

SAAKNOMMER: CC 482/85

DELMAS

1986-08-06

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

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KONTRAKTEURS:

LUBBE OPNAMES  
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HOF HERVAT OP 6 AUGUSTUS 1986.

MR BIZOS : My Lord, accused no. 17 is absent.

COURT : He will be away for a couple of weeks?

MR BIZOS : That is so.

MNR. HANEKOM : U Edele, ek roep adjudant-offisier Nkosi.

ZEPHENIA NKOSI, v.o.e. (Deur tolk)

MNR. HANEKOM : Hy getuig oor Kwa Thema.

ONDERVRAGING DEUR MNR. HANEKOM : U is 'n adjudant-offisier in die Suid-Afrikaanse Polisie verbonde aan die veiligheistak gestasioneer te Springs? -- Dit is so, ja. (10)

U woon en werk ook baie in Kwa Thema in die distrik Springs?  
-- Dit is so.

Sedert wanneer woon u in Kwa Thema? -- 1953.

Gedurende of die tydperk na Oktober 1984 was daar enige organisasies aktief in Kwa Thema? -- Ja, daar was.

Watter organisasies was dit? -- UDF, COSAS, AZAPO, AZASUM.

Waarvoor staan AZASUM? -- As ek nie 'n fout maak nie staan dit vir Azanian ... ek het vergeet Azanian wat.

Van die organisasie COSAS het u enige lede van die organisasie geken? -- Ja, ek het. (20)

Wie was dit? -- Pepsi Mahlangu.

Weet u wat sy posisie was in COSAS.

Nog ander persone? -- Jantjes.

HOF : Is Jantjes sy voornaam of sy van? -- Jantjes is sy van. Sy voornaam is Cyrial.

MNR. HANEKOM : Weet u wat sy posisie was? -- Dit was nie vir my duidelik gewees wat sy posisie was nie, want hy was tussen die twee UDF en AZAPO. Wat sy rang daar was, kan ek nie sê nie.

HOF : Tussen UDF en AZAPO? -- En COSAS. Eintlik was hy maar by al hierdie organisasies soos ek hulle genoem het. (30)

MNR. HANEKOM : Het COSAS in die tydperk na 1984 vergaderings

... / gehou

gehou? -- Ja, hulle het.

Was dit klein vergaderings of massavergaderings? -- Dit was massavergaderings gewees.

Waar was die vergaderings in Kwa Thema gehou? -- Te Kwa Thema Civic Centre, in die saal daar.

Is dit ook nog op 'n ander plek gehou soms? -- Ja, partykeer by die Rooms-Katolieke Kerk.

Het u enige van die vergaderings onder observasie gehou? -- Ja, ek het.

Op 6 Januarie 1985 het u observasie gehou by die gemeen-(10) skapsaal te Kwa Thema?

MR BIZOS : In view of some other evidence that we have heard, I would appreciate it if My Learned Friend does not lead the witness in relation to dates.

MNR. HANEKOM : Het u gedurende Januarie 1985 observasie gehou by die gemeenskapsaal in Kwa Thema? -- Ja.

Wanneer was dit? Watter datum? -- 6 Januarie 1985.

Was u binne-in die saal waar die vergadering gehou is of het u 'n ent daarvanaf observasie gehou? -- Ek was 'n ent weg van die plek waar die vergadering gehou was. (20)

Het u enige prominente persone gesien wat die vergadering bywoon? -- Ja.

Wie was dit? -- Van die persone ken ek van sien. Ek weet nie wat hulle name is nie.

Het u persone daar gesien wie se name u ken? -- Mahlangu, die voorsitter, naamlik Pepsi Mahlangu was teenwoordig gewees. Hy was die voorsitter.

HOF : Dit was 'n COSAS vergadering? -- Ja, dit was 'n COSAS vergadering.

MNR. HANEKOM : En afgesien van Pepsi Mahlangu, het u enig- (30) iemand anders geken daar? -- Die ander was studente gewees wie

... / se

se name nie aan my bekend is nie. Die rede hoekom is omdat studente van Tsakane en Duduza het ook na hierdie vergaderings gekom. Met die gevolg daar was van hulle wat nie aan my bekend was nie.

HOF : As u nou praat van studente, bedoel u persone wat verder is as die hoërskool of bedoel u persone wat op hoërskool is?  
-- Ek praat van persone wat nog op skool is wat nog nie matriek geslaag het nie.

