During the time that Mr Majela was the Chairman or the strong man of the Council did he control the trading committee?

ASSESSOR (MR KRÜGEL): Trading committee?

MR BIZOS: Trading committee. -- I heard so.

COURT: Does that mean that he was the Chairman of that (30) committee? -- I heard so, yes.

MR BIZOS:/.....

MR BIZOS: Now let us start at the end of the story about Mr Majela and which happened in 1985 but we will come to the history as to why this thing happened in 1985. Was he charged with receiving some R90 000 in bribes? -- It was spread like that.

Yes. No I am not talking about the community's perception because do you agree that the community, a close knit community gets to know things before they come to court? - Yes that is true because these things happen in their immediate vicinity. (10)

Yes. And were rumours rife that if you wanted any, a business that you

COURT: Well could I just now get clarity. Was Majela convicted?

MR BIZOS: Convicted My Lord.

COURT: Do you know that? -- Yes I know that.

MR BIZOS: I may say in fairness not of such a large amount because some witnesses would not testify against him. But according to newspaper reports, but he was convicted. -- That is so. (20)

COURT: Was he on the Council after 1983? -- Up to now at this present moment he is still one.

MR BIZOS: Yes because his appeal is pending to the Transvaal Provincial Division. -- That is so.

But in July 1985 he was convicted of corruption and sentenced to three years imprisonment? -- That is so.

Now do you recall, although this appeared later, I want to read it to you and tell us whether in 83/84 this sort of thing was the perception of the community? -- I am listening.

Yes in a moment. We just want to give it to His Lord-ship. (30)

COURT: /....

COURT: Is this handed in?

MR BIZOS: As Your Lordship pleases.

COURT: AAQ(13). For record purposes it is stated to be from The Sowetan of 3 October 1985.

MR BIZOS: As Your Lordship pleases. "Former Chairman of the Vaal Community Council Josia Knox Majela and his deputy Anania Zamogonako Sekobane were yesterday sentenced to four and a half years jail each in the Vereeniging Regional Court for bribery and attempted bribery. However Majela, now a Lekoa Town Councillor, and Sekobane who (10) resigned from the same Council last month will serve an effective two years and three months in jail if their appeal fails. Majela was released on R1000 bail pending an appeal. He was ordered to surrender his passport. Sekobane was released on R3000 bail. Initially Sekobane was also granted R1000 bail and also ordered to hand in his passport but the magistrate Mr J. Johnson increased it to R2000 after his defence counsel Mr J.J. Bornman told the Court that he needed the passport for his travels as General Manager of the Bophutotswana Soccer(20) League. The two men were acquitted on two other counts of bribery or alternatively corruption after complainants declined to testify against them. Mr Johnson found that in March-April 1981 Mr Stalin Mpela a former policeman and now a Zandele businessman paid the men R3000 for the allocation of a business site. He also found that during May 1980 they tried to make Mr Josuah Motha, a Sebokeng businessman, give them R600 to put his late son's shop licence in his name. Before passing sentence Mr Johnson said the two men had misused their position of trust (30) in the community. He said because of the seriousness of
the/.....

the offence it would be inappropriate to impose a fine or suspended sentence although the two were first offenders. Earlier he rejected Majela's evidence that jealousy of his achievement in civic politics whilst Chairman of the Council had led to the charges being brought against him."

If Your Lordship would just, I am sorry that that was copied as well, the side has nothing to do with that. Now is this, was this a surprise to the community in which you are living? -- I do not know whether it was a surprise because in fact (10) these things were already known to the community in which I lived and in fact prior to it being in the papers and another thing is that what transpired there was happening to the community, therefore the community had knowledge of it.

I am not, I am going to put something to you for your comment on it. -- Yes that is right.

In his trial Mr Majela said that corruption was an endemic feature of the Council. -- That corruption was being committed by councillors?

This is what Mr Majela said. -- I am not going to commit (20) myself in commenting direct to what is being put to me. I know only about myself and whoever admits having anything to do with that it simply means he did it.

You see, and I want to read to you the very words that he used, in Afrikaans, in the record. "Onder andere kan ek ook noem dat die mense wat daar in die koerante genoem was wat sou omgekoop word omkoop geld geneem het wat betrokke is is nie net ek en mnr Sekobane nie." He went on to say that corruption had started, this is what he said, when Mahlatsi...

COURT: In English again?

(30)

MR BIZOS: In English, well I have given to him ...

COURT: /.....

COURT: What are you reading from, from the record?

MR BIZOS: Extracts from the record and summaries from the record.

COURT: Yes?

MR BIZOS: I am now on a summary and not the ipsissima verba. He claimed that corruption had started when Mahlatsi's party took over the Council in 1982 and that he was being used as a scapegoat to cover up for their corruption, that is Mahlatsi's group's corruption. Do you want to make any comment? -- As I have already said I did not play any part in that. What (10) he is saying is what he knows happened. Again if a person commits such a crime as described then that person will do it in private, therefore he will not be doing it for the other people to know exactly what is happening between him and whoever else is involved there.

I want to round this off by putting

COURT: Now does this help us very much if you read to me what somebody said in a trial, whose evidence by the way was rejected, about somebody else's corrupt practices where this witness knows nothing about either? (20)

MR BIZOS: No I am going to round it off on this basis, with respect. That a community does not require proof in court in order to believe or not to believe something Councillor Mokoena? -- That is so. That is why I earlier said things happen to be known to the community even before getting to Court because whatever allegation is being made against a person is what this person is alleged to have done or committed to the community, therefore they come to know about it even before anything happens.

COURT ADJOURNS FOR TEA. COURT RESUMES. (30)

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

FURTHER/.....

FURTHER CROSS-EXAMINATION BY MR BIZOS: Accused no. 9 My Lord has been taken to the District Surgeon. He has a chronic problem. We are awaiting the District Surgeon's decision but we apply formally to continue the trial in his absence.

COURT: Yes it is granted.

MR BIZOS: Councillor Mokoena this trade committee is really the committee that is accused of the worst type of corruption is it not? -- Which trade committee, during what period?

Off the Council.

COURT: Of what, during what period? (10)

MR BIZOS: 1983-1984. -- I heard about that how they are being accused and given in the papers I saw that, the newspapers.

Yes. How many members are there on the trade committee, about five would you say? -- There are seven in all.

Seven. Was Councillor Dhlamini on the trade committee in 1984? -- Yes that is so.

Was Councillor Chakane on the trade committee during 1984? -- Yes he was.

Was Councillor Motjeane on the Trade committee in 1984? (20)

ASSESSOR (MR KRÜGEL): The second one?

MR BIZOS: Dhlamini, Chakane, C-h-a-k-a-n-e, and Councillor Motjeane? -- Yes Motjeane.

And the mayor himself, Councillor Mahlatsi? -- Not during 1984.

Had he been a member of the committee before? -- Yes during the time of the Community Council.

That is before November 1983? -- That is so.

Now in view of your statement to His Lordship that this was well, was generally spoken of I am not going to put to (30) you all the specific details of the specific bits of corruption that/.....

that were said to have taken place, except one or two well known ones. -- I am listening yes.

Was it accepted that Mr Mosale had to pay R10 000 to Mr Majela and Mr Sekobane in order to get his, in order to get the rights of a business stand on which he could set up a supermarket? -- I heard about that allegation though I cannot say how much true was it.

Yes, but this was, now were there numerous other allegations that if you did not have R3000 you were a non-starter in the business world in the Vaal Triangle? -- There was (10) such a talk.

Which the community as a whole accepted, or substantial portions of the community accepted? -- That is how it was known.

