

SAAKNOMMER: CC 482/85

DELMAS

1986-03-13

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORE: MNR. W.F. KRUGEL

PROF. W.A. JOUBERT

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

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COURT RESUMES ON 13 MARCH 1986.

MR TIP: My Lord I wonder if before the witness continues whether I might hand up a further admissions document.

COURT: Yes, I thought I would not ask you this morning, it is getting tedious.

MR TIP: I am indebted to Your Lordship. I can assure Your Lordship that these documents will be forthcoming with as much promptness as we can muster. This is Series AAS(3). This deals with the nature of the incidents set out in respect of the areas outside of the Vaal. I might just (10) read onto the record the preamble:

"The accused admit in terms of Section 220 of the Criminal Procedure Act that at the places set out in column 1 of the annexure hereto and that in the course of the period and/or on the dates set out in column 2 thereof incidents of the nature described in column 3 thereof occurred."

And what follows is a schedule detailing the different places, the periods and the nature of the events that occurred there. The document which has now been handed up has been signed (20) by all the accused save for accused no. 9 who is not present today, but in the course of the past weeks this has been discussed with him and I am sure there will be no difficulties.

COURT: Thank you Mr Tip. I will return it to you when accused no. 9 is back in court and then you can have it signed.

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

FURTHER CROSS-EXAMINATION BY MR BIZOS: May I at the outset say to Your Lordship that My Learned Friend Mr Chaskalson and the Attorney General himself are discussing the question (30) of the application for bail, as to what attitude the Attorney General/.....

General is going to adopt to it and other matters, but Your Lordship will be given timeous notice as to when the application is to be heard.

COURT: Yes as far as I am concerned you can set it down at any convenient time that suits both parties.

MR BIZOS: As Your Lordship pleases, we want to apologise My Lord, apparently some of the pages finished up, the clerk that was responsible for that fancy binding has been told how careful he has to be in future but it will come back to Your Lordship in proper form. (10)

Councillor Mokoena you told us yesterday that during August you saw these notices stuck up and talk about Asinamale, that we have no money? -- That is so.

And was it also clear from the newspaper reports that appeared almost every Monday and Tuesday that meetings were being held during the weekend protesting against the increase? -- Yes it appeared in newspapers that a meeting was held over a weekend.

It appeared on a number of occasions in newspapers that meetings had been held the previous weekend? -- If I still (20) remember well those that I saw it was on three different occasions.

Yes. And that it was in Sharpeville, and that it was in Zone 12 and that it was in Small Farms? -- That is so.

And were there reports that large groups of people, up to a thousand, gathered and, in protest against the increase of the rental? -- I did not have a figure as to how many people gathered but what I can tell the Court is I know that there were meetings which were being held.

Yes. Now as accused no. 15 left your meeting early (30) we do not know whether you called for a petition or not but

I/.....

I am prepared to assume in your favour that you did. Was this not as good or even better than a petition that thousands of people gathered together to protest against the rent? -- I have already explained that according to the Town Clerk they were bound to follow the procedure, that is to draw a petition.

Yes but you know I do not understand Councillor Mokoena, you are a public representative? -- Yes I agree. I agree that I was there representing the community but even then there is a procedure to be followed in order not to deviate from the regulations of the local authority. (10)

But what regulation of the local authority says that people have no right to protest things that concern them?

COURT: That is not the point. The witness says that they can protest but the procedure is they must bring a petition.

MR BIZOS: Well do you know of any regulation or any authority that the only way in which people can protest is by bringing a petition? -- I did make mention in my evidence that we had a talk with the Town Clerk about the people who were not happy about the procedure and the increment of the rent and then he also said he is aware of that but the people are (20) bound to follow the procedure, according to the procedure they must do what is expected of them.

I see. So the Town Clerk laid down the procedure as to how they were to object?

COURT: That is also not entirely correct. He informed the witness of the procedure. It is not necessarily that he laid down the procedure.

MR BIZOS: As Your Lordship pleases. Having been informed of this procedure you as a public representative did you not feel that it was necessary for you to keep your finger on the (30) pulse of the people for their true feelings? -- I said

immediately/.....

immediately when I came to know about these complaints from the community we went to the Town Clerk. We did not just keep quiet about it.

And after the Clerk explained the procedure to you you did nothing further? -- We accepted the explanation, that is the procedure by the Town Clerk and awaited for the community to react according to the procedure.

But now we have been told Councillor Mokoena by a previous witness that there was a feeling, at least his feeling and possibly the group that he was working with, that people are (10) reluctant to put their name to paper in case they are victimised. -- That is true, that is all over, everybody, each and every person is now fearing that.

Did they fear this in August? -- Fear what?

To put their name, to put their signature to paper that they would be victimised? -- In connection with what, if you could just explain that?

No the signing of a petition which is contrary to the apparent wishes of the local authority may have led to victimisation? -- No that I do not know. (20)

COURT: Now could I just get an explanation then of your previous answer. Were the people afraid to sign a petition because they might be victimised? -- That is the question which was put to me by the defence, that people were fearing to sign a petition because they were scared of being victimised.

Yes.

MR BIZOS: And what is your comment on it? Were people scared of being victimised? -- At that time, during that period, I am not in a position to tell the Court whether that was the position but at the present moment that is the position, (30) people are scared of any document or paper which can make
mention/.....

mention of them.

Now you and your Council knew that these meetings were being held in churches or church halls? -- That is so.

Was the response of your Council a threat to cancel the leases of the churches? -- I know for a fact that there was a discussion with priests pertaining to their allowing political organisations to hold meetings in their church buildings or premises.

Is it correct that your Council did not allow the use of communal halls to political organisations? -- What emerged (10) from the discussions of this issue was that the meetings which are being held in the church premises are those of the people who are fighting against the Council.

Yes, but let us just have a direct answer to the question. Di you not allow the communal halls to be used by people who were opposed to the Council system? Let us put it that way. -- That is so.

And you did not allow school halls to be used for this purpose either? -- I do not know about school halls.

Right. But now do you believe that people who have (20) different viewpoints to yours have the right to gather together to express their views, did you believe that in August? -- What I can put here before this Court was what worried the councils the most was there was some information to the effect that most of these meetings which are being held are being held in discussion about the attacking of the councillors.

But

COURT: Attacking , do you mean personal attacks of a violent nature or do you mean verbal attacks? -- Physical attack.

MR BIZOS: Yes but if there was talk of physical attacks (30) then why could not the law take its ordinary course, that
people/....

people who made those attacks, why were they not arrested and brought to court? -- Prior to this taking place on a Friday, the date then was of the 30th. It was reported to Mr Ganz, Lawrence and Matthysen, people who had to do with law and order.

Let me come back to the question. The question is this, did your Council threaten the churches that they would cancel their leases because meetings were held? -- Maybe in the offices administratively, I am not aware of it.

Oh so you say that your Council never took such a resolution? -- I cannot remember that one being taken. (10)

COURT: That is now a resolution that the leases of the churches would be terminated? -- What I can say on that is it was decided by the Council that if new applications were made by different churches for sites to erect or put up a structure for the church building there will be an additional clause to that which will sort of give an information about that they will not be allowing political meetings to be held in their churches.

MR BIZOS:

This decision, was it taken late 1983 beginning 1984?
-- After 1983. (20)

Was that one of the first decisions that the newly elected Council took? -- I do not believe that was the first one because this council took the office early 1984 which was January. If such a decision was taken by this present council then it should be late in 1984.

Were there no threats in July-August that the leases of the churches would be cancelled because meetings were held in the churches? -- I have already said that maybe in the offices of the administration there was such a threat to the priests but I am not aware. (30)

If such a threat was made was it authorised by your
Council?/.....

Council? -- I am not disputing that, if there is such a threat.

COURT: Yes what Counsel is asking you is was there a resolution by your Council that such threats could be made?

-- In reply to that question I said I cannot remember the Council taking any resolution about that.

MR BIZOS: Well you see in order to summarise the state of affairs that pertained in 1984, July-August, shortly before the events of the 3rd I am going to refer you to a document which is already before His Lordship, AAQ(2) My Lord. I (10) may not have made copies available to Your Lordship's Assessors at that stage because My Learned Friend said that we did not give him one. But now there are enough copies to go around.

COURT: I do not think they had copies at the time. But you dealt in extenso with these points. I remember that it was the findings of Professor van der Walt you dealt with.

Are you going to take it with the witness step by step?

MR BIZOS: Yes My Lord, with respect, because I would like his comments on it because as far as Professor van der Walt is concerned it may be hearsay and this is a person living (20) in the community. I will try and do it as briefly as I possibly can. As the previous witness was also, he was, if I may say, from the other witness from the other camp so to speak. So it may be that we need to put it to both camps. Did you know that Professor van der Walt from Potchefstroom University conducted an enquiry after the unfortunate events of 3 September? -- I am aware of that.

I am going to read to you portions of a summary of that report and ask you whether, as a person who lived in that area and had some perception of your community and its feelings (30) you agree or disagree. I am reading from a summary which was

... / made

made by the Honourable G (I do not know what the N stands for) Viljoen MP, the Minister of Co-operation and Development and Education at the time. I am going to read the fourth paragraph. Please listen carefully. "From his survey Professor Van der Walt concludes that the problem behind the unrest and school boycotts in the Vaal Triangle to a large extent lies in the field of Black local government." I will read the whole paragraph and then ask for your comment. "In view of the current difficult economic situation and its adverse effects especially on lower income groups in the Black community, he especial-(10) ly emphasises the effect which the announcement of the proposed rise in the municipal service rates by the Lekoa Town Council had on the residents." Do you prefer me to read the whole of it and then comment or would you like to comment paragraph by paragraph? -- Paragraph by paragraph will do.

Have you any comment to make on this paragraph, in relation to the conclusions of Professor Van der Walt? -- I do not agree with it.

COURT : In what respects? -- Where he says the problems which arose there, the unrest and the boycotts were as a result (20) of the Black local authority.

What do you say is the reason for the problems? -- I say it was as a result of the meetings which were held with a view of making people enthusiastic to be against the Black local authorities.

MR BIZOS : Do you say it was the objections of the people that led to it and they had no legitimate grievances to object?

MNR. JACOBS : Ek stem nie saam dat dit is wat die getuie gesê het nie. Hy het gesê, die vergaderings wat hulle daar georganiseer het teen hierdie dinge. (30)

COURT : The problem arose from meetings with a view to make

... / people

people up against the Black local authorities. The problem was the meetings.

MR BIZOS : Do you say that there should not have been any meetings for people to voice their objections to what you had done? -- It was a very good idea for them to have held meetings, if the meetings were run in a proper way, for instances in trying to devise some means of coming together or meeting the councils and discussing their problems with the councils and not in the fashion that it was done, that people must now be against the councils and sort of degrade the council as (10) such.

Yes, right, that is your point of view. Did Professor Van der Walt speak to your council? -- I do not know whether there are people who had a talk with him, but I was not there.

Let us take the next. "Professor Van der Walt's report presents six main findings and recommendations, failing which the broader political field and which I would like to deal with briefly. First he finds that there was an enormous ignorance and lack of understanding among the Black residents about the local government's system in general and specifically about the factors influencing the determination of municipal rates and levies." What do you say to that? Do you agree with Professor Van der Walt's conclusion that in your community there was an enormous ignorance and lack of understanding? -- I agree, though I would like to say something.

Please do. -- I will say the cause of that is because when a meeting is called, the community does not attend the meeting.

Is that because the council's system is discredited (30) in the eyes of the majority of the people? -- I will say so

... / because

because they get some encouragement from a certain direction not to accept the councillors.

Do you feel that the majority of the people do not know what is for their own good and they are misled by others? -- That is exactly like that.