Kom ons praat maar van skoliere.

MNR. HANEKOM : Was daar na daardie vergadering op 6 Januarie(10) 1985 enige probleme in KwaThema? -- Na hierdie vergadering uiteen gegaan het, in die laat middag, het hulle toe die busse met klippe begin gooi.

Het u na hierdie vergadering weer 'n vergadering bygewoon in u hoedanigheid as ouer van skoolgaande kinders? In u hoedanigheid as 'n ouer? -- Ja.

Op watter datum was dit? -- Dit was op 22 Januarie 1985.

HOF : Wie het die vergadering gereël? -- Daar was pamflette versprei wat hierdie vergadering aangekondig het.

MNR. HANEKOM : Wat het die pamflette gesê, wie reël die (20) vergadering? -- COSAS was die persone wat hierdie vergadering geroep het, volgens die pamflette.

Waar is hierdie vergadering gehou? -- Te Kwa Thema Civic Centre.

Wie het opgetree as voorsitter by die vergadering? -- Cyrial Jantjes was die voorsitter van die vergadering.

Het hy 'n toespraak gemaak en die doel van die vergadering verduidelik? -- Ja.

Wat het hy gesê wat is die doel van die vergadering? -- Hy het gesê die doel van die vergadering was dat daar gepraat(30) moet word, want daar is 'n versoek van die skoliere dat die

... / Bantoe

Bantoe-onderwys afgeskaf moet word.

Wat het hy nog gesê? -- Die tweede ding wat hulle van gepraat het, was dat hulle gepraat het van 'n sekere verandering wat aangebring is op skool wat die skoliere nie aanvaar het nie. Hulle wou dit nie gehad het nie.

HOF : Watter soort verandering? -- Die verandering wat hulle van gepraat het, was dat wat kan gedoen word om die departement te stop om nie in te meng met wat hulle, die skoliere, wil doen op die skool nie.

MNR. HANEKOM : Het hy gesê waarom die ouers byeen geroep (10) is vir die vergadering? -- Ja, hy het gesê die rede hoekom die ouers hierdie vergadering moes bygewoon het, was dat die ouers ook moet bydra en die skoliere behulpsaam moet wees.

Het u end uit in die vergadering gebly of wat het gebeur? -- Nee, ek is op 'n stadium weg daar. Die rede is dat een van die skoliere daar het haar hand opgelig en toe die volgende gesê dat daar polisie is tussen ons hier en die polisie moet die plek verlaat.

Wat was die gehoor se reaksie toe die skolier dit sê? -- Die gehoor het toe gesê "Laat die honde uitgaan." Ons is (20) toe uit.

Hoeveel van u was polisiemanne wat daar was wat uit is? -- Ons was vier.

Die skolier wat vir die mense gesê het daar is polisie teenwoordig, hoe was hy aangetrek? -- Hy het 'n COSAS T-hemp aangehad.

Was daar in die tydperk na Oktober 1984 onluste en oproer in Kwa Thema? -- Ja, daar was.

Was daar sekere teikens in die onluste? -- Ja, daar was.

Wat was dit? -- Die eerste een was om die polisie se (30) huise aan die brand te steek.

Hoeveel polisiemanne in Kwa Thema se huise is aan die brand gesteeek? -- Ses huise was aan die brand gesteeek.

Is u eie huis aan die brand gesteeek? -- Ja, dit was.

Wanneer was dit? -- 6 Oktober 1984.

Was u by die huis toe dit gebeur? -- Ja, ek was tuis. Ek het geslaap.

Watter tyd is u huis aan die brand gesteeek? -- 03h00 in die oggend.

Behalwe uself, wie was nog in die huis? -- My vrou en ses kinders was ook in die huis. (10)

Hoe is u huis aan die brand gesteeek? -- Twee petrolbomme is in die eetkamer gegooi.

Het die twee petrolbomme gebrand nadat dit in die eetkamer geval het? -- Ja, dit het aan die brand geslaan en my vrou se hand was gebrand sowel as 'n klein kind se regterhand wat ook gebrand was.

Was daar mense wat geslaap het in die eetvertrek? -- My vrou en die jongste kind het daar geslaap.

Is dit die kind wat gebrand is aan die hand? -- Ja.