Yes, and in fact on 22 January 1985 did one of the councillors, Tswayi, from Ward 35 in Zandela propose that a motion of no confidence in Mr Mahlatsi and the members of the trades committee of the Lekoa Town Council? -- Yes that was in a meeting.

Yes and was the motion rejected as being out of order because Lekoa was wrongly spelt, it was spelt L-e-k-w-a (20) instead of L-e-k-o-a? -- That is so.

Yes. Councillor Tswayi was deprived of this opportunity of having a debate on the trades committee on that important mistake? -- That is so.

Did you vote for the motion not to be discussed because of that mistake? -- He was rejected by the Mayor himself under that but this was not supposed to be discussed there. Therefore he could not go on.

For what reason? -- The reason being that the name was wrongly spelt. (30)

Well did you stand up and say "But look give a man an opportunity/.....

opportunity to just change the spelling so that we can get down to the substance of the thing"? -- Because I was then a new member and because of what I was told that if a spelling is wrong according to the regulations then one cannot proceed with a motion I accepted it that way.

Well you were not such a nuweling or greenhorn on 22 January 1985, you had over eighteen months experience? -- I think you will understand one thing that this thing of the riots put us out of action for quite a long time.

Were you not meeting at all? -- Whatever meetings (10) we had were about the problems with which we were faced.

Yes, you had regular meetings? -- Pertaining to the problems yes.

Yes. The other examples that I want to give you is this, that in 1984 Mr Mahlatsi's wife, in competition with others, got a garage and a roadhouse stand? -- That is correct but it is before I was a member of the Council.

IN 1984, October-November 1984? -- What I am saying is that date may be wrong, what I am saying is it is prior my being involved with the Council that this happened. It (20) was during the time of the Community Councils.

Let me give you one or two more examples. A stand, 3718 in Ward 35 in Zandela was withdrawn from Gladstone Falatsi and Isaac Tlo because they did not build within a year. -- That I do not know.

It was immediately given to Mr Adoons Mofokeng who is the brother-in-law of Mr Mahlatsi? -- No that one I do not know.

Well I am going to put to you that there are reams of this sort of nepotism. You see the reason why I am asking (30) you these questions for your comment to this that of the five councillors/.....

councillors that were killed on 3 September three were from Lekoa who were members of this trade committee, and Mr Mahlatsi was also attacked on the 3rd.

COURT: Which Mahlatsi?

MR BIZOS: The Mayor. Was also attacked and he also happens to be a member of this trade committee, and in Evaton the one councillor that was killed, on our instructions, was also a member of the trade committee.

COURT: Who was that?

MR BIZOS: Diphoko. Now did it occur to you Councillor (10) Mokoena that the wrath of small groups of people that attacked these councillors on the 3rd may have been, or may have come about, the wrath may have come about as a result of this behaviour of theirs in the perception of the community? -- I would not say so but as it is being put to me what was happening the community would not be happy about what is alleged was taking place in that community.

Yes. Did you yourself regard the rentals paid by the community in Lekoa's area of jurisdiction as fair and reasonable? -- I did not in fact examine it in that light. I was (20) only concerned about what the community wanted and to sort of beautify the environment as requested by the community, that is all.

Yes. I am not only referring to it, you were in politics so to speak before you were elected to the council were you not? -- Yes I was.

When you concerned yourself with the affairs of the people, because that is after all what politics is, when you concerned yourself with the affairs of your community did you regard the rentals that your community was paying (30) as fair and reasonable? -- I would say I did not take much interest/.....

interest in checking it within myself to see whether it was reasonable or fair or whether it was creating problems for people or whether it was a difficult thing to cope up from the community.

COURT: I would like to ask you was there a differential, different rate for different communities? -- Yes in Lekoa area, in the sense that there were houses which were long built and the houses which were just built there.

And was the rental different? -- Yes.

Was there also a different rent for bigger and smaller(10) houses? -- That is so.

Yes, thank you.

MR BIZOS: Now tell me did you ever utter any dissatisfaction in relation to the rentals that were being paid, even before you went into the Council, did you ever utter any dissatisfaction? That the rents were too high or something like that? -- No as I have already said it just never occurred in me to give it a thought.

Yes, you are, and you never uttered any such thought if you never thought it? -- That is so. (20)

And you did not consider the rentals, you never considered the rentals paid by the people in the Vaal Triangle as a burden, as a heavy burden which they had to carry? -- No not at all.

COURT: In your election campaign when you stood for the Council was it a great issue whether the rents were a burden or not? -- No all that was being talked about was the condition of the township, that it does not satisfy the community.

MR BIZOS: So rent was not the, the high rent was not an (30) issue at all ever in your political life? -- No.

COURT:/.....

COURT: So your, the issues in that election were the environment, the streets, stormwater drainage, electricity, sports fields and that sort of thing? -- For the ward that I was concerned in it was electricity, high mast lights and the condition of the streets.

MR BIZOS: Did you ever hold the view that the Council was increasing rents for its own benefit? -- No I do not agree with that. According to me it was being increased as a result of the request by the community.

Did you ever accused any Council, not necessarily the(10) on that you were on, of raising rents for its own benefit?
-- No.

Did you ever use any disparaging words in public about the councillors? -- When, prior to the elections or when?

Prior to the elections, during the elections, after the elections, at any time? -- During the elections at the time when I was contesting a seat for a ward I did use some words in the sense that I was praising myself that I would do better than some people, not necessarily blackmailing them.

No I did not suggest blackmail. (20)

COURT: No, no, do you mean blackmail, or blackening?

MR BIZOS: Blackening? -- What I am saying is this the words I used there were not meant to content the other person or sort of lower his dignity.

You just, you used moderate language? -- Like for instance?

No I am asking you, you said you did not use anything to degrade him, you just used moderate language? -- Yes I was talking about certain things that I felt I can do.

Yes, you relied really on, you relied on building yourself up rather than disparaging others? --.That is so. (30)

Now while you, you were were you not the public

relations/.....

relations officer of the Bafutsana Party? -- That is so.

And you have, you are quoted as having made a speech.

COURT: Could you just spell that word for me?

MR BIZOS: B-a-f-u-t-s-a-n-a.

COURT: Yes thank you.

MR BIZOS: In The Sowetan of 5 February 1982. This will be AAQ(14) My Lord. Let us just read it shall we. You will understand it in English, do you want the interpreter to translate it? -- I know about this report.

Yes. Well perhaps you did not know that I had it? (10)
-- This is the report by Raboroko, I know about it.

Yes, was it correct or incorrect? -- It was not correct.

Well Mr Raboroko will say that it was correct, but let us just read it and you can tell us where Mr Raboroko went wrong:

"The Vaal Community Council plan to tour Europe and America has been condemned as a waste of residents money by opposition groups and other leaders in the area. The planned tour by about 45 people during April was resolved by the Council during its monthly meeting (20) last month. The Chairman of the Council Mr Josiah Knox Majela said that the tour should be before May so as to enable the councillors enough time to get back home to campaign for the September Council elections. Those who wanted to join the councillors were welcomed and a deposit of R200 would be expected and an additional insurance cover fee. The tourists would be expected to have about R800 pocket money and the Council has requested the Orange-Vaal Administration Board to arrange a programme for the planned tour. In a statement to The (30) Sowetan the opposition Bafutsana Party's public relations/....

relations officer Mr P.S. Mokoena said that the money the councillors were going to use should rather be utilised for projects in the townships."

Did you say that? -- Yes I did.

So Mr Raboroko was right there? "He accused Mr Majela for going overseas last year with the hope to bring back millions of Rands with him, what has happened since he came back he asked."

Was Mr Raboroko right in relation to that? -- No he is not.

He is not, alright. "The residents were not informed(10) about the trip and now he was busy trying to influence his clowns to accompany him to tour Europe and the States."