Do you not perhaps feel at times that it may be you who are out of touch with the feelings of the people? -- I believe that if the community did come on being invited to a meeting, we may have been in a position, that is myself and the community, to advise each other on what is to be done. (10)

"Secondly Professor Van der Walt more specifically recommends that an official investigation regarding the amounts and the position of municipal rates and levies in the Vaal Triangle be instituted in comparison with rates and levies in other municipalities." Do you think that that was necessary in August? -- I have explained to the Court that I did not have it in mind that way.

Well, let us put the question in another way. Let us see whether you agree with what the Minister says about that. "I accept this recommendation and I have already instructed(20) the director of local government of the Department of Co-operation and Development, Mr John Hitchey, to undertake this investigation. The Lekoa Town Council has already decided to postpone any rise in municipal rates and levies until at least July, 1 July 1985. I undertake that no increase in rates will be considered before the investigation has been completed and the public informed about its finding." -- That is so.

Do you recall when I asked you questions yesterday that you told me that you did not have the information which I put before you. (30)

MNR. JA COBS : Kan ons net weet watter "information"?

... / MR BIZOS

MR BIZOS : About the comparative rates.

COURT : The comparative rates in the various areas in the country? --

MR BIZOS : In the country, yes. -- The question from the defence was did you people ever take the trouble of comparing the rent of Lekoa with the other areas to see if it was at power or not. That is prior to this report.

Yes and you said no? -- That is so. I still say no.

Do you now agree as I suggested to you that for a proper decision this comparative study should have been done as (10) is suggested by the Minister? -- Before admitting that to you, that that was necessary, we had already agreed on this after the report from the Minister that it should be done that way.

Let me ask you. Did your council inquire into the comparative rates after this report at any rate in January 1985?

COURT : Do you mean independently of Mr Hitchey?

MR BIZOS : Independently of Mr Hitchey? Did you receive any report from Mr Hitchey- did your council receive any report from Mr Hitchey about these comparative rates? -- I got a (20) report and as a result of the recommendation in this report and the investigation which was done it was almost the same. The rents were almost the same comparatively with other areas.

Is that the report that you got? -- In fact this was an oral report which was made to me.

By whom? -- From our mayer.

You did not see any report from Mr Hitchey? -- No, I did not see that.

Then we come to the next ... (Court intervenes)

COURT : Before you come to your next point. When are you (30) going to tell this witness that in area A the rents are so

... / high

high and in his area they are so high and that therefore there is a disparity?

MR BIZOS : I thought that I had put this?

COURT : You gave us percentages, which did not mean much.

MR BIZOS : They do mean a lot.

COURT : You can address me at the end of the case on that.

MR BIZOS : There will be evidence as to how this comparative study is done for similar houses and similar construction costs. They are done by a responsible research body which takes the minor deviations into consideration. Let us (10) come to the third matter. "Thirdly Professor Van der Walt points out the urgent need for additional sources of local government revenue to supplement their revenue from rates and levies." Do you agree with that? -- Quite well.

"Fourthly Professor Van der Walt points out that as a result of an extensive failure on the part of Vaal Triangle residents to pay any rates at all during recent weeks the Lekoa town council is experiencing serious cash flow problems to continue its basic services to the community." -- That is so.

"In the fifth place Professor Van der Walt finds that (20) there are persistent and extensive rumours about corruption, self-enrichment and maladministration within the Black local government system of the Vaal Triangle." Do you agree with that? -- We discussed this yesterday and I agreed with what was put to me by the defence in respect of the corruption and maladministration, therefore I thought that it was over.

I think that you are quite right in regard to that. In fairness I think I should read the rest into the record, because it has a bearing on some of your colleagues, a favourable comment in respect of some of your colleagues. "He (30) recommends an independent judicial inquiry into such allegations.

... / This

This recommendation was welcomed by the mayor and deputy-mayor of the Lekoa Town Council. Professor Van der Walt's finding in this regard confirmed the results of investigations into alleged irregularities which I understand the South African Police have been conducting during the last few months. In principle I find Professor Vander Walt's recommendations of a judicial inquiry fully acceptable." However, since I have been informed that a number of prosecutions will be instituted in the very near future as a result of the investigations already completed by the South African Police, I (10) consider it advisable to postpone the final decision on the judicial inquiry until more details about such prosecutions are available. Finally Professor Van der Walt emphasises the urgency of providing greater participation for urban local communities in broader national political decision making on matters affecting their interests." I think that we can say that you agreed to this yesterday as well. -- Yes.

Towards the end of August, you knew that there would be a march to Houtkop on the 3rd? -- Yes, I heard about that one.

It was not kept a secret. It was advertised. It was (20) reported in the newspaper?-- Quite so.

And that the purpose of the march was to show the rejection of the proposed increase of R5,90 which was to come into effect on 1 September? -- Yes, that is how I came to know it.

Did you believe or did you have information that there would be considerable support from the community for this march? -- From where I heard this, it was conveyed to me that the majority of the community was going to take part in this march, which was proceeding to the offices.

Of Houtkop? -- Yes. (30)

So, who reported this to you? -- Well, it was a talk all

... / over

over in the township.

Including at the offices of the Lekoa Town Council? --
Yes, it was known even in those offices.

And did you and your fellow councillors expect that thousands of people would take to the street and march to Houtkop on Monday, 3 September? -- We heard about this, but we were not sure as to whether it was going to take place or not.

Yes, but you knew about a thousand of people turned up at the Catholic Church in Zone 12. That was published in (10) the papers? -- I said I knew about these meetings, although I was not in a position to tell as to how many in number approximately attended the meeting.

Just listen to me for a while. Was it reported that the churches in which meetings were held were packed and were figures given? Sometimes eight hundred, sometimes a thousand, sometimes twelve hundred? -- Yes, it was reported in the papers, in fact ourselves in passing that areas we would see that there is a lot of people there.

So, you must have had every reason to believe that this (20) would be a large and well supported march? -- I have already said that this was reported by the majority of the community, though before its taking place, we were not sure whether it was really going to take place.

You also knew that there had been a call for a stay-away? -- That I saw in the paper, which is a pamphlet, inviting the community to a meeting on the 2nd.

Did your council call an emergency meeting perhaps? during the week preceding 3 September? -- I cannot quite remember if any meeting was called. (30)

As a councillor did you yourself not feel any urgency to

... / do

do something about this, that your community was going to stay away from work and was going to march in large numbers? Did you not as a councillor feel any sense of urgency to come together as public representatives and say what are we going to do about this? -- As I said, I never thought that this was going to materialise.

That the march would not materialise? -- Yes and that people are going to stay away from work.

You did not believe that? -- That is so.

Had it been reported to you that resolutions had (10) been passed at meetings at which hundreds if not thousands of people had resolved not to go to work? -- No, as I said, we were seeing it in on paper and no one came to tell me verbally.

COURT : Did anybody tell you that you were required to be at Houtkop on Monday morning, 3 September as the people wanted to speak to the councillors at Houtkop? -- No, not me.

MR. BIZOS : Your frame of mind was that nothing really serious was going to happen on Monday, the 3rd? -- All I heard was on the Friday when I learnt about that there was going to be a fighting on Monday. (20)

COURT : What do you mean by a fighting? -- That councillors will be attacked.

You heard on the Friday that on the following Monday councillors would be attacked? -- That is so.

From whom? -- The mayor telephoned me while I was at work inviting me to come to his office.

MR. BIZOS : That made a meeting of the council even more urgent? -- No meeting was convened, but there are those people who came and from where then we proceeded to Houtkop.

So, was there a meeting before the Monday? -- It was (30) not a council meeting. There was a meeting with the officials.

... / COURT

COURT : Was the meeting with the officials about your safety or about what? -- As a result about the report about the councillors who had to be attacked on the Monday, the meeting with the officials was about the safety of the councillors.

MR BIZOS : Were all the councillors there? -- Not all of them.

How many councillors? -- We were four in number.

Who were they? -- The mayor himself, myself, Chakane and Paul Mahlatsi.

At this meeting where the mayor and three other councillors were and the officials, did anyone suggest that any (10) steps be taken in order to try and reassure the people in the Vaal Triangle that the question of the rental would be gone into or that it will be suspended? Or that people should send representatives, they do not have to lose a day's pay, they can go to work but they must send a representative? -- All we discussed there was about the security, as to what kind of security can be applied because it has already been said that there is going to be an attack.

But was it only a security meeting and no attempt made to try and meet any of the demands or the rent demand that (20) was going to be made on the Monday? -- No, nothing else was discussed, except the security.

Were there any police representatives at this meeting? -- Yes, from the Development Board Police.

Were there no high ranking police officers called in?

COURT : South African Police?

MR BIZOS : South African Police. Were there no officers of the South African Police, senior officers, called in in order to discuss the matter? -- No, they were not present.

Either at that meeting or any other meeting? (30)

COURT : Before or after the event?

... / MR BIZOS

MR BIZOS : After the event.

COURT : Between the Friday up to the Monday?

MNR. BIZOS : Up to the Monday? -- Not where I was present.

And on the Monday morning you left your home and you left your family behind? -- That is so.

Without any guards or without any special arrangements in relation to the safety of your property or your family? -- That is so. What I did is, on my way I studied the situation.

You left your family because you yourself or your family did not feel threatened on the Monday, of the 3rd? -- Yes, (10) it was just a talk which one heard people talking about, but to me in my judgment I did not take it to be that serious in the form of a threat which was serious.

Could we then tell his Lordship that you, a councillor, did not expect anything violent to occur on the 3rd? -- In my own judgment I did not at all expect any violence involved in the whole thing, except of course from what I heard people saying. Even then, I did not concede it that serious.

Even the report that you had received with the four of you present, you did not take serious? -- That is so. (20)

And you lived in Sebokeng during July and August 1984? -- That is quite so.

You lived among the people and gauged their mood? -- That is so.

You believed then and you believe now that you had your finger on their pulse, so to speak, in relation to their mood? -- That is what I am saying. The people in the immediate vicinity there with whom I live.

COURT : On the Friday, what security measures were decided upon? -- The people of the police of the Development Board (30) namely Matthysen and Lawrence assured us that they will do all

... / within

within their powers in arranging to keep the situation in a normal order.

MR BIZOS : Did what happened on the 3rd come as a complete shock to you? -- You are quite right.

Were you present at the meeting of 23 August between councillors and the clergy? -- At which hall again? What was the venue?

In Sharpeville I think? -- Yes, I was present.

Did the council take up the attitude - did council members take up the attitude that I have referred to previously? (10)

COURT : Which attitude?

MR BIZOS : That the leases would be cancelled? -- I was present at this meeting, but my presence there does not mean that I was in the meeting itself. What happened there was. I was standing in the doorway as a guard to stop the newspaper people from attending this meeting while the meeting was on. So, therefore, I did not take part in the actual meeting.

Could you please give us the full name of this Martin's company that you mentioned having guaranteed your obligation for R1,1 million? -- I would not know the full address, but (20) what I can tell you is Louw Martins Enterprises.

Are they still in business? -- Yes.

Where? -- IN Meyerton.

You told His Lordship that this whole question of the bottle-stores has been left in abeyance?

COURT : It is not entirely correct, that it is left in abeyance. It has not been finalised. It might have been finalised on the last Monday he did not attend, but it is not left in abeyance.

MR BIZOS : Suspended. (30)

COURT : It is neither suspended. It has not been finalised.

... / MR BIZOS

MR BIZOS : I think you said that it was still being negotiated? -- Yes, it is being negotiated in the line of completion of the whole thing.

Do you know - could you please have a look at a report in the Sowetan of 10 March 1986 and comment ... (Court intervenes)

COURT : Just a moment. Where are we going now? We are so far away from the date in September 1984, how can it be relevant what the Sowetan says now? I may even read what the Sowetan writes about yesterday's evidence and it may be (10) put to tomorrow's witness. We are going too far away.