Hoe oud is die kind of hoe oud was die kind? -- 3 Jaar.(20)

Is dit die enigste twee petrolbomme wat na die huis gegooi was? -- Nee, daar was nog drie van die petrolbomme wat in die slaapkamer gegooi was. Dit is die slaapkamer langs aan die eetkamer. Dit was 'n vier vertrek huis.

Het daar mense geslaap in die kamer? -- Ja, daar was mense gewees wat daar geslaap het.

Hoeveel mense en wie was hulle? -- Vier mense het daar geslaap.

Was dit u kinders? -- Ja, ook van my kinders.

Het enige van die petrolbomme aan die brand geslaan of (30) ontplof? -- Van die drie het nie een aan die brand geslaan nie.

... / Ek

Ek het in die ander slaapkamer geslaap. Dit is die een agter. Daar was twee petrolbomme gewees daar, waarvan net een aan die brand geslaan het. Buite was 'n Staatsvoertuig geparkeer, 'n Kombi. Toe die petrolbom aan die brand geslaan het, het die vlamme begin brand teen hierdie Staatsvoertuig. Gelukkig het ek toe betyds uitgekom en die voertuig verwyder - die vuur geblus. Ek het net die vlamme geblus en nie die voertuig verwyder nie, want dit het alreeds begin brand teen die voertuig.

Het u huis afgebrand of wat het gebeur? -- Nie heeltemal afgebrand nie, want ons het die vuur geblus met water wat (10) ons daar gebruik het.

Behalwe die huise van die polisiemanne, was daar nog ander teikens? -- Ja, die burgemeester se huis.

Wie was hy? -- Mr Mzimane.

Wat het met sy huis gebeur? -- Die skoliere het daar by die man se huis gekom en 'n groot klomp. Hulle het die huis daar met petrol besprinkel ... (Mr Bizos intervenes)

MR BIZOS : I am assuming that the witness has personal knowledge of this and in any event I would suggest with respect that these matters are covered to a very large extent by (20) the admissions.

COURT : Is there a specific admission that the mayor of Kwa Thema's house was burnt down?

MR BIZOS : I am not sure of that.

COURT : Then the State is entitled to lead that evidence.

MR BIZOS : But whether the witness was present or not.

COURT : That is another matter.

MR BIZOS : That is another matter.

HOF : Sal u die nodige vrae vra, asseblief?

MNR. HANEKOM : Was u teenwoordig toe dit gebeur het? -- Hier-(30) die huis het twee keer aan die brand geslaan op dieselfde dag.

... / Toe

Toe dit vir die eerste keer gebeur het, het die polisie daar opgedaag as gevolg waarvan die persone geskrik het en toe gevlug het.

Het u self ook daar opgedaag? -- Ja, saam met die polisie wat daar opgedaag het.

Ja? -- Dit was om en by 12h00 die eerste brand van die huis.

HOF : In die dag? -- In die dag.

MNR. HANEKOM : Op watter datum was dit? -- 16 Oktober 1984 was die datum. (10)

U sê dit was 12h00. Wat het verder gebeur die dag? -- Hulle het gevlug en die vuur is geblus. Om en by 16h35 het hulle weer teruggekom.

Was u toe daar? -- Nee, ek was nie daar nie, maar ek het later daar opgedaag na die huis alreeds gebrand het.

Hoe laat het u daar opgedaag? -- Om 17h15.

Wat sien u toe? -- Die meubels van die huis was uitgebrand gewees, ingesluit die stoele.

Behalwe die polisiebeamptes en die burgemeester se huis, was daar enige ander teikens? -- Ja, want eintlik wat hulle(20) voor baklei het, was dat die raadslede moet ophou om te werk vir die Raad.

Hoe weet u dit? -- Dit weet ek van as gevolg van 'n sekere bron wat ons daarmee help.

U Edele, dit sal nie toelaatbaar wees nie.

HOF : Dit word geskrap.

MNR. HANEKOM : Het daar in die tydperk na Oktober 1984 enige raadslede bedank in Kwa Thema?

HOF : Laat ons nou net eers hoor. Is dit die enigste huis wat aangeval is van 'n raadslid of is daar nog ander raadslede (30) se huise ook aangeval behalwe die burgemeester se huis? --

... / Te



Te Kwa Thema was die burgemeester se huis die enigste raadslid se huis wat aangeval was.