Is Mr Raboroko right about that? -- No.

I see. "Who is going to pay for their expenses when they are overseas? Is the poverty stricken Black expected to sponsor people who resolve to increase house rentals so that they can get more allowances from the Council's hierarchy?"

Did you say that? -- No I did not say that.

Well we will come back to what you say you said. "He (20) accused the Councillors for resolving to increase rentals so that their monthly allowances should be hiked and enable them to take unnecessary trips overseas where they would portray a good picture about the South African situation. He warned councillors that they would pay heavily for the blunders they are doing now and said that they must strive hard to reduce the increase in house rentals."

COURT: Now nothing of this has been interpreted to the witness. Do you want it interpreted? (30)

MR BIZOS: Well did you understand it Mr Mokoena? -- Yes I understood/.....

understood that.

INTERPRETER: My Lord why it was not interpreted, if I remember well the counsel asked the witness if he understands when he reads and then the witness said yes.

COURT: Yes.

MR BIZOS: Right. Now is this a fair report of what you said? -- All I did there was to disagree with the touring of the people and then he then added his own words in this report.

You must have got a shock when you read them? -- Very much so because from the contents of this report I was degrad- (10)
ing these people.

Well did you read it on the day it appeared? -- Quite well so yes.

Did you immediately telephone the editor of The Sowetan and tell him that his reporter was sucking things out of his thumb? -- No I did not do that. I did not do that because in the first place this person, namely the reporter, came to my house.

Before or after the report appeared? -- Before the report, in fact that is where I gave him this portion I say is correct. (20

Yes I am sure that he came to your house in order to quote you, to take a statement from you and quote you. What I want to know is after the report appeared where he put the degrading words into your mouth about the councillors, you told us you did not phone the editor. Did you write? -- I did not do anything.

Yes. Why did you not write a letter saying no, no, such degrading words

COURT: The answer is "I did not do anything".

MR BIZOS: Any reason why you did not do it? -- No parti- (30)
cular reason I just left it at that.

Were/....

Were you happy that you should be misquoted in this way, in words using disparaging words calling the councillors clowns? -- I was not happy at all.

Alright, because I am going to put to you that you did use these words and that local Council politics are pretty tough even amongst councillors or aspiring councillors? Not so? -- No. Not in the fashion of degrading other people.

Have you not heard one councillor calling another councillor a sell out? -- I only hear that from the members of the community, not from the councillors. (10)

Well we will show you publications where one councillor talks to the other. You never heard it? -- No. I will be happy to learn about that.

You see I am going to put to you that you expressed your feelings about the high rental and the poverty of the people and the suffering of the community correctly to Mr Raboroko in this report and it is only now in the witness box where you have to take a different stand that you deny it.

MNR JACOBS: Edele ek dink dit is nie die regte manier om te stel dat hy "have to take a different stand here", ek (20) dink nie daar is enige kompulsie op enigeen geplaas op hom dat hy 'n ander standpunt moet in neem nie. Ek maak beswaar dat My Geleerde Vriend die vraag op so 'n manier stel dat "you have to take a different stand".

COURT: Is there a reflection?

MR BIZOS: My Lord, no but you have now taken a different stand? -- No I have not.

I do not want to return to the subject matter of the extent of the corruption but because the allegations are set out in this report would you please have a look at (30) The Sowetan, of 12 March 1984.

COURT: /.....

COURT: Has he seen it before?

MR BIZOS: I will ask him.

COURT: Yes, The Sowetan of the?

MR BIZOS: Of 12 March 1985. You see where the picture and the allegations of Mr Majela are, against Mr Majela appear. It is not the conviction, at the time of the charge. Do you remember, do you remember seeing that? You remember the picture I am sure. -- Yes I do.

I am going to put this in, I do not want to read it but merely, do you agree that the extent of the allegations (10) contained in this document

COURT: Then you must give the witness an opportunity to read it.

MR BIZOS: No but he says he saw it My Lord.

COURT: Do you remember what the content was? -- No I will not remember everything.

MR BIZOS: Well then we will have to do it the long way.

COURT: This will be AAQ(15).

MR BIZOS: You recall that it was published "Knox faced with Bribery Rap. Two Lekoa town council members and a former (20) Vaal Community Council member appeared in the Vereeniging Regional Court to face thirty various charges of bribery or alternatively corruption involving more than R90 000. They are Mr Johannes Knox Majela (55), Mr Ananias Zomokanako Sekobane (52), Lekoa councillors and Mr Mabane Johannes Monofotla (39). The charges against the men state that the offences were allegedly committed between 1979 and January 1983 during their term as members of the Vaal Community Council. Mr Majela was chairman and Mr Sekobane his deputy. The charges arise from money received from residents for (30) the allocation of business sites and houses in the area.

Mr Majela/....

Mr Majela yesterday pleaded not guilty before Mr A.J. Visagie in a case where he is appearing alone to eighteen counts of bribery or alternatively corruption amounting to R70 200.

Mr Monofotla also pleaded innocent before the same magistrate on six similar charges involving R10 470."

COURT: Now could we just pause there Mr Bizos. How does this article in The Sowetan take it any further than we have got already. You put in an article from The Sowetan, or a report from the Sowetan on the conviction. The witness agreed that it was generally known before the time. How does this(10) take it any further? Are you not merely burdening the record with unnecessary paper?

MR BIZOS: No, with respect not My Lord, because he was only convicted of two incidents. What I am putting before the Court is that there were a number of counts amounting to over thirty cumulatively.

COURT: Well if he knows about it he knows about it but if he does not know about it is no proof to me.

MR BIZOS: No My Lord, the question that has been up to now, when I put this matter to him and he has agreed that these (20) charges were believed to be true by the community as a whole, or substantial portions of the community, and in order that we may show the Court the extent of the allegations which the community believed to be correct it is necessary to put this before Your Lordship in order to prove the extent of it, because the conviction is limited to a small portion. Your Lordship will recall that the witnesses did not turn up to give evidence. And this is why I have chosen to, with respect, I was hoping because I did put that there were, Your Lordship will recall that I put the R90 000 but there was no, and I did(30) not want to leave it as a loose end. I tried to save time

by/.....

by not reading it out but I did not succeed.

COURT: Yes go ahead. "In another appearance in the same court Mr Majela and Mr Sekobane were not asked to plead to four counts of bribery involving R10 600. Mr Sekobane is further charged with two more counts but The Sowetan was yesterday unable to get details after the charge sheet went missing in court. According to the indictment the amounts involved range from R200 to R6000 . Among the people who fell victim are Sebokeng councillor Mr J.T. Mosala, former councillor Mr J. Tswayi, Zandela, and (10) another former councillor Mr Jan Mokoena, Sebokeng."

That is not, is that a relation of yours in any way? -- No he is not.

"Mr Bentley Kuta a Sebokeng businessman is said to have paid R7000 in cash as well as drinks worth R2000 to acquire a business site. The accused's next dates of appearance are as follows"

And then the dates are set out. Now would you agree that these allegations were being made in the community even before the matter came to court? -- I have already said many times (20) that because this is happening to the community and is a pinch to the community therefore the community knows about it even before it goes to court.

Yes. Now was there wide publicity given to accusations in relation to the council by characterising it as "Let us first as the 'Minister Council' "? "Let us first ask the 'Minister Councils' "? -- No that one I did not know.

Now prior to September 1984 were houses of people who were in arrear with their rental locked up in their absence? -- It was a usual practice though which practice I was against (30) in my ward.

Did/.....

Did you at any Council meeting question the legality of this practice? -- It was discussed in the Council meeting that this must be stopped, it is not supposed to happen.

