

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

Ass. 2

SAAKNOMMER: CC 482/S5

DELMAS

1986-05-13/14

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORE: MNR. W.F. KRÜGEL

PROF. W.A. JOUBERT

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

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HOF HERVAT.    HOF OOP VIR PUBLIEK.

NADARAJ NAIDOO    d.s.s.

EXAMINATION BY MR JACOBS: You are a constable in the South African Police stationed at John Vorster "plein" and a member of the Security Police.

COURT: John Vorster Square I take it.

MR JACOBS: Square. -- That is correct.

On 22 September 1983 did you attend a meeting, a UDF meeting in solidarity with South African Allied Workers' Union, SAAWU, in the Ciskei? -- That is correct. (10)

Where was this meeting held? -- It was held at 42 De Villiers Street at Khotso House.

COURT: At De Villiers ..

MR JACOBS: Khotso House, De Villiers Street.

COURT: So, it was not held in the Ciskei.

MR JACOBS: No, on the Ciskei.

COURT: On the Ciskei?

MR JACOBS: The heading is South African Allied Workers' Union, SAAWU, in Ciskei. That is what took place in the Ciskei.

COURT: Yes, but it was held in Khotso House in Johannesburg. (20)  
-- Yes, My Lord.

MR JACOBS: This meeting, where did it take place? This building, who occupied that building? Do you know? -- It took place on the ground floor, Khotso House, which is on the left-hand side, on the ground floor, on the left-hand side. You pass the reception which is a hall. That is where it took place, this meeting took place.

Do you know where the head-office of the UDF is situated?  
-- Yes, it is situated at Khotso House on the third floor.

In the same building? -- Yes. (30)

When did this meeting take place, what time? -- It took

place at a lunch time. It was a lunch-time meeting, and the meeting started approximately about 13h00.

MR TIP: Sorry, My Lord, may accused no. 10 be excused now? His transport ..

COURT: Yes, certainly.

MR JACOBS: Did you enter this hall? -- Yes.

When you entered this hall, how many people did you find there? -- There were approximately, say 120 people that were there.

COURT: Hundred and? -- Hundred and twenty at the time I (10) entered this hall.

MR JACOBS: What were they doing? -- They were all seated and they were waiting.

Did you take a place in this hall? -- Yes.

Where did you sit? -- I sat about five rows from the front on the right-hand side of the hall.

Can you describe what you saw in the hall in the line of decorations or anything like that? -- The hall was decorated with various types of banner which I could not remember, but I could remember one specifically, that of SAAWU. That was (20) hung behind the people that were seated.

COURT: At the back of the hall? -- No, at the front, at the tables where ...

Do you mean behind the speakers? -- Yes, behind the speakers where they were seated.

MR JACOBS: Can you remember who the speakers were? -- Yes.

On the platform? -- Yes.

Who were they? -- The chairman was Popo Molefe..

That is the accused? -- Yes.

Accused 19. (30)

COURT: Accused no. 19. -- And the second speaker was reverend ..

I actually do not know it in order, but I could tell the Court who they were. The next speaker was Mr Frank Chikane, the Reverend Frank Chikane.

Yes? -- And the next speaker was Mr Parshaw Camey and the fourth speaker was Herbert Barnabas which was called from the crowd. He was seated amongst the people, the crowd.

Yes? -- And there was an unknown speaker who had to come from East London which did not turn up and somebody else had to take his place but I really do not know his name.

MR JACOBS: Is that all you can remember? -- Those were all (10)  
the ...

That you can remember. Can you tell me before the meeting started, were any Freedom Songs sung in that hall? -- No, not that I could remember.

And during the meeting, can you remember whether .. -- Yes, I could. There were slogans shouted and things.

COURT: Do you say that Freedom Songs were sung during the meeting or that slogans were shouted or both? -- At the time I entered the meeting there were not any Freedom Songs sung at that time. (20)

Yes? -- During the proceedings of the meeting there were Freedom Songs and slogans shouted out.

MR JACOBS/..

Can you remember when you entered the hall did you see anybody doing anything there? -- Yes there were quite a few people with cameras and things walking up and down there at that time when I entered the hall.

Can you give us more particulars about the cameras, did you see any video cameras? -- Yes there were quite a few of them there, I really cannot remember who they were.

Can you remember whether anybody was handing out pamphlets or anything like that? -- Yes there were pamphlets at the time when the meeting terminated, there were pamphlets (10) at the entrance of the door, and the Chairman of the meeting as well as the Reverend Frank Chikane asked the people to hand out these pamphlets, take a few of these pamphlets hand it out and leave it at the bus stops and things like that.

COURT: The Chairman being accused no. 19? -- Yes.