MR BIZOS : What I want to put to you is the public perception in your township, in your area, was that the deals were finalised and that there has been and there is being concern about the fate of the three hundred odd employees?

COURT : I want that question clearly put. Pertaining to September 1984. I am not concerned with 1986 or 1985.

MR BIZOS : I will try and put it in another way. In the eyes of the community, from the period January 1984 to the end of August 1984 and as a result of the publicity given to the (20) bar and bottle-stores transfers or intended transfers, were you and your fellow-councillors considered as the new owners of the liquor outlets? -- No, not as new owners, but as the people who had tendered to acquire those businesses.

HERONDERVRAGING DEUR MNR. JACOBS : Mnr. Mokoena, u was gevra omtrent die persentasies, die stempersentasies met julle verkiesing in November 1983. Kan u vir die Hof enige aanduiding gee, weet jy hoekom daardie stempersentasie so laag was? 'n Rede daarvoor? -- As gevolg van die pamflette wat versprei was aangaande die deelname van die gemeenskap op die ver- (30) kiesings dat hulle nie deel moet neem nie, gee ek as 'n rede

... / hoekom

Maar was hulle in die nabyheid van jou huis? -- Nie in die nabyheid van my huis nie, ver van my.

Hoe ver van jou af ongeveer? -- (Getuie dui distansie aan) Ek kan sê dit is die derde straat van waar ek gebly het wat die naaste persoon se huis was.

HOF : Kyk jy sokker? -- Ja.

Langer as 'n sokkerveld of korter? -- Dit is langer as dit.

Twee keer so lank? -- Drie keer.

Ongeveer drie keer 'n sokkerveldlengte.

MNR. JACOBS : Ons sal aanneem 'n sokkerveld is omtrent so (10) 110 meter lank. Wie is die raadslede wat daar naby jou gewoon het? -- Patrick Mpulenyana.

Is daar nog wat in dieselfde woonbuurt as jy gewoon het? -- Ja, daar is.

Wie is hulle? -- Ramakgula. Ons is net drie. Dit is al.

Wanneer is jy verkies tot hierdie Raad? -- Ek het begin in die jaar 1977.

Van wat se liggaam was jy toe lid gewees? -- Committee Council.

HOF : Committee nie Community nie? -- Community Council. (20)

MNR. JACOBS : En dit het in 1983 ten einde geloop? -- Ja.

En toe was daar verkiesings gehou vir hierdie huidige stelsel van Swart plaaslike besture, Black local authorities? -- Dit is so.

Het jy 'n verkiesingsveldtog gehou daar in die wyk waarvoor jy gestaan het en indien wel, watter wyk? -- Dit het ek gedoen in die saal van Bophelong.

HOF : Vir watter wyk het u gestaan? -- 33.

Wyk 33 Bophelong? -- Ja.

MNR. JACOBS : Hoeveel vergaderings het jy gehou om mense (30) te werf om vir jou te stem, verkiesingsvergaderings? -- Twee

... / vergaderings

vergaderings.

En dit het jy gehou in Bophelong se gemeenskapsaal? --
Dit is reg.

Kan jy onthou wanneer die eerste vergadering was? -- Ek sal nie presies kan onthou wanneer die eerste een was nie, maar ek onthou net dat ek het 'n vergadering gehou. As ek nie verkeer is nie was dit op die 16de.

HOF : Van watter maand? -- Dit was in Oktobermaand.

Van 19? -- Gedurende 1983.

MNR. JACOBS : By die vergadering van jou, daardie eerste (10) een, was daar 'n groot opkoms gewees van mense? -- Dit was vol gewees.

Het jy die mense toe toegesprek of begin toespreek daar? -- Ja, ek het met hulle begin praat by hierdie saal.

Het daar iets gebeur op hierdie vergadering terwyl jy besig was om die mense toe te spreek? -- Ja.

Wat het gebeur? -- Die jeug het daar ingekom. Hulle het dokumente by hulle gehad.

Wat se dokumente? -- Op die dokumente waarvan ek praat was daar geskryf gewees dat mense nie moet stem nie. (20)

HOF : Was dit pamflette of plakkate of iets anders? -- (Getuie dui grootte aan)

Dit was 'n pamflet gewees.

MNR. JACOBS : Wat het hulle met die dokumente gedoen? -- Hulle het dit aan die mense versprei en vir die mense gesê dat hulle nie moet stem nie.

Wie was die mense wat daar ingekom het, die jeug wat jy sê? Kan jy van hulle of sien jy van hulle? -- Van hulle het ek geken, ja.

Wie was hulle? -- Twosome Murube was een, die tweede (30) een was Hlanyane, die derde een was Mbokwe. Die ander ken ek

... / net

net. Ek weet nie wat hulle vanne is nie.

Jy het gesê Hlanyane. Is dit beskuldigde nr. 15 hier by die hof?

HOF : Laat hom opstaan? -- Nee, dit is nie hy nie.

MNR. JACOBS : Hulle het pamflette nou daar uitgedeel. Behalwe vir die uitdeel van pamflette, wat het hulle nog gedoen? -- Hulle het gesê die mense moet daar uitgaan en wegkom. Hulle moenie kom luister na my leuens nie.

Het hulle stil ingekom of hoe het hulle ingekom? -- Hulle het 'n geraas gemaak toe hulle daar ingekom het. Eintlik (10) het hulle gesing.

Wat het hulle gesing? -- Hulle het Siyaya Epitoli gesing.

Behalwe die singery, het hulle nog ander dinge gedoen? -- Hulle het net die mense uitgejaag, dat die mense moet wegkom.

In die tyd wat hulle daar was, was daar enige slagspreuke geskreeu? -- Soos wat?

Nee, ek kan nie vir jou sê nie. Ek vra vir jou of daar ander goed geskreeu is? -- Ja, die volgende het hulle geskreeu Amandla Ngawethu, Nsizwe Seseto. (20)

Wat beteken dit? -- Dit beteken hulle is in krag en die gemeenskap is hulle s'n.

En toe, wat doen die mense? -- Niks behalwe om uit te gaan en weg te loop nie.

Hoe groot was hierdie groep? Hoeveel was die jeug wat ingekom het ongeveer? -- Hulle was vreeslik baie. Ek skat ongeveer honderd-en-vyftig.

Het jy enigiets opgemerk omtrent hulle kleredrag wat vir jou opmerklik was? -- Ja, ek het opgemerk wat se klere hulle aangehad het. 'n T-hemp wat hulle aangehad het was UDF (30) op geskryf aan die voorkant op die bors. Van hulle was VCA

op geskryf, ook op die voorkant.

HOF : Op dieselfde T-hemp was nie VCA en UDF nie. Sommiges was UDF en sommige was VCA? -- Dit is korrek. Dit was sommige UDF en sommige was VCA.

Het hulle almal T-hemde aangehad of was daar 'n klompie wat nie T-hemde aangehad het nie? -- Sommige het nie hierdie T-hemde aangehad nie.

MNR. JACOBS : Het u enige ander T-hemde opgemerk? -- Nee.

Die vergadering is toe uiteen in wanorde? -- Ja.

Het hulle iets aan jou gedoen of iets aan jou gesê, (10) behalwe wat jy netnou gesê het hulle moenie na die man se leuens luister nie? -- Nee, hulle het niks verder gesê nie.

HOF : Is daar van die publiek aangerand in die proses? -- Nee.

MNR. JACOBS : Die pamflette wat daar uitgedeel was wat jy netnou beskryf het, het jy van hulle gesien of gelees daar? -- Ek het nie gelees wat daar op staan nie, behalwe dat ek dit net gesien het.

Het jy gesien watter organisasie dit uitgee? Was daar enige aanduiding daarop gewees? -- Ja, ek het.

Wat het daar op gestaan? -- Heel onder was dit geskryf(20) UDF.

Was daar net een organisasie se naam op die pamflet gewees of was daar meer as een op gewees? -- Ek het net daardie een gesien.

Na dit het jy toe weer 'n vergadering gehou, 'n verkiesingsvergadering om mense te werf om vir jou te stem? -- Ja, ek het.

Hoe lank na hierdie een wat jy nou beskryf het? -- In die tweede week.

Het jy hom weer by dieselfde saal gehou? -- Ja.

Altwee hierdie vergaderings, het jy dit vooraf geadver-(30) teer dat jy dit gaan hou? -- Ek het 'n luidspreker gebruik om

die mense te nooi om die vergadering by te woon.

Is dit die mense wat daar in die wyk waar jy gewoon en gestaan het, gewoon het? -- Ja.

Op hierdie tweede vergadering wat jy gehou het, hoe was die opkoms gewees? -- Hulle het gekom, hulle was baie, maar daardie dag het die mense nie in die saal ingegaan nie, dit is die mense wat die vergadering kom bywoon het. Die rede daarvoor was dat hierdie mense die betrokke dag vroeër gekom het en die mense gekeer.

Watter mense is nou hierdie mense wat die mense gekeer(10) het? -- Ek praat van die jeug wat by die vorige vergadering was wat die mense weggejaag het.

Was dit weer van dieselfde mense, dié wat jy geken het? -- Ja.

Hoe 'n groot groep het hierdie keer gekom? -- Hulle was ver meer as by die vorige vergadering.

Hoe het hulle die mense gekeer? Wat het hulle gedoen? -- Hulle het die mense gedreig deur te sê die een wat hulle gaan sien die saal binnegaan gaan hulle die huis van daardie persoon aan die brand steek. (20)

Wat het die lede van die publiek toe gedoen? -- Die mense het teruggekeer en weggegaan.

Op hierdie geleentheid toe die groep daar gewees het, wat nou die mense gekeer het, het hulle gesing op hierdie geleentheid? -- Ja, hulle het gesing.

Wat sing hulle? -- Siyaya Epitoli, Oliver Thambo, Mandela.

Wat het hulle gesing van Oliver Thambo en Mandela? -- Oliver Thambo, Thambo, Mandela. Dit is soos ek dit nou herhaal het wat ek verwys na as 'n gesingery.

So, net om dit op rekord te kry. Hulle het geskreeu (30) Oliver Thambo, Oliver Thambo en dan geantwoord met 'n Mandela?

... / Verstaan

Verstaan ek dit reg? -- Ja, dit is wat ek gehoor het.

Het hulle slagspreuke geskreeu op hierdie geleentheid?

-- Ja, hulle het.

Wat was dit? -- Amandla Ngawethu, Isizwe Ngeseto.

Hoe was hulle gekleed? -- Die dag het hulle gewone burgerdrag aangehad.

Het die vergadering enigsins begin? -- Nee.

Wat het gebeur? Het hulle enigiets gedoen teenoor jou of gesê? -- Selfs hierdie dag het hulle nie gepraat nie.

So, daar is toe geen vergadering gehou nie? -- Dit is (10) korrek.

Die verkiesing was in November 1983. Kan jy onthou watter datum in November? -- Die llde.

Die oggend van die verkiesing is jy vroeg na die stem-lokale toe daar in jou wyk of na die lokaal toe? -- Ja.

Toe jy daar aankom, wat het jy daar aangetref? -- Met my aankoms daar vind ek dat daar persone staan met plakgate wat lees "Do not vote for apartheid."

Het daar kiesers opgedaag wat wou gaan stem het? -- Ja, die kiesers het gekom, maar hulle was teruggestuur. (20)

Hoe bedoel jy nou teruggestuur? Vertel vir ons wat bedoel jy? -- Daarby bedoel ek dat hulle gekeer was om nie te kom stem nie.

Deur wie? -- Deur te sê aan die mense as die mense kom stem, die een wat hulle sien stem, se besittings sal aan die brand gesteek word.

Wat het die mense wat gekom het om te stem toe gedoen? -- Hulle het teruggekeer en hulle is toe weg.