MNR. HANEKOM : Het daar enige raadslede bedank na Oktober 1984?

-- Ja, daar het.

Hoeveel raadslede het bedank? -- Twee.

Hoeveellede was daar op die Raad? -- Nege.

HOF : Het daar toe sewe oorgebly dan? -- Ja.

MNR. HANEKOM : Is daar in Kwa Thema biersale wat aan die gemeenskapsraad behoort? -- Ja, daar is.

Hoeveel is daar? -- Daar was drie groot biersale (10) gewees en omtrent vier kleiner biersale.

Het daar enigiets met van die biersale gebeur? -- Hulle was almal aan die brand gestee.

Wanneer was dit? -- Dit was op die datum van 16 Oktober 1984.

HOF : Dit is die dag wat die burgemeester se huis aan die brand gestee is? -- Ja.

MNR. HANEKOM : Ek wil aan u 'n dokument toon wat gister ingehandig is as ABA(64). Herken u die dokument? -- Ja, ek herken die dokument. (20)

Waar het u dit vantevore gesien? -- Ek het dit gesien te Kwa Thema lokasie waar dit versprei was by die bushaltes.

Die dokument of pamflet praat van 'n "stay-away" op 5 en 6 November 1984. Wat het op daardie twee dae in Kwa Thema gebeur? -- Op die datums wat hier genoem word, die 5de en die 6de te Kwa Thema was mense in die oggende gekeer om nie werk toe te gaan nie.

Het u dit self gesien? -- Ja, ek het.

Waar is die mense gekeer en hoe is hulle gekeer? -- Ja, ek het dit gesien. Daar is 'n bushalte in die nabyheid van (30) 'n hostel waar baie mense die busse haal, insluitende die mense

... / wat

wat inwoners is van die lokasie. Om by hierdie bushalte te kom is daar 'n stuk oop veld. Die mense wat die ander gekeer het, het daar in daardie oop stuk veld gelê.

Hoe het hulle die mense gekeer? -- Die mense wat daar gelê het het gewag tot die mense wat die busse wou gaan haal het tot by hulle gekom het waar hulle gelê het. Dan het daardie mense wat daar gelê het opgestaan. Hulle het sambokke gehad en toe daardie mense met sambokke geslaan en teruggedryf na die wonings toe.

U Edele, nou gaan ek die getuie lei net op een insident(10) in Tsakane. Daar was in Tsakane 'n begrafnis gehou vir ene mnr. Diale. Onthou u dit? -- Ja, ek onthou dit.

Kan u onthou op watter datum dit was? -- As ek nie 'n fout maak nie, was dit 22 Oktober 1984.

Wie was mnr. Diale? Was hy aan enige organisasie verbonde? -- Ja, Diale was die voorsitter van COSAS te Tsakane.

Waar is die begrafnisdiens gehou? -- Die Metodiste Kerk van Tsakane. Dit is waar hierdie begrafnis gehou was.

Het u daar observasie gehou by die kerk? -- Ja.

Toe die begrafnisgangers na die diens uit die kerk uit-(20) kom, wat het u opgemerk? -- Ek het twee jong manne gesien wat vlae gehad het.

Vlae? -- 'n Vlag word gehou deur twee persone, links en regs.

HOF : Was dit dan twee jong manne wat een vlag vasgehou het of twee vlae? -- Dit was een vlag gehou deur twee jong manne.

Met 'n stok aan elke end? -- Ja.

Ons noem dit 'n banier, 'n "banner"? -- O, sorry.

MNR. HANEKOM : Wat was op die banier? -- 'n AK47 wapen was daarop geteken.

Was daar enigiets geskryf op die banier? -- Ja, daar (30) was iets geskryf.

... / Kan

Kan u onthou wat dit was of kan u nie? -- Nee, ek kan nie meer so goed onthou nie, behalwe dat ek net kan onthou dat daar 'n AK 47 geteken was op hierdie banier.

Afgesien van hierdie banier, was daar enige ander baniere? -- Ja, daar was nog 'n ander een wat gebou was deur twee jong manne ook op dieselfde manier, een aan weerskante.

Wat was op die banier? -- Op die een was daar 'n sekel en 'n hamer geteken.