MR JACOBS: Now I am going to ask you to have a look at the video tape that is going to be played in court here. Edele ek het 'n verseelde koevert wat ek wil oop maak. Dit gaan oor BEWYSSTUK 2 wees en die transkripsie wat daarmee saamgaan wat vir gerief van die Hof voltooi is is 42. Ek sal (20) net, op die koevert is 'n, dit is 'n amptelike koevert verseël met rooi lak en waarop 'n polisie seël 1141 afgedruk is. Dan is hier bo-aan op die buitekant van die koevert geskryf:

"1. Oorsponklike video gemerk: Solidarity with the  
banning of SAAWU in Ciskei: Khotso House 33"

en dan met 'n wit plakkertjie met die nommer 96 daarop. Ek breek dan die seël. Binne-in is 'n video kasset sonder dat hy in 'n houër is, net so oop. Op die agter kant van hom is 'n gedrukte, hierdie tape druk wat hulle het, waarop staan "Solidarity with the banning of SAAWU in Ciskei: Khotso (30) House 33" en dan onder is geskryf op "No. 33".

HOF: Khotso House 39?

MR JACOBS: 33, Drie, drie.

HOF: En daaronder?

MNR JACOBS: En onder is nou weer in swart ink geskryf ook "No. 33". En dan die plakkertjie wat daarop aangebring is is op die voorkant daaraan gebring is 'n 96 daarop geskryf en dan is, ek vra verlot dat ek hierdie bewysstuk inhandig.

HOF: Is die bewysstuk ook gemerk BEWYSSTUK 2?

MNR JACOBS: Ja hier is a D5 en dan V2 is hierop gedruk net maar dit is, daardie V2 verwys het na die transkripsie. (10)

HOF: Ja maar is daar 'n nommer op, 2? Want dit is ons bewysstuk nommer.

MNR JACOBS: Edele op die ding self het ek nie 'n plek om te, tensy ek ....

HOF: Ons sal 'n nuwe plakkertjie êrens moet opsit om dit op te sit.

MNR JACOBS: Tensy ons op die koevert merk as BEWYSSTUK 2.

HOF: Ja maar dit moet gemerk word op die video ook. My klerk kan daarna kyk. Jy kan maar voortgaan intussen.

MNR JACOBS: Ek vra dan verlot dat hierdie band gespeel (20) word en ingehandig word as BEWYSSTUK 2.

MR TIP: My Lord may I just place on record again, with Your Lordship's consent, that the same objection and ruling will apply to this video cassette?

COURT: The same objection is noted and the same ruling applies.

MR TIP: And for reasons of practical convenience, without prejudice to any arguments as to the admissibility later, we will endeavour to make suitable comment where anything strikes us for instance ... (30)

COURT: Yes if there is anything you want to place on record

you/....

you can reserve your rights as far as the admissibility is concerned but let us do it at the same proceedings.

MR JACOBS: I would like you to have, before we start we are going to play this video tape in court now and I would like you to stop the playing of the video if there is anything that you want to bring to the attention, anybody that you identify, speakers or any other incident that you can remember, just stop it and then explain it to the Court and we will take the number and everything. Do you understand? Even if you can identify yourself on the video you do that and (10) stop it.

HOF: Laat ek net duidelikheid kry by die operateur geld hier ook soos by die voriges dat daar nommers is en dat die nommers presies dieselfde werk as by die vorige bande en dat dit ook nommers is wat toepaslik is op hierdie tipe masjien wat ons al tevore genctuleer het? Net vir duidelikheid wat is die masjien waarop ons speel? JVC Model HR/D 120ES. En begin die band ook by nommer 1? By nül. Ja ons begin ...

MNR JACOBS: Ek mag net vir die Hof sê Edele ek dink dat (20) ons dit miskien op rekord plaas as u kyk na BEWYSSTUK V2 op die voorkant daar is 'n ongeveer 'n half uur daaronder waar staan NB dan waarop daar 'n ander toneel waar mense opgelei word in die gebruik van 'n video kamera en dan begin, daarna begin die vergadering eers.

HOF: Moet ons nou na die eerste gedeelte kyk of nie? Hierdie getuie weet tog niks daarvan nie?

MNR JACOBS: Nee hy sal nie daarvan weet nie.

HOF: Dan moet ons die band aanspeel totdat die getuie kennis dra daarvan en dan die nommer neem en dan begin. (30)

MNR JACOBS: Dan daarvanaf begin. Ek moet u moet hom net

aangaan/....

aangaan dat ook sigbaar is dat 'n mens net kan sien wanneer die vergadering werklik begin. Nee jy moet maar aandraai dat hy maar net loop.