Sonder om te stem of het hulle eers gestem? -- Van hulle het gestem en van hulle het nie. Hulle het net teruggekeer.(30)

Hoe lank het die mense daar gebly wat daar met die plakgate

... / gestaan

gestaan het en die mense gekeer het? -- Hulle het vir 'n goeie lang tyd daar gestaan toe die polisie opgedaag het en traangas geskiet het.

HOF : Hoeveel was hulle? -- Hulle was baie.

Hoeveel is baie? -- By die plek waar ek was, by my stemplek, kon hulle maklik 175 gewees het.

MNR. JACOBS : En toe die polisie gekom het en traangas geskiet het, wat het toe van hulle geword? -- Hulle het gevlug en weer teruggekom.

Hoe lank na dit het hulle teruggekom? -- Omtrent na 'n (10) uur het hulle weer teruggekom.

Wat gebeur toe hulle weer terugkom? -- Dan jaag hulle weer die mense weg wat naby kom met die doel om te kom stem.

Ja en toe? -- Dit het so aangegaan tot om en by 19h30 die aand.

Was hulle deur die polisie verskeie kere weggejaag daar? Of was dit net daardie een keer? -- Ja, wat gebeur het, is, die polisie het hulle weggejaag en sodra die polisie weggaan kom hulle terug.

Die verkiesing is toe afgehandel en is jy toe verkies (20) daarso? -- Ja.

En is jy verkies tot die Raad? -- Ja.

Op die Raad het julle projekte beplan of beoog wat julle wou uitvoer daar in die Vaal Driehoek as 'n Raad? -- Dit is korrek.

Wat se projekte wou julle aanpak? -- Om die strate te teer.

In watter gebiede? -- Bophelong, Sebokeng, Sirela en Sharpeville. Bophelong moes ook dreins gekry het vir water.

Wat se water? -- Vir die stormwater. As dit gereën het, het die water gevloei tot binne-in die huise in. (30)

En nog? -- Ons wou 'n creche ook gebou het.

... / Waar

Waar? -- Een wat ek nog kan onthou was in Zone 11. Ook in Sirela moes ons 'n pre-skool gebou het. Dit is 'n skool vir die klein kinders.

Wat is klein kinders nou? Skoolgaande ouderdom? -- Vir die kinders van drie tot vier jaar.

En nog? -- Ons wou 'n kliniek ook gebou het. Ons wou elektrisiteit ook laat installeer het in die volgende Zone 11, 12, 7 en 14. Ook die hoë ligte.

Enigiets nog? -- Dit is al wat ek op die oomblik kan onthou. (10)

Om hierdie projekte aan te pak, hoeveel sou dit gekos het? Het julle beplan of uitgevind? -- Ja, ons het al vasgestel hoeveel benodig was om dit aan te pak, al het ek nou net vergeet wat die bedrag was.

Hoe sou julle dan - waar sou julle die geld vandaan gekry het om hierdie projekte aan te pak? -- Ons het besluit dat ons 'n lening gaan maak van die goewerment. Die gemeenskap sou daarvoor moes betaal, want die geld moes terugbetaal word.

En hoe sou die gemeenskap dit betaal het? Het julle dit besluit of bespreek? -- Ja, ons het dit bespreek. (20)

En tot watter gevolgtrekking gekom hoe sou hulle dit moes terugbetaal, die gemeenskap? -- Ons het 'n besluit geneem dat ons die huurgelde moet verhoog met R5,90.

Wanneer het julle die besluit geneem? Kan jy onthou? -- Ek het vergeet, maar dit was gedurende 1984.

Het julle of die Raad enige besluit geneem oor wat julle moet doen om die publiek in te lig of iets van die aard? -- Ja, die besluit was dat elke raadslid 'n vergadering sal moet gaan hou in sy wyk om aan die gemeenskap te verduidelik.

In wyk 33 Bophelong waar jy die raadslid is, is jy die (30) enigste raadslid daar of is daar nog een? -- Ja, vir wyk 33

... / is

is ek die enigste raadslid, maar weens die feit dat die plek so klein was, het ons bymekaar gekom en besluit dat ons een vergadering gaan roep by die saal. Dit wil sê al drie van ons bymekaar.

Wie is die drie van julle en vir watter wyke is dit? -- Mpulenyana en Ramakgula is die ander raadslede. Ek was die derde persoon.

Julle sou vir watter wyke gesamentlik 'n vergadering hou? -- Vir die wyke 31, 32 en 33.

En die vergadering het dit op 5 AUGUSTUS 1984 plaasge-(10) vind? -- Ja.

Waar het julle dit gehou? -- By die saal van Bophelong.

Is die vergadering geadverteer? Is die publiek daarmee bekend gemaak? -- Ja. ons het. Ons het 'n luidspreker gebruik in hierdie woonbuurt.

In al drie? -- Ja, al drie.

Wat was die doel van hierdie vergadering? -- Die doel van hierdie vergadering was om die gemeenskap in te lig oor die besluit van die huurgelde wat verhoog was sodat as hulle miskien voel hulle is nie tevrede nie of as daar iets is waaroor (20) hulle wil praat, hulle dit dan daar kan sê.

Was die vergadering in die dag of in die aand gehou? -- In die dag.

HOF : Was dit op 'n Sondag? -- Ja.

MNR. JACOBS : Het daar toe 'n opkoms gekom na die vergadering toe? -- Ja, daar het.

Was daar 'n groot opkoms? Was die saal vol of wat is die posisie? -- Die saal was so vol gewees dat party mense buitekant gestaan het.

Wat gebeur toe op die vergadering? -- Ons het aan die (30) mense, die gemeenskap, verduidelik die manier waarop ons

... / hierdie

hierdie huurgelde verhoog het.

Het jy verduidelik of wie is ons? -- Ja, ek het. Ek het aan die gemeenskap die volgende oorgedra. Die huurgelde was verhoog gewees met die oog daarop om die strate te verbeter, dit is die toestand van die strate en ook die omgewing in die nabyheid van die winkels waar daar baie modder is as dit gereën het.

En nog? -- Daar was toe na aanleiding daarvan 'n vraag gestel.

Deur wie? Weet jy? -- Nee, ek weet nie wie die persoon(10) is nie, maar een van die mense wat daar binne was het die vraag gestel.

Wat was die vraag? -- Die persoon se vraag was aangesien daar van die mense is in die gemeenskap wat nie in staat sal wees om hierdie verhoogde huur te kan betaal nie, is daar nie 'n manier wat uitgewerk kan word dat die persone se gelde, dit wil sê die huurgelde nie verhoog moet word nie. In antwoord het ek gesê diegene wat so voel, sal moet vorentoe kom sodat ons die ding kan bespreek en kan kyk wat ons daaromtrent kan doen. Dit sal ons verder neem na die Raad toe. Die Raad (20) moet besluit wat in daardie geval gedoen moet word.

Wat het die persoon daarop te sê gehad? Wat was sy reaksie daarop? -- Ek het aanvaar dat die persoon tevrede was met die antwoord, want na die antwoord het die persoon toe gesê "Nou ja, dit is goed, dan sal die mense julle nader, die mense wat klagtes het in verband met hierdie ding."

En nog? -- 'n Volgende vraag was aangesien daar gepraat is oor die verskuiwing van Bophelong, ons as raadslede, stem ons daarvoor dat dit verskuif moet word.

Kan jy net vir ons meer inligting gee oor hierdie (30) Bophelong, net voor jy die antwoord gee. Was daar sulke sprake

... / dat

hoekom die persentasie so laag was.

En wie het die pamflette versprei? -- Ek sal nie kan sê wie die persoon is wat die pamflette uitgereik het nie, maar dit is soortgelyk aan die een wat hier aan my getoon was in die hof met die UDF letters daarop geskryf.

En weet jy die ander organisasies wat daarmee gemeed was vir die verspreiding van die papiere? -- Nee, ek weet net van hierdie een.

Dit was ook aan jou gevra hoekom die raadslede nie besluit het om die dranklisensies oor te neem van die Administrasieraad af nie? (10)

HOF : Nee, waarom die raad nie die raadslede nie? Die Stadsraad.

MNR. JACOBS : As hulle dit sou wou gekoop het by die Administrasieraad, waar sou die geld vandaan moes gekom het? -- As daar nie 'n lening gemaak word nie, dan sou die geld van die gemeenskap moes gekom het.

Dit was ook vir jou gevra omtrent die tyd toe die raad, die gemeenskapsraad, hierdie Swart plaaslike besture waarvan jy 'n lid is, die rade, toe hulle gesê het dat hulle s ekere (20) dienste sou oorneem, wat blykbaar nie algemeen bekend was nie. Kan jy vir ons sê was dit in koerante bekend gemaak of nie? Wat hulle pligte sou wees en watter dienste hulle oorneem? -- Nee, dit was nie uiteengesit op enige papier wat ek gesien het nie.

HOF : Koerante? -- Ja, ek praat van die koerante.

MNR. JACOBS : Dit is ook hier aan jou gestel dat die mense daar in die Vaal wou in die algemeen gedeel het in die regeringstelsel en dit was nie nodig vir enigiemand om hulle te organiseer nie. Met jou kennis in die Vaal van wat daar (30) aangegaan het, sou hierdie mense sommer spontaan so aangegaan

... / het

het en weggebly het op die 3de? Die opmarse en die geweld wat daar gevolg het, sou dit sommer vanself gekom het ...

(Mnr. Bizos kom tussenbei)

MR BIZOS : The question is dealing with an opinion.

MNR. JACOBS : Dit was 'n opinie wat gister vir hom gevra is en wat hy gegee het. Wat ek van die getuie probeer kry, sou dit sommer net spontaan so gekom het of was daar georganiseer daaromtrent?

HOF : In sy gebied of in 'n ander gebied?

MNR. JACOBS : Die gebied waar dit gestel is gister hier (10) aan hom waar dit gebeur het in die Vaal gebied en ook in die besonder in sy gebied wat hy die kennis van dra.

HOF : Die vraag word toegelaat.

MNR. JACOBS : Kan jy vir ons sê, sou daardie omstandighede so ontwikkel het sonder dat daar organisasie plaasgevind het onder die mense? -- In die algemeen sê ek, dit is die gevoel van alle Swartmense om heel bo te kom tot by die parlement waar hulle ook seggenskap kan hê oor dit wat hulle raak in hierdie regering, maar ek sê verder dat as dit nie was dat daar sekere dinge plaasgevind het op hierdie vergaderings (20) wat die mense se gevoelens opgesweep het nie, sou daar nie hierdie tipe voorvalle plaasgevind het nie.

Die opmars na Houtkop toe, dit was aan jou gestel dat die opmars - dit sou gegaan het oor die verwerping van huur. Kan jy sê of hierdie hele beplanning net oor die verhoogde huur gegaan het of was daar ander aspekte ook waaroor die opmars sou gegaan het en waaroor hulle ontevrede was?

HOF : Dit is nou wat hy gehoor het wat die doel van die opmars was, want hy was nie deel van die opmars nie?

MNR. JACOBS : Wat hy dan gehoor het, sy algemene kennis (30) daaromtrent? -- Tot op die Vrydag wat ek verneem het van hierdie ... / burgemeester

burgemeester van ons dat die raadslede aangeval sal word ook op daardie dag. My inligting wat ek gehad het was dat hierdie mars net oor die huurgelde Houtkop toe sou gaan.

Het jy voor die tyd geweet van aandringing dat raadslede moet bedank of nie? -- Ja, dit was orals daarvan gepraat en eintlik self die papiere wat versprei was as uit nodiging vir die mense om die vergaderings by te woon, was daar ook geskryf gewees dat raadslede moet bedank.

Weet jy of hierdie opmars dan ook gegaan het omtrent die bedanking van raadslede en die stelsel ... (Hof kom tussen-(10) bei)

HOF : Is dit nie 'n wenkvraag nie?