But did it stop? -- As I say in my ward I was very much against the practice though it did happen in my ward as well but as soon as I came to know about such then I would see to it that it is unlocked because this was being done by the employees of the Council, namely the superintendants. Then I would see to it that they unlock that house.

Did either you or any other councillor come to the Council and say "Gentlemen this is unlawful, inhuman"? (10)

COURT: There are two things, unlawful or inhuman or both?

MR BIZOS: Or both.

COURT: He has already said it was discussed in the Council and that it should stop. Now are you asking on the legality of it or are you asking on the advisability of it?

MR BIZOS: My Lord I am sorry, I did not understand him to say that a decision was taken, he said that it was

COURT: It was discussed in the Council that it must stop.

MR BIZOS: Now is there a difference between a discussion (20) and the passing of a resolution that it is the Council's policy that this must stop? Was a formal resolution passed that it must stop? -- Yes it was a resolution which was taken in this meeting that a person would rather be taken to court to go and appear in court than that person being locked out of the house or being evicted from the house.

When was that resolution taken? -- I would not be able to remember the date but in tracing the record that can be found.

How long after your election? -- During 1984. (30)

How long before 3 September? -- I do not quite remember
but/.....

but it was in 1984 because we started the office in January.

Despite this resolution by this Council were houses still being locked up? -- Yes that is what I have just said, that the superintendants were doing their own thing not according to law, trespassing the law by locking the houses.

But I thought that the superintendants would have been your employees, you were paying their salaries? -- Quite so, yes.

Well was any action taken by your Council against any superintendant that was doing this? -- If a superintendant (10) continued with that, that is the practice, we would report this to the Mayor who then would take it further.

Were any steps taken against any superintendant who carried on this practice after you passed the resolution? -- I would not know that because once it is passed over to the Mayor he will take it further to the Town Clerk. Then they, the two, will deal with the case and the superintendant.

Was any report ever made prior to 3 September 1984 that as a result of, that this is what happened in relation to superintendant A, B or C? -- No. (20)

Was the way in which these houses were locked in the absence of the breadwinner and the mother, were the grandmothers and the young children told to get out and remain on the street? -- That is exactly the practice which they were doing there.

Yes, and that continued right up to 3 September? -- Not knowing of course whether it continued until that date.

Let us take another aspect of the matter. Who is responsible for the house allocation? During January to the end of August 1984 who was responsible for house allo- (30) cation? -- According to my experience and the manner in which things/.....

things were being done the councillor of a ward and the superintendent to that ward were the people who were dealing with that.

Now if a house became available as a result of the ejectment of a person that owed a couple of hundred Rand in arrear rental were prospective tenants asked to pay the arrear rental in order to get occupation of the house? -- That is one of the practices which were enforced there and we came to a resolution that it must be stopped.

Did it in fact continue during 1984? -- I do not know (10) in other areas but what I know is it was stopped.

In your area? -- In my area it did not happen any longer.

Are you telling us that from January 1984

COURT: When was the resolution taken? -- I cannot remember during which month was that, as I say on records one can trace it.

MR BIZOS: Was a circular sent to the superintendants? -- I do not know whether there was a circular sent out to different superintendants or whether a meeting was held with the Town Clerk. (20)

Were the people informed that they were not obliged to continue with this practice that there was there before?

COURT: Do you mean the

MR BIZOS: The public.

COURT: The public?

MR BIZOS: The public. You say that this was a well known practice up to the time that you came into power? -- Yes.

Were members of the public informed that now there is a reform process going on in the Lekoa Town Council and that people do not have to pay the arrears of other people before (30) getting a house? -- We did not inform the community about that

but/.....

but what happened is if a person came to me with such a problem I was in a position to solve that.

Yes. Was there a practice of asking people to pay for repairs, plumbing, to the doors, to the building, for damage done by the tenant who left? -- I only know when a person wanted sort of to renovate the house that he was taking over from a person who has left a house that that person would pay out of his own pocket for whatever renovation he wants to do on the house itself, not that the person was supposed to be paying for damage which was caused by the previous occupant of the house. (10)

Were people not told if they took over the house "You can have this house provided you pay for the door that has been broken, for the toilet that is not working, for the plumbing that is in disrepair. If you are prepared to pay so much for this in order to put this house in order then you can have this house"? Were people not told that? -- Even if there was such a practice I am not aware of it.

Did your Council, did no one on your Council discuss it or did your Council not take any resolution? -- I never heard of it in the Council meeting. (20)

In relation to the efficacy or the proper working out of Councils do you recall that you told us that much publicity was given to Mr George Thabe's views in relation to the councils? -- That is so.

Yes, and the Mr George Thabe that I am referring to is the one who was given a bottlestore on the, is the same George Thabe that is referred to on AAQ(11)? You agree? -- Yes I agree.

There is a picture of him in the document that I am about to show you. That is the George Thabe that is referred to?/..... (30)

to? -- I know him.

You know him yes. And you recall that this article appeared in the Sowetan on 15

COURT: Which article?

MR BIZOS: I am sorry My Lord, I have just shown it to him. I have not handed it up to Your Lordship yet. You recall that that is an article that appeared in The Sowetan on 15 July 1981 shortly after? -- Yes I can see this report in front of me.

Yes, and do you remember that the widest possible (10) publicity was given to Mr Thabe's resignation and what he thought of councils? -- I saw it in The Sowetan newspaper.

Yes. Now would it be correct to say that Mr George Thabe works within the system, whatever that may mean?

COURT: Well then you must define what it means, if it can have different meanings.

MR BIZOS: He took part in Council elections? -- Yes he was one of them.

And, well I will leave it at that. Now let us hear what he says and I am going to ask you whether this accorded (20) with the perception of the, of a great many people in your community. "The Community Council system has never worked, does not work and will never work out."

COURT: That is on the Community Council system?

MR BIZOS: Yes My Lord, I am going to come to, could Your Lordship grant leave to accused no. 17 to leave the court.

COURT: Yes, has the other accused returned yet, not yet?

MR BIZOS: Not yet.

COURT: Yes accused no. 17 may leave the court.

MR BIZOS: Apparently the District Surgeon has informed (30) Our Learned Friends that no. 9 has to be taken to hospital.

That/....

That is the opinion of the man who pioneered the chairmanship of the Community Council system, Mr George Thabe. You will understand in English, so that we can go quicker. -- Yes you can read.

"For as long as Community Councils imagine they have full control, for as long as they do not go out to grab the powers envisaged in the Councils Act of 1977 they are useless said the ex-chairman of the Vaal Council. Speaking from his Sharpeville home this week Mr Thabe summoned the furore that followed his dramatic resig- (10)
nation from the Vaal Council last month was mostly frivolous. 'I would not like to be dragged into petty arguments with my former colleagues. Mud slinging on such small matters is out for me but it is childish to suggest that I resigned because I lost the chairmanship election. It is just nonsensical' Mr Thabe said. When he agreed to stand for elections in 1977 it was after a thorough study of the Act pertaining to the system. By then it was clear that councils, if given the full autonomy promised would be used as a stepping stone, (20)
they were not the ultimate, for full control of their areas he said. The move towards autonomy has been stagnated by the continued presence of Administration Boards. 'I remember during my first election campaign address' Mr Thabe said 'of the man from the crowd, a Mr Paul Hlapo rose to ask me if I thought if two bulls could exist in on kraal and still keep the peace. My answer to that I quoted from the Act and said it was envisaged that the council system would phase out the Boards. Well it has not. Community councillors imagine (30)
they have all the powers they need and are doing enough
towards/.....

towards attaining all that was promised them. After three years in the Vaal Council I saw there was very little or no progress. I then kept my promise to the people and resigned.' In his resignation letter he said he was leaving for personal reasons. 'It is my firm belief that if any organisation whatever it is should run its matters sufficiently it should have total control of its finances. However in the council system the budget is actually controlled by the Boards and councillors only act in an advisory capacity, they merely suggest what (10) could be done. As for the Vaal Council even when the Orange-Vaal Board decided to extend its area of jurisdiction to areas in the Northern Free State nobody was told. I find it strange that the Vaal Council should claim it has been consulted all the time when money set aside for the Vaal border is

COURT: "When money set aside for the Vaal Board is developing the Northern Free State".