HOF: Stoot hom maar vinnig aan asseblief totdat ons kom by die saal waar die vergadering gehou is.

VIDEO RECORDING BEING PLAYED.

HOF: By 1882 begin hierdie deel van die band waarin hierdie getuie belang het. -- This is the poster that I was referring to.

No? 1892. Is this the poster that you referred to? It(10) says "Solidarity with SAAWU and the People of Ciskei"? -- That is correct.

Yes thank you. Stop. No. 1902. -- My Lord that is accused no. 19 and alongside him is Parashuf Kamai(?).

Is who? -- Parashuf Kamai.

1913, yes? -- That is the Reverend Frank Chikane on accused no. 19's left-hand side.

Yes. Number? 2098, yes? -- That is where he shouted the slogans, "Amandla - Awetu".

Yes? Number? 2118. -- I am sitting right there with the(20) green jersey and the brown tie on, that is me at the meeting.

Yes, at the back, well it is not. -- It is opposite that post next to the guy with the chequered shirt there.

Yes we see you. Number? 2153. -- The gentleman with the blue jersey and the glasses, he led the crowd into singing the freedom songs.

The one standing there? -- Yes with the glasses on, yes.

MR JACOBS: Do you know who he is? -- No I do not know who he is.

COURT: Number? 2220. -- That is Parasuf Kamai. (30)

COURT ADJOURNS UNTIL 14h00.



C260 COURT RESUMES AT 14h00.

AADARAJ NAIDOO: d.s.s.

FURTHER EXAMINATION BY MR JACOBS: Kan ons maar voort speel?

Ek dink ons het laaste opgehou waar hy gestop het en verduideliking gemaak het. -- Can you stop there please.

That is Parashuf Kamai.

MR TIP: My Lord that is a video interruption, if we could just record the number?

COURT: What is the number? -- 2289.

MR JACOBS: Kan ons hom net 'n bietjie terug vat en net (10) 'n bietjie harder sit miskien?

HOF: Laat ons hom net weer oorspeel, wat presies gebeur het.

MR JACOBS: Kan ons hom net 'n bietjie harder speel. Ons sal ....

HOF: Ek sien dat op my transkripsie is dit nie doodgetrek nie, daar is 'n gedeelte doodgetrek op My Geleerde Assessor se transkripsie. Dit is nou bladsy 9.

MNR JACOBS: Edele ons sal getuienis aanbied, as daar 'n versterker aansit dan hoor jy die stem. Ek wil net graag (20) vra as die Hof net sal notuleer daar dat daar wel, soos My Geleerde Vriend sê daar 'n onderbreking in die stem is, gaan die beeld normaal aan, daar is nie 'n breking in die beeld nie, miskien.

MNR TIP: Ek stem daarmee saam.

HOF: Ja, dit is so genotuleer.

MNR JACOBS: Dan sal daar later getuienis wees waar versterkers gebruik word en dan kan dit miskien in die Hof gedemonstreer word.

COURT: 2139, yes? -- That is where he shouted the slogan (30) "Amandla - Awetu".

Amandla slogan. Yes thank you. Number? 2338. -- That is the Reverend Frank Chikane.

Yes, thank you. Number? 2470. -- Edward Barnabas(?) was seated amongst the people at the time he was called to the tables.

Thank you. Number? 2563. -- An injury to one and an injury to all is a slogan as is said by Edward Barnabas.

MNR JACOBS: Kan ons die nommer daar in die vorige is, die nommer?

COURT: 2602.

(10)

MR JACOBS: Kan jy vir die Hof vertel wie is Yusef Dadu(?) wat hierso vereer word deur die spreker daar en waarvoor daar 'n oomblik stilte daar was? Kan jy vir ons sê of nie?

COURT: Die getuie praat Engels.

MR JACOBS: Sorry, can you tell us who Yusef Dadu is, the person who was honoured here? -- I am not sure if

MR TIP: My Lord I am not sure if this really falls within the ambit of identification of the video or whether the witness is at large to expound on his political knowledge or not. I do not know if it is ...

(20)

HOF: Waarom lei u die getuie op die videoband?

MNR JACOBS: Ek sal hom dit nou net, ek het maar net gedink dit is op hierdie stadium gerieflik. Ek kan seker na dit vir hom vra.

COURT: Any objection to it being asked later Mr Tip? If not why not now?

MR TIP: Well if he is in a position of some expertise in this regard. It is common knowledge who Yusef Dadu is My Lord.

COURT: Well will you then inform me?

MR TIP: My Lord it should come perhaps from the witness. (30)

COURT: Well seeing it is common knowledge you can ask the

question.