Wat was die kleur van die banier? -- Dit was rooi van kleur gewees. (10)

Het u enige ander baniere gesien? -- Ja, ek het ander gesien soortgelyk aan hierdie. Daar was byvoorbeeld AZAPO s'n. HOF : As u sê soortgelyk dan bedoel dit twee persone wat die banier vashou? -- Ja.

MNR. HANEKOM : Was daar na die begrafnis enige probleme in Tsakane daardie dag? -- Ja, daar was baie probleme gewees.

Wat het gebeur? -- Polisie se huise was gebrand. Die burge-meester se huis was ook gebrand. Die busse was aangeval met klippe as gevolg waarvan die busse nie meer in die lokasie kon ry nie. Al die biersale in Tsakane was ook aan die brand (20) gesteeek.

... / CROSS-EXAMINATION

CROSS-EXAMINATION BY MR BIZOS: Mr Nkosi one of the first questions that were asked of you by the Prosecutor was whether any organisations were active in Kwa Thema in 1984.

COURT: From October 1984.

MR BIZOS: From October 1984. -- Yes.

And you gave four organisations and right on top of the list you put the UDF. -- Yes.

Right, now are these the only four organisations that you know of that were active in Kwa Thema? --Yes.

You know of no other organisations that were active in (10) Kwa Thema from 1984 to the end of 1985? -- Yes.

And I suppose you put the UDF right on top of the list because you regarded that as the most important and the most active organisation in Kwa Thema during this period? -- Yes.

Alright. Please tell us who was the UDF Chairman in Kwa Thema? Take your time. -- Well from my observation if there was a Chairman there I would say Njantjies was the Chairman in Kwa Thema.

Of the UDF? -- Well from my observation.

Well why would you call him the Chairman of UDF? -- It (20) is because I really do not know which organisation was being led by him, the reason being that he was involved with all the others.

Alright let us try the next, who was the Vice-Chairman of the UDF, that was the foremost active organisation in Kwa Thema, who was the Vice-Chairman? -- I do not know who the Vice-Chairman to him was.

Who was the Secretary of the UDF during this period? -- No I do not know.

Well can you name any UDF office bearer in Kwa Thema? (30) -- No.

Then/....

Then I want to know Warrant Officer Nkosi why you put the UDF on top of the list of your evidence as one of the active organisations in Kwa Thema, why? -- The reason is that the UDF was distributing a lot, if not the most of the pamphlets in Kwa Thema.

What pamphlets of the UDF were distributed in Kwa Thema and when? -- For instance these that were saying to the people they must not vote and they must not go to work etcetera.

Which pamphlet of the UDF said to people they must not go to work? -- That means we used to get some pamphlets smaller (10) in size from UDF which were distributed in the area, some in the streets and some in the yards.

The question was which pamphlet did you see on which occasion which told people not to go to work and which was issued by the UDF? -- I do not have some of these documents I am referring to because it is long ago that this happened that we collected them and we have destroyed them now, those that perhaps I would have had with me to come and show this court what I am talking about.

I see yes, very well. Now tell me have you ever heard (20) of any other organisations that were active in Kwa Thema during this period, besides the ones that you have mentioned? Heard of them at all? -- Yes COSAS.

Yes other than those four, other than the three that you mentioned, COSAS, AZAPO, UDF and AZASUM, did you ever hear of any other organisation being active there? -- No.

Alright. You have never heard of ERAPO? -- Well that is a recent thing.

Oh I see, how recent, when did you first hear about it? -- If I am not mistaken this only started early this year, (30) which is 1986.

I/....

I see. For how long have you been in Kwa Thema? You mentioned 1954 which is a long time but have you been in Kwa Thema since 1954, continuously? -- I have been there since then, I have never been away from Kwa Thema.

Yes and you never heard of ERAPO before 1986? -- No.

Did you ever hear of MAWU, M-A-W-U, standing for Metal and Allied Workers Union, did you ever hear of them? -- Yes I heard of that one.

Yes, were they not very active during 1984 and 1985 there? -- They were there, active but not more active than the (10) other organisations I have just mentioned.

Well you have told us about the stay away on 5 and 6 November, was MAWU not concerned with that? -- No I do not have an idea on that.

You do not have any idea about that. Any other organisations, such as the United Metal, Mining and Allied Workers Union of South Africa? UMMAWUSA? -- I used to hear about UMMAWUSA but it was not that much active.