MR BIZOS: "Developing the Northern Free State without the Council being told' Mr Thabe said. He branded Commu- (20) nity councillors who claimed they were in full control as ignorant. 'They are ignorant, they do not even know that they do not have power. They are stagnant, sometimes even moving backwards. Until they render the administration Boards redundant, something they do not seem able to do, they are just not in control' Mr Thabe said. During his term in the council he said there was always the hurdle "The Minister will not like that, he will not accept that, he may never agree to that, let us first ask the Minister". What kind of power is that?(30) You cannot call that power least of all autonomy Mr

Thabe/.....

Thabe said. It is the Administration Board which has to make recommendations to the Minister about a Community Council's proposals. That is after the council has consulted the Board and ultimately the result is that the proposals that go to the Minister are the brainchild of the Board, rubber stamped by the council. I do not call that power'. Mr Thabe singled out the chairman of the East Rand Liaison Committee and the Katlehong Community Council Mr Piyake Khumalo who said he agreed with him, Mr Thabe, about the strapping of the councils(10) but said the ex-Vaal chairman had been dishonest. 'If Mr Khumalo sincerely agrees with me that the councils should be abolished, if he genuinely sees wrong in the system I would expect such a man to have the courage of his convictions, I would expect him to pledge to the people that he would fight for the righting of the wrongs in the system, not just to agree the system is inadequate and do nothing about it. In this case who is being dishonest?' Mr Thabe asked. This system has the potential to be a stepping stone but the way it is (20) being handled it will not take the Black man much further from the old urban Bantu Councils he concluded. Mr Thabe declined to comment on the issue of the renaming of the George Thabe Stadium in Sharpeville which was named after him. The chairman of the Vaal Council, Mr Knox Majela, last week expressed misgivings about Mr Thabe's name being linked to the stadium."

And then there is a statement thereon, I do not think it has much to do with the powers. But now would it be correct that in the Vaal, after Mr Thabe's statement that this (30) expression that the council is only a puppet body became very popular?/....

popular? -- I will agree with that though of course I was under the impression that all what Mr Thabe was saying here had to do with the Community councillors and not the Town Council.

Yes. Well the Vaal Triangle had been chosen in 1977 as an ideal place that was going to solve the problems of the urban Black by the introduction of the council system?

COURT: Does he know that?

MR BIZOS: I am asking him. -- No what I know is that the Community Councillors, the appointment of Community Coun- (10)
cillors started in the Vaal, not that it was necessarily meant that Vaal was chosen as a particular place to that.

Well did you not know that Mr Thabe was the first Chairman of the first Community Council in the country? -- That I know.

And in 1983 when a new council system was being projected would you tell His Lordship whether in your community the vast majority of the people thought that the new type of council would be any different to the old? -- All I can say what I knew is a good number of the people did not know (20)
what the difference was, though some were aware as to what the difference was.

Was there talk of lack of power even after the 1983 elections? -- As I have already said that most of the people thought it was still the Community Council.

They did not see any difference? -- I will say so yes.

Anything that the Act may have said pertaining to the powers of the council aside did the set-up in the Vaal Triangle really change in January 1984? -- In view of the fact that the office had just started in January 1984 (30)
it was therefore not yet clear to the community as to whether
there/.....

there was a difference or not, much as we had not done anything much for the community to realise the difference in the two.

Let us see the perception that the people had. Was the Board administering influx control regulations? -- That is so.

C135 The employees of the Board administering the influx control did they become your employees or did they remain employees of the Board? -- What is being asked from me now is what is in fact being processed. It is being worked on there that those officials and their powers are to be transferred (10) to the Council, including the traffic department etcetera.

Yes, we can leave out the traffic department for a moment. The daily lives of the people

COURT: Could I just get clarity then. I am actually concerned with the position in September 1984. As at September 1984 is it correct to say that influx control was still the function of the Development Board? -- Quite so.

MR BIZOS: And the same people that had been working there before January 1984 continued working. So in the ordinary life of the person he was still endorsed out by the same (20) man or woman? -- That is so.

The whole system of lodger's permits and remaining in the area for more than 72 hours was still administered by the same superintendant who had been there before? -- To be honest they were the people except of course for those who decided to go back and to go and work for the Development Board.

So, I do not want to give, it was the same policeman that went and locked up houses? -- That is so.

So that whatever may or may not have been in the so-called Koornhof Bills the life of the average man or woman (30) in the Vaal Triangle did not change for the better or worse

by/.....

by what happened in November 1983 or January 1984? -- Yes that remained the same.

Were there still, right up to 1984, allegations by councillors themselves that they were really still subordinate to officials?

COURT: Now right up to 1984 can be misleading. Is it put that with the new, in the new system and the new councillors there were still these allegations or that under the old system up to 1984, because at the beginning of 1984 it changed?

MR BIZOS: I will make it clear My LOrd. In May 1984 (10) were there complaints in relation to your neighbouring council in Evaton that the councillors did not have power? You see this report? -- Yes I am looking at it.

And do you remember that there was this row in your neighbouring territory which also must have affected you? -- I remember this incident.

COURT: The report is on 3 May 1984 of the Rand Daily Mail. It will go in as EXHIBIT AAQ(17).

MR BIZOS: Could you just have a look at it and then I will ask you whether this was the perception of the people? "A (20)

delay in buying the mayoral car for the Mayor of Evaton caused a heated debate when the councillors were told at a Council meeting yesterday the Department of Co-Operation and Development has not approved the R28 000 to buy the car. They were also told the chosen colour of the car was unavailable at the moment and would take about three months before it could be acquired. Mr J. Myburgh, the Town Clerk, told the meeting the Department had not approved the R28 000 but it had approved R25 000 instead. He said the motor company from which (30) the car was to be bought was experiencing difficulty in getting/.....

getting the colour car which had been chosen. The colour is silver grey. Mr Josiah Twayi, the Deputy Mayor, said the Council was told there was R48 000 available and the money could be used to buy the car. He suggested the Council should appoint three councillors to deal with the matter. He said if the car was not available from that particular motor company other companies should be approached as the car was badly needed for use by the Mayor for a celebration to be held on May 12th. Mr Phillip Tebogo said that the present the Mayor and (10) the Deputy Mayor were still waiting for the mayoral chains they had been promised. Nothing had yet been done about buying the chains. Mr Sam Rabote, the Mayor, said the Council had decision making powers but it was surprised the decision made by the Council had been nullified by certain people or by the Department as it was alleged. 'I don't know why there should be mention of escalation of inflation when a car is to be bought. We have been given powers to control and administer the funds of the Council but now we are told we are not (20) qualified to make decisions' said Mr Rabote. He added that in the past the Council had made donations to various bodies, including SABRA, but today they were being told they could not do so. If it is the government's decision not to use the money we shall be forced to resign from office he said. Later Mr Myburgh reported to the meeting that the Department had approved the Council's use of the money to buy this car after Mr J. Potgieter, the Town Treasurer, and Mr J. Brink, the Township manager, contacted the Department on the matter." (30)

Now you saw this report? -- Yes quite so.

Well/.....