MR JACOBS: Can you tell the Court who Yusef Dadu is, if you know? -- Yusef Dadu is an Asian male who is a member of the ANC and that was in exile in London at the time when he passed on.

MR TIP: My Lord since the video is conveniently paused at this moment there is something arising out of the transcript which records people rising with clenched fists.

COURT: There were people with clenched fists after the moment of silence. You remember that? That is just before (10) this, do you think it is incorrect?

MR TIP: I do not know whether that creates the impression that the majority had clenched fists because my impression was that there were rather few clenched fists. Again I ....

COURT: I remember too but I was not looking for a number.

MR TIP: There is really not a great deal of significance in this, I merely raised ....

COURT: We can replay it, play it back please

MR TIP: I merely raised it because we stopped at that point.

COURT: There are quite a number Mr Tip, even Mr Molefe had (20) his fist raised.

MR TIP: My Lord there are also a number of people rising without clenched fists.

COURT: Yes. Yes that is recorded.

MR TIP: Again I draw Your Lordship's attention to a video interruption.

ASSESSOR (MR KRÜGEL): Which is recorded.

MR TIP: It is recorded, I think it might be convenient just to record the number of the tape.

COURT: 2612. What do I record there at 2612? (30)

MR TIP: Video interruption My Lord.

MNR JACOBS: Kan ons net 'n endjie teruggaan en kan ons hom net terugspeel dan kan ons miskien sien om dit presies te bewoord Edele?

COURT: Yes. It is between 2612 and 2613 that the video interruption occurs. And this video interruption is an interruption of both the picture and the sound, is that correct?

MR TIP: As Your Lordship pleases.

COURT: 2640. -- I could identify myself being seated amongst the people there again. (10)

Number? 2651. -- This Black man came out of the audience on his own accord and he was speaking to the people about the happenings of Ciskei and at the time when he came out from the audience he did not have that hat on his head, he had it in his pocket. At the time when he went to speak to the crowd then he put this hat on, and if you take close notice to the hat it is a black hat with a yellow stripe and a green stripe above the yellow.

MR JACOBS: What does this signify? -- It signifies the colours of the ANC. (20)

COURT: Number? 2798. -- This is the speaker that is from East London, took the place of another speaker and his name is unknown.

3016. -- That is the national anthem, that is the national anthem Nkosi Sikelele.

Yes Mr Tip?

MR TIP: My Lord there appears to have been a brief video interruption there as well.

COURT: Where? At the moment there is somebody in front of the camera, that is not a video interruption. Just before (30) that?

MR TIP: Just before, there is a break in the soundtrack as well.

COURT: Yes, it is noted. Number? 3092 is the end of the tape.

MR JACOBS: Now you have seen the video tape, you have looked through it. Is that a true version of what took place at that meeting? -- Yes.

Thank you.

COURT ADJOURNS UNTIL 14 MAY 1986.

COURT RESUMES ON 14 MAY 1986.

COURT: Mr Tip before we start I handed my registrar a note to pass on to you, it would seem that in the clarification which you handed up to Court, AAS(6), there are still matters which require clarification.

MR TIP: My Lord I hope I will be able to resolve that this morning.

COURT: So we can do it by another clarification of the clarification and amplification, or we can put it on record immediately and get it over with. (10)

MR TIP: If that is suitable to Your Lordship.

COURT: As far as I am concerned if we put it on record properly it would be in order. On page 23 it would seem that under paragraph 11.14 in respect of accused no. 19 there should be a reference to two more paragraphs. The paragraphs being paragraphs 1.2.1, item 10 and paragraph 1.10.1, item 8. Is that correct?

MR TIP: Yes, perhaps I might just explain what was intended by paragraph 11.14. It was not intended there really to provide an index to every place where accused no. 19 was mentioned, (20) it merely ....

COURT: I got the impression that that was the idea, because there are places for example in the case of accused no. 21 I think, there is a very indistinct reference to I think only his initial and it is not certain whether that covers him or not.

MR TIP: M. Chikane My Lord?

COURT: Yes.

MR TIP: In paragraph?

COURT: 1.2.1, 14. (30)

MR TIP: Yes, in those paragraphs we have added in brackets

the accused's number.

Yes? -- And it was really in relation to where merely the names are set out in this document and in AAS(4) that we wanted to refer Your Lordship to the particular paragraphs to confirm that those were in fact the accused. But certainly it is correct that in paragraph 1.2.1....

COURT: He is referred to as the accused.

MR TIP: ... he is referred to as the accused.

COURT: Strictly speaking if this is not supposed to be a full index of the references then it does not matter much. (10)  
Accused no. 20 is referred to in 1.2.1.

MR TIP: I confirm that My Lord, yes.