Did it not hold meetings in Kwa Thema? -- Which one now? -- Both MAWU and UMMAWUSA, did they not hold meetings? -- (20) They did have meetings.

Yes. Matters of concern about what was happening in the township and schooling and housing? -- I cannot recall them being involved to school activities. In most cases they had to do about employment.

Yes. Did you ever hear of FOSATU? -- Yes I heard.

Was it not active in Kwa Thema during this period? -- It was active, yes.

Yes, it concerned itself with local issues? -- Yes.

Yes, including, and was it involved with the stay (30) away on 5 and 6 November? -- No I do not have that knowledge.

You/...

You do not have that knowledge. Do you know who issued the pamphlet that has been placed before you?

COURT: ABA64.

MR BIZOS: As Your Lordship pleases. -- No I do not know.

Well it has got a printer's number at the bottom, did not anybody try and find out, you as a member of the security police? -- No we did not find out.

Well apparently it was not issued by the UDF.

COURT: Any comment on that observation? -- That means?

MR BIZOS: Well you tell us what it means. -- That because (10) of our knowledge about the activities that the people who were most active there in organisations were COSAS and UDF we took it for granted that this must be coming from the two organisations, namely COSAS and UDF who were known to us as being active.

I see. Was that your decision or your superior's decision or a joint decision? -- No that was my own opinion.

I see. You just assumed that it must be the UDF and COSAS? -- Yes that is so.

But you know during the 1983 elections did you monitor (20) those as a security policeman in Kwa Thema? -- Yes I was present.

Yes. You remember what, do you recall that MAWU set up worker's committees in order to bring to the attention of the authorities at the same time as the elections were being held the high rentals that were being paid, the housing problems in the townships and also the apparent demolition of squatters camps that had been set up in and around Kwa Thema, do you remember that? -- In the first place there were no squatters camps in Kwa Thema from right at the beginning.

Were there not people who set up things in the back (30) yards because of the lack of accommodation? -- Not in Kwa Thema.

Anyway.../....

Anyway, do you ...

COURT: No but are you putting it to this witness that there were squatters camps in and around Kwa Thema?

MR BIZOS: Not camps My Lord, that there were squatters dwellings. I have over-stated the camps but that there were squatters in the existing stands.

COURT: Well then it is not around Kwa Thema, then it is in Kwa Thema.

MR BIZOS: In Kwa Thema.

COURT: Yes? (10)

MR BIZOS: Now do you know anything about these committees? -- I do not have the knowledge about the committees referred to by the defence but about the squatting that never happened.

Alright leave out the squatting for a moment. -- There was no such.

Were there these committees involved in local problems? In 1984? 1983-1984? -- No I have no knowledge.

You have no knowledge. Do you agree that unions affiliated to FOSATU were particularly strong in the Springs area? -- No that I do not know. (20)

You do not know. Do you know whether there were trade unions, other trade unions which were also quite strong which were not affiliated to FOSATU, do you know anything about that? -- No that I do not know.

ASSESSOR (PROF. JOUBERT): I am sorry I do not hear so well, are we talking about FOSATU or COSATU?

MR BIZOS: FOSATU, COSATU was the successor of FOSATU but that happened in late 1985. FOSATU, it was FOSATU I think up to about September 1985. Yes I do have a note that the witness is correct that there was a mistake in the instructions, it related to Katlehong and not to Kwa Thema. Were there/.... (30)



there squatters camps in Katlehong? -- Well I hear they talk about that, that there were squatters.

There were squatters. And did these unions...

COURT: Have you knowledge of Katlehong? -- Not much.

Yes well ...

MR BIZOS: Not much, very well. Now do you know whether AZAPO held any meetings duringf 1984? -- Yes.

Did you attend any of those meetings or keep them under observation? -- No except keeping observations.

Right. During 1984 was there an unemployment problem (10) in Kwa Thema? -- Yes there was.

Right. And were there a lot of unemployed youngsters that would be indistinguishable from scholars when they were walking around the streets? -- Yes that happened that you find children or people of the same age and the others are attending school and the others not and it is difficult to say whether this one is attending or not.

And you, the, was there peace in Kwa Thema until October 1984? -- Yes there was.

Yes. And do you recall that schools were to reopen (20) on 26 September 1984 in Kwa Thema? -- Yes.