Well would you say, as a result of this report, as a result of the other talk, as a result of the non-change of life, of the life of the ordinary person, that the councillors were still considered as puppets by the community? -- I will say not all the people are saying that. There are those who are of course saying it but some are not.

Yes, I am sure that there will always be a division of opinion on matters. But if the Mayor of Evaton says that he has now power to regulate the acquisition of his own chain and his own motor car how much power do you think that the ma- (10)
jority of the people in the Vaal thought that the new councillors and mayors had? -- What I know is the standing rule is that whenever there is any money to be used one must always get the approval from the Department.

Well would you say that a body without any financial powers is a toothless body? -- We must look at it at two different angles. On the other hand it can be that the proposition put to me is correct that a body without money is just as good as a body without teeth. But now on the other hand something must be done to protect the misuse of the (20)
moneys and therefore it does not justify what had been put to me. Because then you look after the money that the money not be misused.

Well would not an auditor to audit the affairs of the Council be sufficient? -- Even at present we do have auditors.

You see I deliberately avoided using the word "Puppet" until I came to this point because according to The Sowetan of 30 May 1985 it is a word which councillors themselves used so I felt free to use it myself, without being offensive.

The headline is...

(30)

COURT: You mean because a councillor uses it it cannot be
offensive?/....

offensive?

MR BIZOS: No, My Lord what I am saying is I have refrained from using it because I would not in the ordinary course of events use it but once of their number uses is then I think that I am entitled to use it.

COURT: Do you want this to be put in?

MR BIZOS: As Your Lordship pleases.

COURT: AAQ(18).

MR BIZOS: "We are puppets - Councillor. The Atteridgeville Town Council meeting took a dramatic turn yesterday (10) when one of the councillors declared 'We are real puppets, we do nothing except evict residents who do not qualify to stay or work in an urban area.'"

Did you see this report? -- No I see it for the first time.

Well let us read it because we are going to suggest to you that this is what the perception of the people of councils was in May 1985. "Mr Lukas Masuma, who usually keeps quiet during meetings caused a stir during the debate over the lack of progress in the township. He also said 'We are councillors for nothing. That is why organi- (20) sations such as the UDF rightfully call us puppets. We just sit here with agendas, talk and do nothing.' The councillors also lashed out at certain senior White officials and accused them of retarding progress in the townships. The attack, led by Mr Mathew Mahlangu, followed a shocking report by the Director of Community Services, Mr J.J. Pienaar, that out of a total of 1249 residents who applied for the 99 year leasehold only 147 had been issued with certificates since 1981. Councillors also lashed out at White officials who (30) delayed the development of residential sites in the townships/....

townships. The attack followed a report that a contractor who was supposed to start building a block of flats near Masufa Street to alleviate the housing shortage had now informed the Council that the erection will only start in October or November."

Now would you agree that that sort of report of how councillors felt about themselves would have influenced your community in their perception towards the councillors? -- Yes I agree.

Do you agree Councillor Mokoena that the, in the (10)
absence of freehold rateable property on which houses, factories, shops are built and rates are levied a local authority cannot get off the ground? -- I quite agree with you.

Yes. And whatever others may think would you say that your community is sufficiently mature to have realised that a long time ago? -- A certain proportion or portion of the community was complaining about this from long ago.

Yes. And that is the educated articulate portion of the community that expresses the feelings of the majority of the people? -- That is so. (20)

And do you not yourself, I do not want to embarrass you but do you not yourself realise that if your income does not come from the resources of the

COURT: "You" being

MR BIZOS: The Council.

COURT: Does the Council realise?

MR BIZOS: Yes.

COURT: Or does he realise that the Council's income?

MR BIZOS: Do you realise that the Council's income. Do you realise that until the Council's income comes out of the (30)
development of freehold property that you are really engaged
in/.....

in a hopeless task? -- I have already said that is true.

Does a substantial percentage of your community Councillor Mokoena believe that they are entitled to meaningful political rights on all institutions in the country? -- That is the main grievance.

Do you agree that the majority of your community want to be represented in Parliament? -- That is one of the main grievances.

And do you agree that many people in your community perceive this Council system as a sop, as an excuse, for (10) depriving them of meaningful political rights? -- That is in fact what they are saying.

COURT: Could you just repeat the question, I missed that Mr Bizos.

MR BIZOS: As Your Lordship pleases. That they regard the Council system as a sop in substitution for meaningful political rights. And you agreed that that is what they are saying? -- That is so, yes.

Would you agree that your community does not need agitators or the UDF or anyone else to feel them about this (20) burning issue? That they feel it for themselves? -- I would not say how much the UDF makes them aware about that but what I know in general is that the community is aware of that, at its own without having been told by anyone.

And would you agree that it was not necessary for anyone to run any campaign against the idea of the council system in 1983, the system was in itself in considerable discredit? -- I would not know about anyone running around campaigning against that or about it but what I know as a fact is that the community was aware of what is happening and the (30) community had a grievance about it and therefore they, as

far/.....

far as I am concerned did not need anybody to campaign on that.

COURT ADJOURNS UNTIL 14h00.

C136 COURT RESUMES AT 14h00.

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

MR BIZOS: Your Lordship will recall that I referred to a comparative, I was reading from a comparative table from other urban areas. I have the schedule with a sufficient number of copies. If Your Lordship wants to receive it subject to proper proof in due course I am prepared to hand it in to Your Lordship but I do not know what Your Lord- (10) ship's view is ...

COURT: I am not very keen to receive any document which is not absolutely necessary.

MR BIZOS: As Your Lordship pleases.

COURT: In view of the three boxes waiting for me.

MR BIZOS: It will be proved in due course but because Your Lordship was making notes and I was making mention of the decimal points.

COURT: Percentages. No I have it all written down.

MR BIZOS: As Your Lordship pleases. Now Councillor (20) Mokoena there were rent increases in the Vaal Triangle practically every year from 1977 to 1984? -- If I still remember well that is correct.

Yes. And would it be correct that from 1977 whenever there was an increase the reasons given for the increase were almost invariably the same? -- The previous years no reasons were given. One would only find out about the increased rent only when you go to the office to go and pay to be told that the rent had been increased.

Were there not, was there not talk in the past about (30) electrification, about water borne sewerage? Let me remind

you/.....

you about one thing in particular. Certain public works were done at Sharpeville so the rent of everybody in the Vaal Triangle was increased. -- That is so I remember that.

Yes, and do you not remember people objected, why must the rents of the whole Vaal Triangle be increased because there was an expenditure in Sharpeville? -- Yes I remember that.

Yes, and what I am putting to you is that at the Council meetings and in newspaper reports, I do not want to burden the record with a lot of them, there was talk every year about electrification, extension of the electrification, parks, (10) fencing, road making, road signs, it was always the same reason? -- That is so, although of course I will add to that that such things are being done bit by bit every year.

Yes. Now would you refer to the things that you said that people wanted, can we refer to all that as capital expenditure? -- From the time I was elected into the office, when I started with my duties there I found that that was the reason and money was needed for improvements, those that were mentioned.

Yes. No I just wanted to use a shorthand phrase, (20) capital expenditure, the things that you say the people wanted we will refer to as capital expenditure.

COURT: I think it would be better to refer to it as improvements.

MR BIZOS: As improvements.

COURT: Involving capital expenditure.

MR BIZOS: Well the improvements, the improvements, I am sure that people always want improvements and I think that those in public office should strive for it? -- That is so.

But now does one make improvements during a recession (30) where the unemployment is high and where people cannot afford

to/.....

to pay the rent that they are supposed to pay? -- In my view the people were in a position when paying the rents as usual and again if things were being postponed, that is the construction of certain things, then the expenditure was increasing.

COURT: Do you mean because of inflation? -- That is so.