COURT: That we have, and also 1.10.1.

MR TIP: That is so.

COURT: And then accused no. 19 is referred to in 1.2.1 and 1.10.1.

MR TIP: That is so My Lord.

COURT: Well that is then so noted and I will add that to the list. I think that is the easiest.

MR TIP: I am indebted to Your Lordship. I beg your pardon (20)  
My Lord I thought I might take the opportunity just to report very briefly on the result of accused no. 10's visit to hospital yesterday. He did consult with a surgeon who requires that he be admitted for surgery. The proposal, subject to Your Lordship's consent, is that he be admitted on 9 June for surgery on 10 June. It will be a minor piece of surgery but may indispose him for a day or so.

COURT: That is accused no. 10?

MR TIP: Accused no. 10.

COURT: Yes will you remind me of that please. (30)

MR TIP: We will do so.

AADARAJ NAIDOO: d.s.s.

CROSS-EXAMINATION BY MR TIP: My Lord we have no questions for Constable Naidoo.

NO FURTHER QUESTIONS.

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PREM BASDEO: d.s.s.

EXAMINATION BY MR JACOBS: You are a sergeant in the South African police stationed at John Vorster Square, Johannesburg, security branch? -- That is right.

On 19 August 1984 did you attend the UDF meeting, One (10) Year Rally in Selborne Hall, Civic Hall, here at Johannesburg? -- Correct.

When you arrived at the scene at the hall what did you observe? -- When I entered the hall the hall was fully decorated with banners and posters.

Can you remember some of the banners or posters? -- Some of the banners were COSAS, Congress of South African Students, JODAC, Johannesburg Democratic Action Committee, Soweto Youth Congress and United Democratic Front, One year in United Action. Those are some of the banners. (20)

And what were the people doing when you entered the hall? -- When I entered the hall on the stage there were some Black women singing songs, I think they were from the homelands, and shouting slogans like.

Did you notice any people on the stage, speakers on the stage? -- I noticed the Chairman who acted as Chairman, Cassim Saloojee.

Was he on the stage?

COURT: Who was the Chairman? -- Cassim Saloojee.

MR JACOBS: Can you remember the other speakers or some of (30) them, if not all, that were on the stage? -- That is right.



One of them was Frank Chikane, Albertina Sisulu, Dorothy Nyembe, Aubrey Mokoena.

COURT: Slowly. Yes? -- Laloo Chiba.

Who? -- Laloo Chiba.

How do you spell the Chiba, C-h-i-b-a? -- That is right.

Yes? -- On the one table they were singing some freedom song by the name of Jessica Cheman.

MR JACOBS: Can you remember whether there was a person from SWAPO? -- That is right, the Chairman introduced him as Jerry Nkanjo. (10)

COURT: Jerry Nkanjo? -- That is right.

MR JACOBS: Did you remain for the whole meeting there? -- That is correct, till the meeting ended.

Now I am going to show a video here in court, with the permission of the Court, and while it is going on will you tell the Court whether that is the meeting that you attended and if you can identify anything you stop the video and ask the Court to identify, and then you identify what you want to the Court. -- Correct.

Edele ek het twee koeverte wat ek, wat twee bande in is (20) wat ek sal oopmaak.

HOF: Twee koeverte.

MNR JACOBS: Elke band is in 'n koevert.

HOF: Is daar twee bande van die een vergadering?

MNR JACOBS: Van die een vergadering. Ek sal die eerste een oopmaak, die koevert.

HOF: Is dit bande wat op mekaar volg?

MNR JACOBS: Dit is reg. Die eerste een is geseël, dit is in 'n amptelike koevert waarin dit geseël is met gebruik van rooi lak waarop 'n polisie-seël afgedruk is. Die seël nommer is (30) 1141. Op hierdie buite blad van die koevert is aangebring

"Courspronklike video gemerk op bokant" en dan die aanmaning "Dorothy/Albertina/Altire", ek weet nie of dit 'n naam is nie, dit is A-l-t-i-r-e, en dan streepie is daar gemaak en dan sê hy "Revival speaker, SWAPO speaker....."

HOF: "Revival speaker"?

MNR JACOBS: "Rival speaker".

HOF: "Rival speaker".

MNR JACOBS: Ja ek sien, R-i-v-a-l. SWAPO speaker, dan is dit strepie "SWAPO speaker", en dan is gevolg "UDF One Year Rally" en dan is hieraan 'n verdere aantekening "Wit plakker-(10) tjie genommer 65" en dan weer 'n aanhaling op agterkant "UDF One Year Rally 19/8/84". Edele sal ek eers ook die tweede een ....

HOF: Ek dink u moet hulle een een neem en dan gee ons hom 'n nommer.