Yes. And do you recall whether the office bearers of MAWU and UMMAWUSA and FOSATU got together and held a meeting in 1984 at which ten senior scholars and ten parents were elected to try and avoid the problems that other townships in the country may have been having in relation to schooling? Do you know something about that? -- I do not quite remember really because these organisations on holding their meetings they do not inform us. We just see with the meeting being held without having any knowledge of a meeting which was to be (30) held.

Yes./....

Yes. Well they did not keep their efforts a secret. Did you not know and was not wide publicity given to it that they appealed to Dr Viljoen, who was then responsible for education, in an effort to avoid any difficulties of the schooling of their children? -- Yes I understand what you put to me and I quite agree with you but what happens is these organisations where they make a mistake is when they do not inform us about meetings that they are going to hold and as to what is the meeting about.

Yes. -- Secondly we sometimes only get it from rumours (10) that a meeting is to be held only by chance then one will attend that meeting to know what was the meeting about. Otherwise we missed some of these meetings if we did not even get it from rumours to know that there was a meeting to be held.

COURT: In any event you are not putting that this was a public meeting? It was a private meeting according to...

MR BIZOS: My Lord the election was a public meeting. The election was a public meeting of the ten representatives.

COURT: I see.

MR BIZOS: Now what I want to put to you is this, that (20) in the main the parent representatives on this body were shop stewards and other union officials of MAWU and UMMAWUSA. -- Yes.

COURT: Well do you agree or do you not know? -- It sounds as if I do not know about that.

Well it sounded to me also that you did not know but do not say "yes" because it comes on the record as "yes".

MR BIZOS: Well you see because I am going to put to you that the initiative, the initiative in relation to communal affairs in Kwa Thema during this period was taken by FOSATU(30) and its affiliated unions. Are you able to admit or deny that?/....

that? -- I do not know about that.

You do not know. Right. And do you know whether FOSATU and its affiliated unions were in any way affiliated to the UDF or not? -- No I do not know that.

You still, you did not know then and you do not know now? -- No I do not know that.

You see because I am going to put to you that these unions, which were particularly strong in this area, were not affiliated to the UDF, that is FOSATU and its affiliates? And for that reason there was no UDF presence in that area. (10) What do you say to that? -- I do not agree with you.

You do not agree, very well. There was no civic association in Kwa Thema? -- No there was none.

You told us that there was a COSAS and you are correct about that that there was in fact a COSAS but do you know how big or small its membership was? -- No I do not know, they were quite many those people.

Well do you know how many of them were COSAS members or not? -- No I do not know because we did not get the list.

Yes. Very well. Now do you know what happened on 2 (20) October 1984 in Kwa Thema? -- I cannot quite remember what happened on that date unless maybe you give me some details I might remember something.

Fair enough. Do you recall that a baker's van was attacked? -- Yes I do.

Right. Were you there, have you got any personal knowledge? -- No I do not have any personal knowledge.

Do you agree that that was the first unrest in Kwa Thema? -- I would not agree with you because I really cannot remember exactly what happened first in Kwa Thema, the reason being (30) that these things happened within a short time of the other  
and/....

and therefore I am not in a position to tell.

Do you know of any act of violence, of public violence or attack on any home or house or business or anything else prior to 2 October 1984? -- No.

You do not. Well do you recall that as a result of this attack on the baker's van the driver lost control of his vehicle and three people were killed and six people were seriously injured? -- Yes I remember that incident.

Yes. And as a result of these deaths the youth of Kwa Thema went on a rampage after this incident? -- Yes. (10)

And it was on that day that, after this incident, that attacks were directed against the Kwa Thema Civic Centre, the Kwa Thema Town Council offices? -- Yes I agree with that.

Yes, and the police reacted to this? -- Yes.

And a number of people were shot? -- Yes.

And from then on the situation became out of control?  
-- Yes.

Do you know of any calls made by churchmen like Bishop Nkwane ...

COURT: Bishop Nkwane? (20)

C.386 MR BIZOS: I have got two spellings for it, I will give Your Lordship, N-k-o-a-n-e, but sometimes there is a w after the k, I am not sure precisely how, and other trade union leaders in order to try and restore the calm, in order to restore peace? -- I did not hear anything about that, especially from Bishop Nkoane.