MNR. JACOBS : Ek sal dit daar laat. Die vergadering wat julle op 29 Augustus 1984 gehou het, vir watter doel het julle dit gehou?

HOF : Het ons enige kruisondervraging oor die vergadering gehad?

MNR. JACOBS : Ons het kruisondervraging gehad ... (Hof kom tussenbei)

HOF : Ek het die indruk gekry dat daar juis nie oor hom (20) gekruisvra is nie.

MNR. JACOBS : Ek weet nie watter stappe geneem was deur die mense om die situasie te "defuse" of te ontlont nie.

HOF : Jammer, dit vloei nie voort uit die kruisondervraging nie.

ASSESSOR (MNR. KRÜGEL) : Raadslid Mokoena, net een of twee aspekte. Die begroting van R20 miljoen vir die werk wat u wou uitvoer, moes al daardie geld van die inwoners verhaal word of was daar fondse uit ander bronne vir die doel beskikbaar? -- Die begroting van ons sou ons dit geleen het, van (30) 'n plek en dan was ons verplig om dit terug te betaal in die

tydperk van twintig jaar, maar die bronne van betaling sou alleenlik die gemeenskap gewees het met hierdie R5,90.

HOF : U hele begroting was tog groter as R20 miljoen. Dit is net die ekstra begroting vir die ekstra projekte? -- Ja, dit was ekstra op die eintlike begroting wat ons gehad het.

ASSESSOR (MNR. KRÜGEL) : As die fondse in die gemeenskap bestee sou word op hierdie projekte, beteken dit enigiets vir die gemeenskap as sulks? -- Die vraag is nie vir my duidelik nie.

Wie doen byvoorbeeld die werk om sê nou maar die (10) huise wat nie elektrisiteit het nie te elektrifiseer? -- Daar word tenders gevra.

Word daar van mense uit die plaaslike gemeenskap gebruik gemaak deur die tenderaars of word daar werksgeleenthede vir mense geskep in die algemeen as so 'n tender uitgevoer word? -- Dit is presies so. Eintlik het ons dit verbied dat 'n kontrakteur met sy eie mense daar kom werk. Ons het besluit dat diegene wat werk daar moet kom doen, sal alleenlik mense moet kry van die plaaslike gemeenskap vir sy werk.

En sou die ontwikkeling en die verhoging in die begro-(20) ting dan eintlik tot 'n mate die gemeenskap op hierdie manier baat? -- Ek sal so sê, want hulle sou daar werk gekry het.

Die oornome van die drankwinkels en die biersaalfasiliteite, dit het blykbaar hier in 1983 al begin? -- Ek kan nie die presiese datum goed onthou nie. Dit kan wees dat dit daar rond was.

K138 Ekskuus tog, ek het dit verkeerd. In 1984 het dit begin? -- Ja.

U is nou in 1986 nog nie by die finale oornome nie? -- Ja, dit is so. (30)

Wat is die rede daarvoor? -- Ek sal nie weet nie. As ek

... / nie

nie weet nie, sal ek nie in staat wees om dit te verduidelik nie. Dit word behandel deur die Ontwikkelingsraad.

Hoe lank strek u ondervinding van die drankhandel? -- Ek het alreeds vir die Hof gesê ek het iemand aangestel om namens my op te tree en was dit nie ook vir die twee weke wat ek van my omgewing af weggebly het nie, sou ek ook onder opleiding gewees het tot dusver.

Is daar 'n besondere program vir opleiding? -- Ja, daar is state waarin 'n mens opgelei word daaglik hoe om te gebruik in 'n drankwinkel en dan daarna gaan ons kursusse bywoon. (10)

Wat die Raad van Lekoa self betref, die Raad is nog nie oud nie. U het in die eerste om 'n pos in die Raad deelgeneem? -- Ja, dit is so.

Is plaaslike bestuur maklik om aan te leer of is dit ingewikkeld? -- Ek sal sê dit is 'n moeilike taak vir 'n mens. Dit is nie 'n maklike ding om te doen nie. Met die gevolg 'n persoon het opleiding nodig. Tot dusver het ons alreeds opleiding bygewoon aangaande dit. Dit is nog voor die onluste. As dit nie vir die onluste was nie, sou ons verder gevorder het met die opleiding in hierdie opsig. (20)

Kan u saamstem met 'n stelling, as ek die stelling mag maak dat onopgeleide mense in enige vakrigting swakker vaar as mense wat die nodige opleiding het? -- Ja, ek stem saam.

En ook dat mense wat min ondervinding het van 'n ingewikkelde werk swakker vaar as mense wat meer ondervinding het? -- Dit is reg.

Ten aansien van die verslag van professor Van der Walt wou ek net ook graag die tweede gedeelte van paragraaf 6 aan u voorlees en hoor wat u daarvan sê. U sal onthou dat u gevra was oor die eerste sin van paragraaf 6. Dit het gegaan oor (30) die geweldige onkunde en gebrek aan begrip. Die tweede

... / gedeelte

gedeelte van die paragraaf lees soos volg. Die Minister sê "I fully endorse his recommendation that urgent attention should be given to improve communication between the town council, the development board and the public at large and that a sustained public education and information campaign on the functioning of local government should be launched also involving the schools." -- Ek verstaan dit.

Wat is u mening daaromtrent? -- Die Raad was alreeds besig op soek na iemand "as a public relation officer", wie se pligte dan sou gewees het om die gemeenskap op te lei wat en waar-(10) oor die raad bestaan.

In te lig? -- Ja, in te lig en verder op ander aspekte ook in te lig.

HOF : Wanneer het hulle begin om die persoon te soek? -- Dit was in 'n vergadering in Februarie 1986.

ASSESSOR (MNR. KRÜGEL) : Ondersteun u so 'n program? -- In alle opsigte.

Dan hoef ek seker nie vir u te vra of u dit as noodsaaklik beskou nie? -- Dit is iets belangriks.

Nog net een aspek. In antwoord op 'n vraag van mnr. (20) Bizos het u gesê dat u op 'n stadium tot die slotsom gekom het en dit is op 'n laat stadium blykbaar dat die grootste gedeelte van die gemeenskap aan die opmars op 3 September sou deelneem. -- Ja. Daardie antwoord van my was gebaseer op die inligting wat ek alreeds gehad het dat die mense gaan praat oor die huurgelde.

Miskien maak ek myself nou nie duidelik nie. Ek sê op 'n stadium het u tot die slotsom gekom dat omtrent die hele gemeenskap gaan daaraan deelneem, die oorgrote meerderheid van die gemeenskap gaan daaraan deelneem. Vantevore het u gesê (30) u indruk was dat mense gaan nie wegbly van die werk af nie.

... / Met

Met ander woorde, die werksmense sal nie daar wees nie. Ekskuus gevolgtrekking. Op 'n stadium was u gevolgtrekking dat die grootste gedeelte van die gemeenskap gaan deelneem. Wanneer was dit? -- Hoekom ek hierdie twee antwoorde gegee het op verskillende geleenthede is omdat ekself tussen die boom en die bas was. Ek het nie geweet watter een is korrek nie. Ek was in die middel.

Kan u die redes gee van waarom u tot die slotsom gekom het want kyk, die vraag was aan u gestel "Did you know that there would be a considerable support from the community for the (10) march?" U het gesê "As reported, the majority of the community would have participated." -- Ja, dit was my antwoord.

Van watter tydperk praat ons nou? Praat ons nou van soos mnr. Bizos aan die begin van die vraestellery gesê het "towards the end of August" of praat ons van die Vrydag voor die opmars of praat ons van die Donderdag? Van watter dag praat ons? -- Aangaande die vergaderings wat in Augustusmaand gehou was wat betrekking gehad het op die huurgelde, die bywonings daar was vir my 'n aanduiding gewees dat die meeste van die mense dit steun. Met die gevolg dat ek tot die slotsom (20) gekom het dat die meeste van die mense die opmars sal bywoon omdat dit oor die huurgelde gegaan het, maar na die inligting wat ek bekom het die Vrydag oor die mense wat sou wegbly van die werk af, dit is waar ek besluit het dit sal nie uitwerk nie want meeste van die mense glo ek nie sal bereid wees om weg te bly van die werk af nie.

Miskien net as 'n nagedagte. Het u enige idee van hoe-danig die belangstelling in munisipale verkiesings in die algemeen is? Ek praat nou byvoorbeeld van verkiesings in Johannesburg of in Pretoria? (30)

HOF : Swartes of Blankes?

... / ASSESSOR

ASSESSOR (MNR. KRÜGEL) : Onder die Witbevolking? -- Ja, ek weet wat die prosedure is.

Nee, ek praat van die belangstelling, die openbare belangstelling in die munisipale verkiesings. Hoeveel mense kom stem? -- Soos ek nou daaraan kan dink, dit kan gebeur dat die persentasie hoog staan.

Ek veronderstel u sou seker nie belang gestel het om te lees wat die persentasies werklik is byvoorbeeld in die laaste verkiesing nie, sover soos 'n jaar en 'n half, twee jaar terug? -- Ek sal dit baie waardeer as u vir my kan sê. (10)

Ek kan nie onthou nie, maar ek weet nie of dit so baie hoog was nie.

HCF : Mnr. Mokoena, het u ooit gehoor van 'n organisasie met die naam Vaal Civic Association ook afgekort na VCA? -- Ja.

Wat weet u van hulle? -- Wat ek van hulle weet is, dat hulle vergaderings gehou het wat teen die Raad was.

U het in u getuienis gepraat van vergaderings wat gemik was teen die Raad. Is dit hierdie vergaderings waarna u verwys het of ander vergaderings waarna u verwys het? -- Daar was wel meer as een vergadering gehou. Eintlik die meeste waarvan (20) ek kan praat is die een met die pamflet geskryf Asinamali.

Wie het hom gehou? -- Ek weet nie wie die persoon is wat daardie vergadering gehou het nie. Dit is die vergaderings wat by die Anglikaanse Kerk gehou was.

RE-CROSS-EXAMINATION BY MR. BIZOS : You did not attend any of the meetings either of Asinamali or the VCA or anyone else? -- No.

When you say that these meetings were against the council is that a sort of shorthand that you use that they were really meetings objecting strongly to the council's decision (30) about the rent? -- No, not that. In the pamphlets it was

... / written

written that the councillors must resign. That is point number one.

And the thing that really brought the matter to the head that they must resign, was the rent increase?-- Are you now putting it to me that that is the reason, but if I were to say to you even prior to the elections which were held, which elections were meant for this council, the existing council, there were documents which were being distributed, would you say that then there was any question of the rent being disputed by these people? (10)

No, I am talking about the August meetings. I am not suggesting for one moment that a substantial portion of your community did not want the council system. Do you understand what I mean? -- Yes, I do.

I want to go on to another subject very briefly. This loan was a 20 year project? -- That is so. That is how it reads.

And the improvements were going to be a long term project? -- No, it was not going to take a period of 20 years. In fact the idea was that it must be finished as soon as possible. (20)

Would a postponement of the increase of R5,90 in your opinion have made the substantial difference to your community if co-operation and peace ... (Court intervenes)

COURT : Are you now speaking of an indefinite postponement or of a postponement for a month or two? -- I will put it on that basis. I will clarify it.

MR BIZOS : When these things were happening at the end of August, did anyone suggest that in view of this agitation, that in view of this happening - of these happenings, let us postpone it for a couple of months to sort it out and persuade the people? -- During the time that I was a witness in

... / this

this witness-dock here, I think I did explain to the Court the reason why we could not postpone this project was because should we postpone the project, by the time we start with it again, you will find that you have to pay double the amount that you were supposed to have paid, had it not been that you postponed the project.

What is your public relation going to tell the people about meaningful political rights?

COURT : Is that a valid question?

MR BIZOS : It was raised. (10)

COURT : He has not even been appointed.