MNR JACOBS: Ek sal dan hierdie ene oop maak Edele. Edele in die koevert is daarso 'n video opnamekasset. Hier is 'n etiket aangebring op die onder kant van hom en daar staan in hierdie kleur band met uitdruk lettertjies "UDF One Year Rally 19/8/84". Dan op die bokant van hom sal ek dit noem is 'n etiket aange- (20) bring waarop dan staan in lopende skrif "Dorothy/Albertina/Altire", dan "Rival Speaker/SWAPO speaker" en onder dit weer ook in skrif, in drukskrif hierdie keer "UDF One Year Rally". Die band wat gebruik is is JVC VHS Video Cassette, Dynarec E180.

HOF: Wat is dit?

MNR JACOBS: Dynarec, D-y-n-a-r-e-c.

HOF: 180?

MNR JACOBS: En dan E180. En dan kom die plakkertjie, wit plakkertjie wat daarop staan die letter "65" en dan onder (30) dit "V18(a)". Dit is die eerste band dan, sal ons dit dan

maak ....

HOF: Wat is die nommer? Watter Bewysstuk nommer wil u gee?

MNR JACOBS: Dan maak ons dit 18(1) maak Edele, want dit is 'n loop, die tweede ene, die tweede band (2) maak en miskien...

HOF: BEWYSSTUK 18(1).

MNR JACOBS: (1), en by 18(1) sal betrokke wees dan die transkripsie 18(a).

HOF: Dit is V18(a). Is daardie kasset nou gemerk? Is hy nou 18(1) gemerk?

MNR JACOBS: Hy is op die oomblik net 18(a), V gemerk. (10)

HOF: Merk hom asseblief, hier is 'n pen wat hom duidelik sal doen, merk hom 18(1).

MNR JACOBS: Edele ek gaan hom merk op hierdie etiket wat reeds hier is, daar is genoeg spasie, ek sal hom dan daarop merk. Ek het hom dan gemerk BEWYSSTUK 18(1).

HOF: Ja.

MNR JACOBS: Edele op die stadium dan wil ek ook die tweede koevert oop maak, dit is ook 'n amptelike koevert verseël met seël lak waarin daarso 'n voorwerp is. Die seël is geseël met polisie seël nommer 1141. Op die voorkant hiervan is geskryf(20) "Oorspronklike video gemerk:", dit is, hier is twee keer geskryf dieselfde en die eerste is "UDF One Year Rally 19/8/84", die "one" is uitgeskryf hierso, nie 'n syfer nie maar die woord "one". En dan net onder dit staan daar dan "UDF 1 year Rally 19/8/84", hier is die letter "1" gebruik. Hierdie twee sinsnedes is saamgewat deur 'n hakkie en dan daarna staan "Op agterkant van band", blykbaar is dit 'n aanhaling hier van die agterkant van die band. En dan is daar 'n wit kleefpapier gemerk "117". Ek sal dan ook hierdie seël oop breek. Hierdie ene is 'n kasset in 'n houër. Daarop staan op die (30) voorkant van hom "JVC Video Kasset E180". Dan onder is

daar/....

daar geskryf "Dynarec VHS". Op die agterkant word daardie selfde bewoording herhaal, "JVC Video Kasset" en dan is die "E" net nie, "180 VHS", en dan is hierso net op die heel agterkant van hom net "aanwysings". En dan die videokasset self....

HOF: Wat u nou gelees het is 'n houër. Ja?

MNR JACOBS: Nou op hierdie, op die onderkant is hierso ook weer 'n etiket, 'n wit etiket aangebring. Daarop staan "UDF", die bewoording soos ek dit net nou gelees het, "One", geskrewe, "Year Rally 19/8/84". Onder dit staan "City Hall". En dan (10) 'n kleefband gedruk weer "UDF One Year Rally 19/8" en dan hier is die "one" dan 'n "1", "19/8/84".

HOF: 19/8/84?

MNR JACOBS: 84. Op die bokant is daar daardie etiket wat ek netnou na verwys het Edele wat ook hier aangebring is en daar is in potlood net opgeskryf "Band Twee". En op die hoek is 'n wit kleefpapier geplak met die nommer "117" daarop. Dit is dan net vir polisie doeleindes gemerk V18(b), dit is die transkripsie wat hierop gaan betrekking hê. Kan ek hierdie ene merk met u verloop Edele, 18(2)? (20)

HOF: Ja dit word BEWYSSTUK 18(2). Gaan dit met transkripsie V18(b) saam?

MNR JACOBS: V18(b) saam. Ek vra nou verloop dat ons BEWYSSTUK V18(1) in die hof begin speel.