MR BIZOS: Yes inflation is of course a factor to be taken into consideration but if the people are in arrear with their rentals and they have not got money for other essentials would not improvements have to wait, even though inflation may overtake us later? -- According to me people were paying(10) their rentals as usual because even prior to that you did find people who were in arrears with their rentals.

Yes. Was not 1984 the year in which the government announced salary increase freezes? -- Is that now to public servants or to everybody?

Well to public servants, and an appeal to the private sector to do the same? -- I cannot remember but though I can say there was such a talk though it was not taken very serious.

Who did not take it seriously? -- What I mean is there were increases then though they were not high. (20)

Do you say that your meeting of 5 August was to consult the people whether the rents should be increased or to tell them that a decision had been taken to increase them? -- The idea of the meeting was to inform the people, the community, about what they requested must be done and what was going to happen about the rent, namely that the rent will have to be increased in order to meet the demands and again to inform them that if anyone of them was not satisfied, or the community as a whole is not satisfied about that then they will have to draw a petition. (30)

In order to reverse a decision

COURT:/.....

COURT: We heard this all before.

MR BIZOS: As Your Lordship pleases.

COURT: Are you now going to run right through it again?

MR BIZOS: No My Lord. But do you recall whether any letters had been sent out to the people before your meeting? -- There were letters sent out to the people. What I cannot remember is whether it was before or after the meeting.

Now what day of the week was your meeting, do you recall?
-- If my memory serves me well it was on Sunday.

Do you not recall whether people came up with their (10) letters? -- Not at this meeting I do not quite remember.

COURT: Are these letters letters stating the increase of the rent or something else? -- The letters I am talking about which were distributed were letters informing the people about the increased rent.

MR BIZOS: Did anyone at your meeting refer to a letter and ask what do you ask us to come here for, the decision has already been taken to increase the rent? -- I cannot recall that person.

Well are you saying that you cannot really remember (20) whether that happened or not? -- That is what I am saying.

Yes. Do you recall whether at this meeting a number of questions were being asked whilst you and your fellow councillor were busy addressing the meeting? -- Yes there were questions.

Whilst you were addressing. And do you recall

COURT: Just a moment, is that interrupting his speech by questioning?

MR BIZOS: Interrupting the speech by questioning.

COURT: Not in question time? (30)

MR BIZOS: Not in question time, interrupting while speaking.

I/.....

-- I said in my evidence that only one person did that, that is interrupting a speech, otherwise the rest of the questions were asked during questioning time.

COURT: Was that Mzimkulu? -- Mtimkulu.

Mtimkulu.

MR BIZOS: Right, you admit to Mr Mtimkulu. I am going to put to you that there were others as well that interrupted the speech but let us take it one by one. Do you recall that Mr Mtimkulu, did he say, did he ask why have you called this meeting because you have already made a decision to increase (10) the rent? -- What he said was that he does not agree with the increment on the rent.

Did he have no complaint? Did he have no complaint that he and others had been called to the meeting after a letter, or after a decision had been made, after a decision had been made to increase the rent anyway? -- The position is when a person intervenes while one is talking and other people are also talking it is not easy for one to hear each and every word which is being uttered by the person who is intervening a speech. (20)

Well would you agree that other people associated themselves with Mr Mtimkulu's interjections? -- I do not agree.

Did Mr Mtimkulu have supporters of his own in the ward? -- During the time of the elections yes, but at this meeting people were there on my invitation.

Well did you not invite the residents of the ward as a whole? -- I have already said that this loudspeaker was moving street to street in the whole of Zone 3.

Do you know accused no. 15?

COURT: Could he stand up please. -- No I do not know him. (30)

MR BIZOS: Are you able to tell His Lordship whether he was
at/.....

at this meeting or not? -- In answer to that I will say there were too many people at this meeting for me to remember their facial appearances.

Because I am going to put to you that he was there, he was at the meeting, as a result of receiving information that this meeting would take place and not as a result of any loudhailers.

COURT: Does it matter how he got there?

MR BIZOS: Well except my Lord that we say that there were no loudhailers calling the people as a whole. (10)

COURT: Well then you can put it to him there were no loudhailers but how does it matter why he came?

MR BIZOS: As Your Lordship pleases. And that there were approximately 200 people there. What do you say to that? -- I would like to know who counted them?

Well he says that he estimated. -- Well then if that is the case my question is whose estimation then is being accepted here between his and mine?

Well I am happy to go on answering your questions but I would like to reverse the process. Are you able to admit (20) or deny that there were only approximately 200 there? -- I say there were more than that.

Do you recall what the reaction was as soon as it was announced that there would be a R5,90 increase? -- Which people are you talking about now?

The people at the meeting. -- They wanted to know what was the purpose of this R5,90, what is it going to work.

Was that as soon as the announcement was made, did a lot of people ask questions as to what was this for and why did it happen? -- They did ask questions about it. In question-(30) ing that we then explained to them that this was going to be used/.....

used to meet their requests in the previous meetings.

Alright now let me just put to you what the questioning was, and a lot of it was interruptions and interjections. That as soon as the R5,90 was announced people started saying that they had already knowledge of it and they wanted to know from you why did you agree without consulting them? -- I do not agree with that.

Did some of them say "But we already have electricity in our houses and we have paid increases for getting that electricity, why must we pay another increase"? -- No, that (10) is not so.

Well is it true that some houses had electricity? -- A portion of Ward 20 is electrified. 21 there is no electricity at all except for the big houses.

Yes, and the others have got tubing in already? -- That is so.

Yes and do you not remember saying that the last time we were asked to pay an increase it was for the tubing, my house is ready to receive electricity, I have already paid increased rent for the tubing? -- No I do not remember a (20) question like that.

Were there questions as to how much money was used for the project in Sharpeville and whether there was any surplus? -- Not in that meeting.

Did anybody ask why had some people already received notices before they were called to a meeting? -- That I dispute as well.

Well what I am going to put to you that all these questions were in fact asked. -- Well I do not agree with that.

And when the interjections and the questions during (30) the speeches were asked they were all ruled out of order?

-- I/.....

-- I have already said that is not so.

Well were not any questions ruled out of order? -- I said all the people were listening attentively except at the time just towards the end of the meeting when Mtimkulu indicated his dissatisfaction about what was being said there and then thereafter the meeting dispersed.

I am going to put to you that as each question was raised, and it was ruled either out of order or not a satisfactory answer was given people left in groups of five to ten, in (10) order to indicate their extreme dissatisfaction with the state of affairs that had taken place? -- No I do not agree with that.

Do you not recall that there was on a previous occasion the strongest possible objections by the people in the Vaal Triangle to an increase having taken place without the councillors having come to consult them about it first? -- What I know is that the community was complaining about whenever there is an increment they are not being informed as to why what the reason was which justified that. (20)

Did they not want to know before the increment took place? -- What I know is whenever we held a meeting with the community there and each, or something is being raised which is a demand from the community then one would sort of inform them that look if this is your demand this will justify or need an increment of rent.

Well I am going to put to you that from way back in 1979 the strongest objection was raised by members of the community about rent hikes without consultation? -- Well during that time I know very well they were not holding (30) any meetings, that is during the time of the Community councillors/....

councillors, with the community.

And were there objections to that? -- I agree with that.

And do you not recall that there was an outcry because a memorandum announcing the increases had been circulated by the officials to councillors that there would be an increase before the councillors themselves were asked any questions about it or asked to consider the matter? -- Yes I remember that happening during the time of the community councils.

Yes. And people actually felt insulted, including the councillors, that the officials should just take it upon (10) themselves to make an announcement? -- I remember that, that is correct.