NO FURTHER QUESTIONS.

COURT ADJOURNS.

COURT RESUMES.

MR BIZOS INFORMS COURT THAT ACCUSED NO. 9 HAS BEEN HOSPITALISED.

MNR. JACOBS : U Edele, die volgende getuie is John Hlophekile Mgcina. Hy sal oor die algemeen getuienis oor die Vaal gee en dan daad 68(4) op bladsy 296 en daad 77(15)(4) op bladsy 360 en wat daarop volg.

JOHN MGCINA, v.o.e. (Deur tolk)

ONDERVRAGING DEUR MNR. JACOBS : Wat is u huisadres? -- (20)

Ek is nou by 1416 Zone 10. Voorheen was ek by 1180 Bophelong.

Het jy by hierdie vorige adres 1180 Bophelong gewoon direk voor 3 September 1984 en ook selfs op die 3de? -- Ja.

Is jy 'n lid van die Lekoa Stadsraad? -- Ja.

Kan ek miskien net iets duidelik kry. Daar in die omgewing waar jou huis is, het ander raadslede daar gebly?

HOF : Dit is nou Bophelong?

MNR. JACOBS : Bophelong. -- Ja, in daardie woonbuurt was daar raadslede gewees.

In dieselfde straat as joune? -- Nie in dieselfde straat(30) as ek nie.

... / Maar ..

dat Bophelong verskuif sou word? -- 'n Persoon van die gehoor het daardie vraag aan ons gestel.

HOF : Het u al vantevore voor daardie vraag gehoor dat daar sprake is van die verskuiwing van Bophelong? -- Daar was vroeër sprake daarvan.

Wat was die sprake? Waarheen sou Bophelong verskuif word? -- Dit was gesê dat Bophelong verskuif moet word na Sebokeng toe.

Wat sou dan van Bophelong word, die een waarin julle gewoon het? -- Hulle het gesê daar is 'n pad wat daar moet (10) deurgaan.

MNR. JACOBS : Die persoon net nou die vraag gevra wat jy gesê het, wat was die antwoord en wie het geantwoord? -- Ramakgula het daarop geantwoord deur te sê ... (Mnr. Jacobs kom tussenbei)

Is dit raadslid Ramakgula? -- Ja. Dat ons nie gestem het nie en dat ons nie tevrede is met die verskuiwing waarvan hulle praat nie.

Wie is die ons wat nie tevrede is nie wat nie gestem het nie? -- Ons, die raad. (20)

Ja en toe? -- Hy het verder uitgebrei, dit wil sê raadslid Ramakgula en gesê die rede hoekom ons nie daarmee saamstem is nie, is omdat in Bophelong het mense bejaarde mense, vrouens en manspersone wat heelwat bejaard is. Hy het verder gesê hiervanaf, as hulle dorp toe gaan, die dorp is naby, maar as hulle nou Sebokeng toe moet gaan, is Sebokeng ver van 'n dorpsgebied af. Dit was toe later gesê ons moet nou probeer om daardie ding reg te stel, sodat Bophelong nie verskuif moet word nie. Ons het die mense beloof dat dit goed is, ons sal dit oordra aan die Raad. Dit was die einde van daardie(30) vergadering. Die mense is toe daar uit en weg. Alles was

... / normaal

normaal. Daar was geen probleme gewees nie.

Was die mense tevrede om die verhoogde huur te betaal op die vergadering? -- Ja, behalwe dat ons verwag het dat sekere mense ons later sou nader oor die kwessie dat mense miskien nie in staat sal wees om te betaal, wat nie genoeg het om te betaal nie.

Andersins was hulle tevrede en bereid om te betaal? -- Dit is so.

HOF : Watter indruk het u gekry? Sou dit baie wees wat u nader wat nie kon betaal nie of 'n paar? -- Ek het die indruk gekry (10) dat hulle nie baie gaan wees nie. Eintlik wat ek in gedagte gehad het was ek verwag die bejaarde mense wat heelwat oud is wat nog huise besit as mense wat my sal nader daaromtrent.

MNR. JACOBS : Het die raadslede daarna besluit om ook op 29 Augustus 1984 'n verandering te hou? -- Ja.

Wat was die beweegrede, hoekom wou hulle hierdie vergadering op 29 Augustus 1984 hou? -- Die rede hoekom ons hierdie vergadering wou gehad het, was omdat ons 'n vergadering bygewoon het Mpatalatsane op 26 Augustus 1984. Terwyl ons daar in die vergadering was, het 'n mnr. Scott ook daar opgedaag. Die (20) boodskap wat hy daar aan ons oorgedra het, was daar is mense van die gemeenskap in Bophelong se gemeenskapsaal. Die mense wag daar vir die raadslede om te kom verduidelik omtrent hierdie huurgeld. Na die vergadering is ons na Bophelong toe. Met ons aankoms daar, was daar niemand by die saal gewees nie, as gevolg waarvan die Raad besluit het dat ons 'n vergadering op die 29ste moet gaan hou, met die oog daarop om aan hulle te verduidelik en ook om te hoor wat hulle te sê het.

Wie is mnr. Scott? -- Hy is die sekretaris van die Stads-(30) raad.

... / Hierdie

Hierdie vergadering het julle besluit om die 29ste te hou. Het julle dit bekend gemaak aan die mense dat julle so 'n vergadering gaan hou? -- Ja, ons het, want ons het die dorpsbestuur genader van wie ons 'n bakkie geleen het en die luidsprekers daarop gemonteer het en rond in die woonbuurt gery het en uitgesaai het sodat die mense kennis moet neem van die vergadering.

Wat het julle uitgesaai? -- Ons het hulle genooi om 'n vergadering by te woon by die saal met die raadslede. Die gemeenskap het die vergadering bygewoon. Die vergadering het (10) om 18h00 begin.

Die aand? -- Ja.

Hoeveel mense was daar van die gemeenskap? -- Hulle was heelwat. Selfs buite was daar mense gewees wat gewag het by die voertuie.

Was die saal vol gewees? -- Ja.

Het die mense ook daar buitekant gewag? -- Ja, hulle het buitekant gewag.

Van die raadslede, hoeveel van hulle was daar? -- Hulle was baie. (20)

Was die hele raad daar of net party van hulle? -- Ek sal nie sê hulle was almal daar nie, maar wat ek wel kan sê is, die klomp wat saam met my soontoe gegaan het, was omtrent 17 en hulle was by die saal gewees by hierdie betrokke vergadering. Later het daar nog van die raadslede opgedaag.

Jy self by die vergadering, waar het jy plek ingeneem? -- Ek was binnekant en waar ek gesit het kan ek beskryf as 'n "stage".

Die verhoog? -- Ja.

En ander raadslede, was hulle ook op die verhoog? -- (30) Van hulle het saam met my daar by die verhoog gesit.

... / Het

Het die vergadering toe begin of wat het gebeur? -- Net toe die vergadering 'n aanvang moes neem, het die jeug opgestaan en gesê hulle soek ons nie, hulle wil hê ons moet bedank.

Wie het die vergadering begin? Wie was die voorsitter op die vergadering? -- Raadslid Ramakgula.

Was die burgemeester Mahlatsi ook daar? -- Ja, hy was ook daar.

Jy sê die jeug het opgestaan. Hoeveel was hulle wat toe in die saal was wat opgestaan het? -- Dit was 'n goeie klomp van hulle, al is ek nie in staat om te sê hoeveel in getal (10) nie, want daar was groot mense ook daar.

HOF : Sê u net die jeug het opgestaan of sê u van die groot mense het ook opgestaan? -- Ek onthou een van die groot mense wat opgestaan het.

MNR. JACOBS : Wie is dit? -- Die persoon het opgestaan en na die verhoog toe gekom voor waar die persoon die volgende gesê het dat hy by 'n vergadering was die Saterdag waar die besluit geneem was dat op die 3de hulle werk toe sal gaan nie, hulle sal na die kantore toe gaan om die kwessie van die huurgelde te gaan bespreek. Op die stadium wat daardie persoon dit (20) gesê het, het ene Twosome Morobe die volgende woorde gebesig "Wie het julle mense gekies?" In daardie gesprek het 'n jong vrou ook gesê "As julle nie vandag bedank nie, gaan ons julle aan die brand steek tesame met julle huise." Toe dit gesê was, het een persoon opgestaan en gesê "Amandla Simani Isibani."

HOF : Wat beteken dit? -- Dit beteken blus die lig as dit 'n kers is of skakel die ligte af as dit elektriese lig is. Op daardie oomblik het die ligte van die saal afgegaan. Die mense het uit die saal uitgevlug, dit wil sê die gehoor ingesluit. Ons het ook uit die saal uitgevlug. (30)

MNR. JACOBS : Waarheen vlug julle? -- Ons vlug in die rigting

... / waar

waar die voertuie geparkeer was.

Ja en toe? -- Op daardie stadium was hulle besig om klippe na ons te gooi en die voertuie ook met klippe te bestook. Terselfdertyd het die polisie traangas geskiet.

Kon jy sien wie is dit wat die klippe gooi? -- Nee, ek kon nie sien wie dit was wat daardie klippe gegooi het nie.

Kon jy sien waarvandaan af het dit gekom? -- Ja, want ons was aan die westelike kant van daardie vertrek. Hulle was aan die oostelike kant van die vertrek.

Ek wil net weet wie is die hulle? Ek wil nie weet die(10) persoon nie? -- Die mense wat die klippe na ons toe gegooi het, was aan ons oostelike kant.

Was hulle van die mense wat uit die saal uitgekom het? -- Van die mense, sê ek, wat die klippe gegooi het, was wat in die saal was. Die res was dan die mense wat daar buite gewag het.

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HOF: U het jou 'n hele paar keer gepraat van die jeug. Wat bedoel u met jeug? Tot op watter ouderdom? -- Van 16 en meer.

Toe hoe oud omtrent? -- Tot 24.

MNR. JACOBS : Wat gebeur toe? Hulle gooi klippe en die (20) polisie skiet traanrook? -- Die polisie het ons begelei van uit die lokasie uit na buite.

En daarna, wat het gebeur met jou? -- Terwyl ons daar buite die lokasie gewag het, het polisiebeampte Kohao daar opgedaag.

Het hy toe 'n rapport aan julle gemaak? -- Ja, hy het 'n rapport aan my gemaak.

As gevolg van die polisiebeampte se rapport, is jy toe saam met 'n polisiebeampte na jou huis toe? -- Ja, ek is.

En toe jy by jou huis kom, vind jy wat? -- Die hele huis(30) se vensterruite was stukkend gewees.

... / Was

Was daar klippe in die huis? -- Ja.

En nog? Behalwe die huis se vensters wat stukkend gegooi was? -- Die voertuig se agterruit was ook stukkend gewees.

Van jou motor? -- Ja, van my motor.

Het hy duike ook ingehad? -- Ja, hy het duike gehad.

Het daar ook klippe gelê? -- Ja.

Op 2 September 1984 was jy die oggend by jou huis gewees?
-- Ja, ek was tuis.

Ongeveer 17h00 ... (Hof kom tussenbei)

HOF : Dit is nie die oggend nie. (10)

MNR. JACOBS : Het daar op daardie dag van 2 September iets by jou huis gebeur? -- Nee.

HOF : Dit is nou die dag voor die optog?

M NR. JACOBS : Dit is die dag voor die optog, die dag voor die 3de. -- Ja.

Het daar iets gebeur? -- Nee, daar het niks gebeur nie.

Het jy 'n groot menigte mense gesien naby jou huis? -- Ek het mense gesien, maar hulle was ver.

Wat het hulle gedoen? -- Hulle het net daar heen en weer beweeg, besig om te sing. (20)

Om wat te sing? -- Dieselfde lied van Siyaya Epitoli.