HOF: Nee nie V18, dit is BEWYSSTUK 18(1).

MNR JACOBS: BEWYSSTUK 18(1), waarop V18(a) betrekking sal hê.

HOF: Werk hierdie op dieselfde sisteem as die voriges, is daar ook nommers?

MNR JACOBS: Ja Edele. (30)

HOF: En geld presies dieselfde as by die vorige bande?

MNR JACOBS: Presies dieselfde.

VIDEO CASSETTE IS SWITCHED ON.

HOF: Nommer? 122. Yes? -- Those posters like "Don't be a ja-baas" were displayed most places in the hall.

Just a moment. Could you put it a little clearer. There we are. -- "Don't be a ja-baas", that was displayed around the hall. The other one "Boesak Speaks".

Yes? -- That was also displayed quite a few places in the hall.

MR JACOBS: Is that inside the hall? -- Inside the hall, (10) that is right.

And these are posters that were decorating the hall?  
-- Yes that is correct.

COURT: Yes we can continue. Number? -- That is Frank Chikane.

Maak dit duideliker, moenie die ding so laat nie, stel hom dat ons kan sien. Ja? -- That is Frank Chikane over there.

Number? 176. You say that is Frank Chikane? -- Yes he was one of the speakers.

Thank you. What is the number? 340. We have just had a long interruption in the sound and picture of the video. (20) Thank you, continue. Number? 401. We have also had a further interruption in the sound and picture of the video. Yes? Number? -- That is Cassim Saloojee who acted as Chairman of the meeting.

Yes, you must just give me an opportunity to place on record what the number is before you start speaking. Number? 416. Yes your comments are? -- That is Cassim Saloojee who acted as Chairman of the meeting.

Yes continue. Number? 493. -- That is one of the banners that was displayed at the meeting "One Year in United Action" (30) and the UDF emblem on the side there.

Yes, / . . . .

Yes, thank you. Number? 518. -- Those caps is written "One Year Rally" on it, they were distributed at the meeting, people are wearing them.

Stop there. What is the number there? 548, I note that at this stage the actual meeting starts, Mr Saloojee starts addressing the audience at 548. Yes. Number. 967. -- That is actually one of the speakers introduced by the Chairman, she is from Tzaneen and she spoke on behalf of the people of Tzaneen.

Just a moment. Please remove that child from the (10) courtroom. Will you please repeat what you say? -- That is actually one of the speakers introduced by the Chairman as Sepho and she is from Tzaneen and she spoke on behalf of the people of Tzaneen.

Thank you. Number? 1206. -- They shouted the slogan "Amandla - Awetu" continuously in the meeting.

Yes. -- That is Professor Ismail that is seated in the audience.

Number? 1503.

MR JACOBS: What was the comment? -- That is Professor (20) Ismail Mohammed seated in the audience there, I mean on the stage, and he was one of the speakers at the meeting.

COURT: Is he seated in the audience? -- On the stage.

On the stage? -- That is right.

Yes, thank you. Number? 1519. -- That is one of the COSAS banners that is displayed at the back of the hall.

The yellow banner? Yes. Number? 1523. -- Another banner that was displayed in the hall, Soweto Youth Congress.

Yes? Number? 1530. -- Another banner that was displayed by JODAC. (30)

Yes. Number? 1598. -- That is one of the speakers,

Samangolisa Makwatsa.

Yes. Number? 1602. -- One of the slogans that are shouted in the hall, "Joe Slovo", they shouted the name of Joe Slovo.

C262

Yes.

MR BIZOS: My Lord I did not want to interrupt during the speech but perhaps we should note that there appeared to be interruptions in the speech on at least two or three occasions.

COURT: Yes yesterday we noted it in the following way, (10) immediately there was an interruption Mr Tip got up, we stopped the proceedings and mentioned the particular place. So any time you want anything noted get up and stop the operator.

MR BIZOS: I am sorry I did not do that but Mr Camda(?) has done it ....

COURT: But the interruptions are in any event on the transcription, they are indicated on the transcription.

MR BIZOS: Are they indicated there.

COURT: I suggest that where the interruption is not (20) indicated on the transcription you note it, otherwise we take the transcription as correct.

MR BIZOS: As Your Lordship pleases. And now My Lord, I do not know whether, I have not checked in the transcript, obviously there is an interruption because he calls for something, is cut off and then something else, and then another speaker is shown.

COURT: Number? 1842.

MR BIZOS: Your Lordship will recall that he calls for, he puts a rhetorical question and expects a response and then (30) he is cut off and the Chairman takes over.

COURT: /.....

COURT: One normally does not get a response to a rhetorical question.

MR BIZOS: I think he got one.