You see I am going to suggest to you that this, as far as the people were concerned, that this letter of 2 August 1984 which I am going to show you was no different to the previous occasion when a memorandum was sent out by the officials? We have a duplicate original. I do not know whether Your Lordship wants it or whether a copy will do?

COURT: If the original is clear I prefer the original.

MR BIZOS: As Your Lordship pleases, it is duplicate (20) original.

COURT: You are handing it in as an exhibit?

MR BIZOS: As Your Lordship pleases.

COURT: It will be AAQ(19). It is dated 2 August 1984 and headed "Lekoa Town Council/Stadsraad".

MR BIZOS: Now you see this letter says "Increased service charges and rentals. Dwellings in Black townships in the Vaal Triangle area. 2 August 1984. Dear Resident, At its meeting held on 29 June 1984 the Council of Lekoa resolved to levy general increase in services charges to the amount (30) of R5,90 per month for Board's houses and R5,50 per month

for/.....

for private houses. A memorandum furnishing details of these increases in the Vaal Triangle area, as well as the reason therefor appear on the reverse side of this letter. It is anticipated that the above increases will be implemented from 1 September 1984. Cognisance must also be taken of the fact that inflation alone causes a rise of ten percent annually in the service charges to enable the Council to maintain the present standard of services in the various townships. It can be mentioned that the postponement of any capital projects for one year will cost approximately twelve percent more the (10) following year. Your co-operation in adjusting your payments is sincerely appreciated. Yours faithfully, N.P. Louw, Town Clerk". And at the back a memorandum showing how this amount has been calculated or arrived at. Now could you please tell us in relation to this information was this discussed on the Council or was this what the officials were told? -- This in fact was discussed during the time of the budget and it was discussed by the Council, that is prior to the officials drawing up the information as shown on this paper.

Now the amount of R7,01 is shown under the capital, (20) erection of capital projects is explained hereunder.

COURT: On the back of it.

MR BIZOS: On the back of it yes. And the explanation is "Included in the above increase of R5,90 a month is expenditure for a capital programme of 17,8 million which provides for the electrification of more houses, provisions of services to industrial park in Zone 10, Sebokeng and Sharpeville and self build stands, tarring of roads, the improvement of sport facilities, the purchasing of vehicles for the more regular cleansing of the townships and the erection of an office (30) complex for the Town Council of Lekoa, to mention only a few."

Now/.....

Now was there going to be an office complex for the Town Council of Lekoa? -- That was the aim.

And was this increase of R6,90 to be used, R5,90 to be used partly for that purpose? -- Yes a portion thereof was going to be used for that.

Had an office complex been planned? -- Yes.

Had the quantity surveyor given an estimate of its cost? -- Though I cannot exactly remember what the figures were it was worked out.

How much? Thousands, hundreds of thousands or millions?(10)
-- It was more than a million but it was just going to be worked on sections, certain section to be completed this year.

In stages. -- And then the stage will be going on next year.

Did not anybody ask questions whether office accommodation could not be used in the meantime?

COURT: Which office accommodation?

MR BIZOS: Whatever, where were you meeting? -- Mpatalisane Hall. (20)

Was that part of the Board complex at Lekoa?-- That is so.

But now the Board was sort of going to go out of business was it not in Lekoa? -- It is already on its way out.

Yes, would there have been any reason why the same offices could not be used, did anybody ask that question?
-- What was said there in explanation by the Board was that they are still going to use their offices because they had some other duties to do in respect of the Free State, therefore they needed the building. To add to that a certain (30)
Mr Hitching stressed the point, he is from the central
government,/.

government, that for us to be recognised and be in fact identified by the people as an independent council we are bound to have our own offices, in order to be identified properly.

Where were the Community Council's offices? -- They were working under the offices of the Development Board.

Did you know that the wage bill of the Board was approximately fifteen million per annum? -- No I do not know because we do not have any information about the Board affairs.

You see under the item of "Management and administration", (10 R15 300 000 odd. Now did that include the influx control, the

COURT: Just a moment, under what item are you referring to now?

MR BIZOS: No it is not on that document My Lord.

COURT: Well do not refer the witness to an item that we have not got before us.

MR BIZOS: As Your Lordship pleases. I will change the question. I tried to put the document but he had not seen it he said and that is why I did not. You see in your budget (20) did you make an allowance for administration? -- It is included.

Do you recall what that figure was, administration expenses? -- I cannot remember what the figure was. Another thing I would like to draw the Court's attention to is that the defence counsel there has got some documents where he refers to and I do not have any document. Therefore I cannot say exactly what the figure was.

Well if I had a copy of your draft budget then I would have referred you to it but unfortunately I have not got one (30) yet.

COURT: /.....

COURT: Now where are we leading with this, these questions?

MR BIZOS: NO My Lord what I want to ask is this, was there any discussion before the increase, before the decision to increase the rent as to how much you could cut out of administration costs by not taking responsibility for the people administering the influx control regulations?

COURT: But is that correct? Were they administering influx control regulations, the Lekoa Board? I thought that remained with the Development Board? Am I incorrect?

MR BIZOS: I am not sure, that is why I was asking. (10)

COURT: Well let us get that straightened out first. When you came into power, your new Council, did you administer influx control or did the Board administer influx control? -- It is still with the Board.

So in your item of administrative expenses that does not figure? -- No.

MR BIZOS: But how could you, could you decide to whom to allot a house or not if you did not have the power to administer the influx control regulations? -- Whenever a person was applying for a house we would refer that person first (20) to the labour bureau to go and find out from the records if this person qualified for a house or not and which was under the Administration Board.

I see. So who would live in your area was not your function? -- That is under the services of the labour bureau to prove whether this person is entitled to stay there or not.

Do I understand you to say that meetings were held at all wards? Of your own knowledge do you know whether any meetings were held in other wards except for the one that you told us about on the 29th? -- According to my knowledge (30) I believe and accept that meetings were held in all the areas.

When/....

When, during August after your meeting were there Council meetings, formal Council meetings?

COURT: After?

MR BIZOS: After 5 August, after his meeting.

COURT: After the report meeting, yes. Well perhaps what happened on the 29th almost happened twice, but.. -- After this meeting then, after the meeting of 5 August then a meeting was held on the 29th.

Is that the Bophelong meeting? -- The Bophelong meeting.

Yes, no counsel is asking you not about community (10) meetings but about Council meetings. -- I do not quite remember if there was any meeting but because what I remember is the meeting we had was now pertaining to the problems we had at the time.

MR BIZOS:

No I am talking about August. -- I cannot quite remember.

Right. But now tell me did it come to your notice and your fellow councillors that people were saying "Asinamale"? -- We were seeing that on papers which were written.

Yes, and did you have informal meetings with your fellow councillors at which you reported to each other that there (20) was dissatisfaction, there were all sorts of pieces of paper floating around saying "Asinamale" and meetings were being held? You were being criticised? -- We did have a discussion about that issue of Asinamale which was being spread on pieces of papers as a result of which we came to have a discussion with our Town Clerk who in turn reported to us that he did make mention of this or send notices to different people to get to know about what is happening, by means of having this thing gazetted and published in the newspapers. He made mention of certain newspapers to which he made this state- (30) ment. I cannot quite remember whether it was Sowetan and another/....

another newspaper but it was responded to.

COURT: So he told you that he had made newspaper statements and statements to the newspaper to explain why the rent was increased? -- Yes plus that if they were feeling unhappy about it what to do.

MR BIZOS: They must make a petition? -- Yes I agree.

I see. Now tell me do you know whether in fact there was any publication in the Gazette of this rent increase before 1 September? -- I did not see it but taking into account what the Town Clerk had said I believe it was. (10)

COURT ADJOURNS UNTIL 13 MARCH 1986.