En nog? -- Na omtrent twee ure het ek nie meer gehoor dat daar gesing word nie.

HCF : Was die mense in 'n saal of op 'n voetbalveld of in die straat of wat het hulle gemaak? -- In die straat.

Kon jy sien wat die doel was van die byeenkoms in die straat? -- Die geraas was in die derde straat van die straat af waar ek woon. As gevolg van die geraas is ek toe soontoe om te gaan kyk wat gebeur. Toe ek by die straat kom het ek die mense opgemerk. (30)

MNR. JACOBS : Was dit naby iemand se huise of nie? -- Nee.

... / Wat

Wat doen die mense toe jy hulle opmerk? Kan jy vir ons beskryf wat hulle gedoen het? -- Ek het hulle nie gesien iets doen nie, behalwe dat hulle net gesing het en hulle was baie gewees.

Hoeveel is baie? Hoeveel? -- Meer as honderd.

Op 3 September 1984, dit is die Maandag, het jy by jou huis gebly? -- Ja, ek was in die huis gewees.

Toe hoe laat? -- Tot om 11h00.

Ja en toe? -- Terwyl ek daar was het ek telefoonoproepe ontvang van mense wat gesê het hulle is op pad na my toe (10) om my aan die brand te steek.

Wie het gebel? -- Ek weet nie, want die persoon het nie gesê wie hy of sy was nie.

En toe? -- Ek het toe later as gevolg daarvan besluit dat ek die plek moet verlaat, want ek gaan beseer word. Ek is toe uit die woonbuurt uit en het daar by die plotte in die veld gaan sit.

En jou familie? -- Op hierdie stadium was my familie nie meer tuis nie.

Waar was hulle? -- Hulle was in Sebokeng. (20)

By wie? -- By my broertjie se woning.

Hoekom was hulle daar? -- Ek het hulle laat wegkom van die moeilikheid af.

Wanneer het jy hulle laat weggaan? -- Op die 26ste.

Vir watter rede het jy hulle laat weggaan? Wat was jou beweegrede gewees? -- Ek het hulle laat weggaan as gevolg van die bedoel wat by my afgelê was deur ene Stompie Mokhele en Klanyane.

HOF : Net die twee persone? -- En nog ander wat saam met hulle was. Hulle het aan my gesê ek moet bedank anders sal hulle(30) my doodmaak. Ek het dit toe oorweeg om my gesinslede te laat

... / wegkom

wegkom.

Wanneer was hulle daar en het hulle dit gesê? -- Die Maandag.

Die hoeveelste? Kyk, ons praat van Maandag, die 3de was die groot opmars gewees. Hoe lank voor dit? Watter Maandag praat jy van? -- Die 25ste.

Van watter maand en jaar? -- Augustus.

HOF : Ons moet net nie die datums deurmekaar gooi nie. As ek dit reg het, was die 26ste Augustus 'n Sondag en was 2 September 'n Sondag. Was dit op die Maandag, 27 Augustus? -- (10) Ja, dit was die 27ste.

Die opmars was op 3 September, dit is dus nie die Maandag net voor die opmars nie, maar die Maandag voor dit? Laat ek dit anders stel. Die mars was op 'n Maandag. Dit was die Maandag voor die mars? -- Ja, die Maandag voor die mars.

Dit is by u huis wat hulle was? -- Ja.

MNR. JACOBS : Hierdie Klanyane, weet jy wat sy naam is? -- Ek weet nie wat sy naam is nie. Hy is net aan my bekend as 'n seun van Klanyane.

Jy sê die oggend van die 3de ongeveer 11h00 het jy in die veld gaan wegkruip. Wanneer het jy weer teruggekeer na jou huis toe? -- Ek het teruggekom in die nag om en by 21h00. (20)

Het daar iets geskort by jou huis toe? -- Daar was niks verkeerd nie.

Het jy die nag toe in jou huis geslaap? -- Ja.

Die 4de, het jy by jou huis gebly of het jy dit weer verlaat, 4 September 1984? -- Ek is vroeg die môre weg om 06h00.

Waarheen is jy toe? -- Ek is na die hoofkantoor toe te Houtkop.

En het jy toe daar gebly? -- Ja, ek het daar gebly. (30)

Wanneer het jy weer na jou huis toe teruggegaan,

... / persoonlik

persoonlik self? -- Eers die volgende week toe ek verneem het dat my huis uitgebrand was.

Toe jy by jou huis persoonlik terugkeer, wat het jy gevind? -- My huis sowel as my kar was uitgebrand.

Waar was jou kar gewees toe jy weggegaan het? -- Op die erf.

In 'n garage of het hy net op die erf gestaan? -- Nee, nie hy het nie in 'n garage gestaan nie, maar op die erf.

GETUIE STAAN AF.

HOF VERDAAG TOT 14h00.

HOF HERVAT OM 14h00.(10)

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JOHN MGCINA, nog onder eed

ONDERVRAGING DEUR MNR. JACOBS (vervolg) : Mnr. Mgcina, het jy 'n tender ingesit vir die aankoop van 'n dranklokaal? -- Ja, ek het.

Wanneer was dit gewees? Kan jy onthou?-- Ek kan nie meer presies onthou wanneer dit was nie, maar ek onthou die jaartal.

Watter jaartal was dit? -- 1984.

Kan jy miskien vir ons so help deur te sê aan die begin van 1984 of die middel van 1984 of die einde van 1984? -- Die begin daarvan. (20)

Waarvoor het jy getender? Vir wat se soort besigheid? -- Om drank te verkoop.

Wat se drank is dit? Is dit bier of spiritualieë? -- Brandewyn en bier.

Die besigheid waarvoor jy getender het, aan wie het dit voorheen behoort? -- Dit het aan die Administrasieraad behoort.

By wie het jy die tender ingedien of aan wie het jy dit gestuur? -- Aan die Administrasieraad.

Het julle raad op enige stadium - dit is nou die Lekoa Raad - gehandel of gewerk met hierdie tenders? -- Nee. (30)

Weet jy wie - of daar enige ander tenders was? Weet jy

... / enigiets

enigiets van die tenders, hoeveel daar ingegaan het en wie getender het? -- Ek weet van niemand nie.

Het jy al die besigheid ontvang, bedryf jy hom al? -- Nee, ek het dit nog nie oorgeneem nie.

Kan jy net vir die Hof sê, moes jy sekuriteit verskaf? -- Sekuriteit in watter sin?

HCF : Moes hy 'n waarborg verskaf teen die koopsom? -- Ja, ek moes.

MNR. JACOBS : Wat se waarborg moes jy verskaf? -- Ek het banke genader met die oog om geld te leen van hulle. (10)

En toe? -- Hulle het 'n waarborgbrief aan my gegee wat soos volg gelees het dat indien ek daarin geslaag het met my tender dat ek die besigheid kan oorneem, is hulle, die bank, bereid om vir my die lening te gee.

HOF: Het u nie voorlopig die bestuur van die besigheid oorgeneem nie?

Dus daardie betrokke besigheid waarvoor u getender het, word nog heeltemal bedryf deur die Administrasieraad? -- Ja.

MNR. JACOBS : In jou tender, was jy 'n alleen persoon of was julle 'n maatskappy of hoe het jy die tender ingegee? -- (20)
Daar was ander mense saam met my betrokke.

Hoe het julle dit dan behartig? Hoe het julle dit gewerk? -- Ons het dit gedoen onder die naam van Linthane Company.

Linthane Company, is dit 'n maatskappy wat julle gestig het of is dit net 'n vennootskap? -- Ons het ons eie maatskappy begin.

Wie is die lede van die maatskappy? -- George Thabe.

Is hy 'n raadslid? -- Nee. Dr. Tsulu.

Is hy 'n raadslid? -- Nee. Mpondo.

Is hy 'n raadslid? -- Ja, hy is. Mahlatsi. (30)

Watter een? Daar is meer as een Mahlatsi. -- Esau

... / Mahlatsi

Mahlatsi.

Is hy 'n raadslid? -- Ja.

En nog? -- Eksel.

Jy is 'n raadslid? -- Ja, ek is. Rabotapi.

Is hy 'n raadslid? -- Ja. Hlalele van Parys.

Weet jy of hy 'n raadslid daar is? -- Nee, dit weet ek nie.

Nog? -- Nog een in Kroonstad. Ek weet nie wat sy naam is nie, sowel as een in Bethlehem wie se naam ek ook nie weet nie.

Hierdie maatskappy van julle, behalwe die een wat jy (10) netnou genoem het, het hy ook vir ander besighede getender? -- Nee, nog nie.

HCF: Nee, ons praat nou van drankbesighede van die Raad? -- Daar was nie ander nie, behalwe die drankwinkel.

Watter een? Die een in Gebied 11? -- Gebied 11 Soso, Sharpeville, Hostel, Zone 7, Zone 13, Zone 11 en in die Vrystaat naamlik Bethlehem en Kroonstad.

Was julle suksesvol daar? -- Nee, nog nie dat dit oorhandig is aan ons nie.

Nee, ek wil net weet of julle tenders aanvaar is? -- (20) Ja, hulle was aanvaar.

MNR. JACOBS : Is die besighede al aan julle oorgedra? -- Nee, nog nie.

Het julle al enige deposito's of enigiets van die aard betaal? -- Nee, ons het nog niks betaal nie.

Het julle self al enige voordeel uit hierdie besighede gekry? -- Nee.

Ek wil hê jy moet kyk na BEWYSSTUK AL(103). Het jy dit voorheen gesien of 'n soortgelyke een? -- Ja.

Waar? -- Te Bophelong. (30)

By watter geleentheid? -- Op die tydstip van die verkiesings

... / daar

daar het hulle hierdie goed op die kartondose geplak en daarmee dit gehou.

Is dit wat jy vanoggend vir die Hof van vertel het, die mense wat daar by die lokaal waar gestem is opgedaag het met plakkate? -- Ja.

Voor 3 September 1984 toe die opmars daar plaasgevind het daardie dag, - u bevestig dan en u handig ook hierdie dokument in as BEWYSSTUK AL(103)? -- Ja.

Voor dit, die ander plakkate of pamflette of kennisgewings wat daar versprei is, weet jy watter ander organisasies het(10) daar pamflette versprei in die hele Augustusmaand van 1984? -- In daardie tydperk was daar net klein stukkie papier. (Getuie dui grootte aan)

HOF : Ongeveer 15cm x ongeveer 5/7cm.

MNR. JACOBS : Die klein dokumentjies wat daar versprei is, kan jy vir ons sê wie het dit uitgegee? -- Nee, ek weet nie.

HOF : Wat was daar op? -- Daar was op geskryf dat mense na vergaderings toe moet kom om die skelm maniere van die raadslede te kom bespreek.

MNR. JACOBS : Kan jy nog iets onthou behalwe dit wat op die(20) kennisgewings was? -- Nee, ek kan niks meer onthou nie.

CROSS-EXAMINATION BY MR BIZOS : Councillor Mgcina, I would like you to have a very good look at AL(103) and you say to His Lordship that that was the document that was on the placards when you were fighting an election campaign in November 1983? -- Yes.

And do you recognise it by the clear UDF sign on top? -- Yes.

And do you recognise it by its very striking red colour? -- That is so. (30)

And the mass of people that apparently are photographed

... / supporting

supporting the UDF's call to vote in the apartheid election?
Is that right? -- I can see that.

So, it was precisely a printed copy of the very document that is before you that you saw in November 1983 saying do not vote? -- Yes, it was exactly identical to this one.

I am going to put to you that that evidence is false and I will tell you why. There was an election to the tri-cameral parliament in August 1984, was there not? Do you recall that? -- No, I do not know about that.

And that is the election that was known as the apart- (10)
heids election? What do you say to that? -- That one I do not know.

And I am going to put to you what the evidence of the secretary-general of the UDF is going to be that it was not printed until shortly before the August elections in 1984?