COURT: Yes, it is noted. Number? 1970. -- When the Chairman told the audience to keep quiet and they became very aggressive, he told them the police is outside.

Number? 2315. -- The speaker introduced by the Chairman, who spoke in the meeting is Dorothy Nyembe.

2333. -- Another speaker that I see on the video is Albertina Sisulu, wearing green. (10)

The green dress? -- That is right.

Yes? Wat is die nommer nou. 2467.

COURT ADJOURNS FOR TEA. COURT RESUMES.

PREM BASDEO: d.s.s.

VIDEO AGAIN SWITCHED ON.

COURT: Our number was 2467, we continue from there. Number? 2657. -- That is Jessica Sherman sang two songs.

Yes. Number? 2890. Yes? -- That is Albertina Sisulu, another speaker.

Thank you. Number? 3338. -- That is Laloo Chiba, one (20) of the speakers at the meeting.

3417. -- That is Aubrey Mokoena, one of the speakers.

C263 Number? 3974. -- That is Ebrahim Patel, one of the speakers in the meeting.

Number? 4440. Yes? -- That is Jerry Nkonjo, another speaker.

Thank you. Have we got a number on that tape now? 4473 is the end of the tape, Jerry Nkonjo is still speaking.

COURT ADJOURNS FOR LUNCH.



HOF HERVAT

MNR. JACOBS: U Edele, voor die getuie inkom, ek wil net vir u verskoning vra vir die vertraging, dat ons laat begin het, en dankie ook dat ek kon, maar dit was noodsaaklik gewees. Hulle wou die tegniese beampte teruggeroep het Pretoria toe.

HOF: Het u die saak opgeklaar?

MNR. JACOBS: Ek het dit opgeklaar.

HOF: Want ek was van plan om hom te laat arresteer sodat hy nie kan wegloop nie.

MNR. JACOBS: Nee, dit is op hierdie stadium opgeklaar dat hy (10) bly, maar daar sal nog weer verdere opdragte kom.

PREN BASBEO (Still under oath)

MNR. JACOBS: U Edele, dan vra ek verlot dat ons oorgaan om die tweede band, BEWYSSTUK 18(ii), te speel. (Videoband word gespeel - stop.) Nr. 544.

COURT: Yes? -- My Lord, that is one of the speakers, Professor Ismael Mohammed.

Thank you. (Video tape is played - stop.)

No. 1095. -- My Lord, the song that they are going to sing is Nkosi Sikelele which is led by Aubrey Mokoena. (20)

(Video tape is played - stop.) No. 1259. -- My Lord, this is not part of the meeting. I recognise it as a scene in Lenz, election, on election day.

A scene in Lenz on election day? -- That is right.

Are we interested in this, Mr ...

MNR. JACOBS: Nee, U Edele.

COURT: Yes, thank. Do you want to look at it further?

MNR. JACOBS: Ek glo nie dit is nodig nie, terwyl net vir die volledigheid van die transkripsie miskien net ...

HOF: Is daar nog baie op? (30)

MNR. JACOBS: Ek glo nie dit is baie nie. Dit is baie kort.

HOF: Ja, speel hom maar deur.

MNR. JACOBS: So te sê klaar, dat ons die einde van die band kan kry ook. (Videoband word gespeel tot die einde.) As ons miskien net die lesing kan kry.

COURT: 1308 is the end of the tape.

MR JACOBS: Now, you have looked through both the tapes, 18(1) and 18(2). Can you tell the Court does it depict what happened on that meeting and what took place on that meeting? As you looked through it, can you identify it, on that meeting? -- That is correct. (10)

CROSS-EXAMINATION BY MR BIZOS: You said that those caps that people were 'waiting' were printed for this rally. Is that what you said? Did I understand you correctly?

ASSESSOR (MR KRÜGEL): No, not printed for the - they were handed out at the ..

COURT: Handed out at the rally.

MR BIZOS: You did not say that they were printed for this purpose? -- No.

Oh, I see. Then the other matter that I want to draw to your attention is that, I do not think anything turns on it, (20) but just in case, the woman that you pointed out in the green dress as Mrs Albertina Sisulu before she actually spoke, was Mrs Esther Maleke. -- Well, that is a mistake, My Lord.

COURT: Who made a mistake? -- I made a mistake.

Yes?

MR BIZOS: That is all.

RE-EXAMINATION BY MR JACOBS: No questions.

NO FURTHER QUESTIONS

MNR. JACOBS: Die volgende getuie wat ek gaan roep wil ek weer aansoek doen dat hy in camera sal getuig en ek vra dat die ...(30)

HOF: Ja, ons sal die aansoek nou aanhoor in camera.