COURT : Who is the secretary-general?

MR BIZOS : Mr Molefe.

COURT : Accused no.?

MR BIZOS : 19. -- I saw this one.

But you could not have seen something that was not in (20)
existence yet? -- I saw something which was in existence and this is the one.

And you are as sure of that as you are of all your other evidence? -- That is so.

When was that document shown to you for the first time?

COURT : Which document? Do you mean the particular exhibit or the documents on the placards?

MR BIZOS : This particular exhibit? When was it shown to you for the first time? -- I saw it the day of the elections.

When was that particular one shown to you? -- I see it (30)
for the first time now when it is brought to me.

... / Were

Were you not shown it at some consultation or another before this? -- I have not seen it since the election. That was the last I saw it.

Was that the only - the placards that were held, were they only in that form? -- Yes.

There were no other posters or placards? -- Not at that point where I was holding the elections. All that was there was this kind.

So, you are saying that the election was on what date? -- If I remember correctly it was the 11th. (10)

The 11th of what? -- November.

You do not remember the precise date? -- No.

Do you not remember that the posters that were there did not say "Do not vote in the apartheid election", but that they were make shift posters, saying "Peaceful protest, we do not fight." Did you see any such poster? -- No, I did not see that one.

Did you not see any make shift poster merely saying "Do not vote for community councils"? -- No, I did not see that one. (20)

Do you know whether in - let us put it this way. In Bophelong was there more than one polling booth? -- Yes.

CCURT : Was there in each ward a polling booth? -- Yes.

MR BIZOS : There were three in all? -- Yes.

And did the young people that you have described go from polling booth to polling booth with their placards? -- I did not go to the other polling booths. I remained at my place, which was my polling booth.

You see, because I am going to put to you that the posters in fact were read in the manner in which I told you (30) "Peaceful protest, we do not fight. Do not vote for community

... / councils

councils"? -- I did not see anyone which read like that. All I saw was this one in front of me.

Was the election not on 29 November? -- I cannot remember precisely what the date was.

I want to ask you for your personal attitude in relation to the events of 29 November. Would you have young people in a group singing and holding placards such as those I have told you that they were? Would you have tolerated them near a polling booth? -- There was nothing I could do.

No, just listen to me, please. Would you tolerate(10) young people in a group singing?

COURT : What?

MR BIZOS : Songs. Whatever the songs may be.

COURT : It makes a difference.

MR BIZOS : I do not know whether it makes a difference, but I assume that they were a peaceful crowd, that they were singing songs? Let us take your song Siyaya Epitoli or Mandela or Thambo, whatever they may have been singing, provided that they were doing it peacefully and there was a group near the polling booth, would you have tolerated them? Would you have(20) allowed them to stand there and say with placards "Do not vote"? Would you have tolerated that? -- There is nothing that I would do, because the law was there and it was for the law to see what is going on.

Yes, but you as a candidate, would you have granted these young people the right to hold up placards and say "We are here in peace, do not vote in the community council elections"?

COURT : It is only placards now?

MR BIZOS : Placards and singing?

COURT : You must repeat that.

(30)

MR BIZOS : And singing? Would you have tolerated them? --

... / Even

Even on that, the law was there to take its course. I would have just waited until the law makes it clear to me that this is out of the law. Otherwise I would not do anything.

What is your perception? Did you welcome, or would you have welcomed a peaceful group of youngsters who were holding up placards saying "We are coming in peace. Do not..." (Court intervenes)

COURT : Are you asking about tolerate or welcome? There is a difference.

MR BIZOS : I will put it on both basis. Would you tolerate a group of youngsters who hold up placards saying "We come in peace, do not vote for council election or do not vote for councillors" and who were singing? Would you have tolerated that? -- Police were there at these voting pole booths to look after such things which are out of the law and then act. So, I did not have any discretion. (10)

Were you tolerant on that morning towards people who were agitating and telling people not to vote in the council election? -- I was there because the votes were being held there. I was just looking at what was happening and what- (20) ever was out of the law, the police were there. For instance, the people who were being turned away, on the way to the voting poles, the police were there to see to such things.

Did you consider it as part of the democratic right of any group of people to approach voters as they were coming and try to persuade them either by placards or words not to vote? -- The people who had to do with the law and order were there to see to it that if something goes out of order, then they must react. It was for them to distinguish that.

COURT : Counsel is not asking you that. We know that the (30) police were in charge and that you had nothing to say according

... / to

to you, but what counsel wants to know is, what was your opinion at the time? Were they entitled to do what they did or were they not entitled to do what they did? If they did what counsel says they did? -- No, they had no right to chase people away who were coming to vote.

MR. BIZOS : I am sure that they had no right to assault people or threaten people with assault. The question is, did they have the right to try and persuade people not to vote, for you or for anyone? -- Well, peacefully.

How many policemen were there at your ward? -- Stan- (10)
ding around there at the poling booth were three.

And in the immediate vicinity? -- In the morning when the whole thing started there were only three policemen, I referred to who were at the poling booth but immediately the problems started later, then there was quite a number of policemen all over in the township.

No, we are talking about your poling booth? -- There were no other policemen in the immediate vicinity except for the three I have mentioned.

You see, I am going to suggest to you that what in fact(20) happened is correctly summarised in the report in the Sowetan of 30 November 1983.

COURT : This will be AAQ(20).

MR. BIZOS : Did you see this newspaper report shortly after the election? -- No, I did not, because I did not buy a paper the following day.

Let me read it to you and then I would ask your comments on it. "Five people including three students were yesterday believe arrested by police who earlier had used teargas to disperse a placard carrying crowd that staged an anti-com- (30)
munity council demonstration near poling stations in Bophelong

... / township

township Vanderbijlpark. The five people were taken in police vans to nearby Vanderbijlpark police station. Police would yesterday not confirm the incidents. The group had earlier converged near the township's three polling stations, carrying placards and singing Freedom songs. Some of the placards read 'Peaceful protest. We do not fight. Do not vote for community councils.' The contingent of policemen in vans and cars arrived at the scene and used teargas to disperse the crowd which ran in all directions. For the better part of the day police watched polling stations from a distance while a (10) trickle of voters arrived to cast their votes. Joshua Raboroka reports that in Sebokeng voting was slack at various polling stations in the area, etc." We are not concerned with Sebokeng in your case. Insofar as it describes the events in your polling station, are they correctly described in this report? -- At my polling station I did not see such placards written in the fashion as it is said here in this paper and secondly no police were watching the polling station at a distance. I admit that police did pass there, but not waiting at a certain point. (20)

What is important in that report is that there is no suggestion in that report that there was, for the lack of a better word, but one which is favoured by some, that there was any intimidation, any direct intimidation?

COURT : Is your witness going to say that there was no intimidation? Either Len Maseku or Raboroka?

MR BIZOS : Yes, other witnesses. The objection was to people saying "Do not vote" and not because there was any violence or any intimidation.

COURT : Now why do you not put it on that basis and let (30) us leave this thing aside, because the witness does not agree

... / with

with it and on what basis are you putting this report before me then? It may as well be a witness statement? The witness does not agree with this piece of paper. On what basis does it come before me? How is it evidence?

MR BIZOS : It comes before Your Lordship as to something which was publicly said immediately after the event.

COURT : We are now dealing, not with public perceptions. We are now dealing with facts. I let you hand in the other reports because you were dealing with public perceptions and on that basis they went in. On what basis do you want this (10) one in?

MR BIZOS : With the greatest respect. The fact that this was a contemporaneously published statement, makes it a piece of evidence on its own right.

COURT : Oh, no, then we can all use newspaper reports as proof of the facts.

MR BIZOS : No. If I were not able to assure Your Lordship that the newspaper man was going to be called ... (Court intervenes)

COURT : When you call him, you hand in this report, not (20) before. He has not agreed with it. This evidence goes out.

MR BIZOS : Do you know whether anyone was arrested at your polling station for intimidating anybody? -- I did not see anybody being arrested.

Were you ever called to try and identify anybody that was intimidating your potential voters? -- No, I was not called.

Was your agent or your helpers or your party members or anyone else to your knowledge called to identify anyone? -- No, I did not have anybody who was assisting me. I was alone.

Do you recall now many votes were cast in your favour? (30) -- I cannot remember now off-hand.

... / Do

Do you remember what the percentage pole was at your ward? -- I cannot remember that.

Could you tell us whether your votes were in the multiples of ten or multiples of hundreds? -- About thirty.

They were actually thirty-three.

COURT : Did you have opposition? -- There were people opposing me.

What were their votes? -- Between twenty-five and twenty-six.

MR BIZOS : And the number of possible votes in your ward (10) was 5,470?

COURT : Can it be correct. Are there more than 5,000 possible voters in your ward? -- No.

MR BIZOS : I have others of 4,400 and 4,200 and 4,300.

COURT : I do not know. Perhaps you are right.

MR BIZOS : I have a list, which is proved fairly accurate up to now.

MNR. JACOBS : Ek wil weet waar kom die lys vandaan? Wie se lys dit is waarop gewerk word?

COURT : Is it an official list? (20)

MR BIZOS : It was figures which were published I am told by the Board afterwards. I do not know that I can call it an official list, but public statements were made. If My Learned Friend wants a copy, he can have it. What was published, not actually in this form, were the actual percentage poles.

COURT : Yes, go ahead. It may well be that the witness agrees with your figures.

MR BIZOS : Do you agree that there were 5,470 registered voters in your ward? -- No, I do not agree.

How many do you say there are? -- I estimate it to be (30) about 2,000.

... / Do

Do you remember how many candidates there were?

COURT : In his ward?

MR BIZOS : In his ward? -- Yes, I do.

How many? -- There were two people who were canvassing against me. I was in fact the third person as a candidate in that ward.

Do you know how many people there are in fact in your ward? -- Not exactly.

COURT : To be eligible as a voter in your ward, what does one have to be? -- I must be a resident there. (10)

And over a certain age? -- 18.

Males and females can vote? -- Yes.

MR BIZOS : For how long was this group that protested that had the placards - for how long were they at the polling booth? -- Until at 19h30 in the evening.

No, no, for how long did they stay there? What time did they come to protest, to sing, to show their placards? -- In the morning at 07h00 on my arrival at this hall, they were already present.

And the policemen were there? -- Yes, the three (20) policemen.

Did one or other of these policemen try to speak to these young people? Did they speak to them? -- I would not know, because on arrival there I just went in straight watching my people whilst they were busy voting.

So, did you not keep this group under observation at all? -- I only looked at them on my arrival there.

Is that all? -- No.

Did you keep them under observation or not? -- What I used to do was, I would go out every after two hours to go and (30) see whether people are coming and see what was happening

... / outside

outside.

There was not exactly a queue of voters? -- There were people in the vicinity standing a distance away from the polling station, because they were being chased away by these people.

When did you see the first chasing away? At what time?
-- About 08h30.

At what time was the teargas thrown? -- I would not tell exactly what time it was, but it was before lunch.

Shortly before lunch? -- I am not in a position to tell that. (10)

Is there a telephone at the polling station? -- No.

Is there no telephone nearby? -- The only telephone was at the office.

Was the polling station not anywhere near the office? -- It was near.

Did either you or a policeman or the electoral officer or anybody else immediately go to the telephone and phone the police and say "Come here immediately. Voters are being intimidated away"? -- I did not do that.

Did you remain passive for a number of hours, whilst (20) your potential voters were being intimidated away? -- People who were supposed to have done that kind of a duty, were present there. The people from the law, namely the police.

Before the teargas was thrown just before the lunch, did any policeman go to these young people and say "Hay, listen you, stop this. You are not entitled to intimidate voters"? -- I did not see a policeman approaching them.

WITNESS STANDS DOWN.

COURT ADJOURNS UNTIL 14 MARCH 1986.