Yes. You tell us that you saw or kept under observation a meeting of 6 of January 1985? -- Yes.

How do you know that this was a COSAS meeting? -- As a result of the information received prior to this day (30) of the meeting that COSAS was going to hold a meeting this particular/...

particular day I came to know that this was a meeting of COSAS.

And is that how you know that it was a COSAS meeting?

-- That is so.

Yes. And would you agree that Kwa Thema is near a number of other townships and that young people move from one township to the other? -- That is so, I quite agree with that.

And how do you know that the meeting of 22 January 1985 was a COSAS meeting? Let me remind you because I do not (10) want to take unfair advantage, it was the meeting at which you yourself attended as, you told us in the capacity as a parent. -- Yes.

Now was this not a meeting called by the committee of parents and scholars that had been formed back in September 1984? -- What I know is as a result of the information received by me was that COSAS are the people who are the conveners of that meeting.

That is the information you received? -- Yes.

Were there both parents and scholars at the meeting (20) of the 22nd? -- Yes the majority of the people in this meeting were the children and the parents were quite less than the number of children attending this meeting.

Anyway it was an open meeting for all parents? -- That is true, it was open.

How many people would you say were in all at this meeting?

-- I estimate them, the people there, to have been about 500.

And were there both scholars and parents on the platform?

-- Yes.

And were there speakers both from the scholars and the (30) parents? -- Mainly of the elderly people not the scholars were/....

were the people who are members of AZAPO and COSAS.

Are elderly people members of COSAS? -- Just a minute.

Sorry. -- And from the scholars the leaders who were playing a leading part from COSAS were also speakers.

COURT: So were the elderly people members of AZAPO? - Yes.

And the scholars were of COSAS? -- Yes.

MR BIZOS: Were there not members of this committee that I told you about, of trade union leaders from FOSATU and MAWU and the other trade unions? -- There were people from those organisations, I cannot dispute that. (10)

Yes, and on the platform? -- Yes.

Yes. And was not the purpose of this meeting that as the new academic year was about to start in 1985 that this committee was trying to find a way of getting the children back to school, the scholars back to school, and to restore peace in the community? -- I would not agree with that because what was happening in that hall you would not like it being there.

COURT: Why? -- In the first place these children were so wild that one would not be able to do anything with them. (20)

Yes? -- Secondly those parents referred to that they were there attending this meeting none of them ever uttered a word in this meeting except for those VIP's who had the opportunity of saying something.

MR BIZOS: The people on the platform? -- Yes.

The parents who were on the stage? -- Yes.

COURT: Were they parents that were on the stage or were they just VIP's? -- I would say mostly VIP's were on the stage, the leaders of the organisations.

MR BIZOS: Have they not got children? -- Oh well some do (30) have children, that I cannot dispute.

I/....

I am sure. Now tell me how long did you stay at this meeting? -- About half an hour.

Yes. Now when this young scholar said that the police were among you and that they must leave did anyone come to your defence? -- No none.

Yes. So your presence, you assumed that your presence was not wanted there both by the scholars and the others, who were not policemen? -- That is so.

What time was this meeting? -- This meeting started at two. (10)

Yes. And you left at after half an hour when how many speakers had spoken by the time you left it? -- Four speakers.

Yes. Now how many elders and how many scholars? -- Two scholars and two adults.

And were each one of them, both the scholars and the others, given an opportunity to have their say? -- What happened is from the parents who belonged to the organisations there were two speakers and another two speakers from the scholars.

And were they listened to, these four? -- Yes they were (20) listened to.

Yes, and I assume that the reason why you said you would not like to see what was happening at that meeting must be a reference to the stage when your presence as a policeman was noticed? -- No right at the beginning of the meeting these children were wild.

COURT: And were they wild right through until you left? -- Yes.

MR BIZOS: How could they have listened to the four speakers that spoke? -- They could have listened to the speakers (30) because these children are in good terms with the leaders

of/...

of these organisations.

Then they could not have been wild throughout the meeting?  
-- The way in which they were wild I am not really in a position to tell His Lordship in fact what was happening what was the cause of their being wild.

COURT : But what do you mean by wild? Do you mean they were jumping up and down on the chairs of what do you mean by wild?

-- In the first place they were singing those songs, the freedom songs, jumping around in the form of dancing.

MR BIZOS : Is that inbetween speakers? -- Yes, inbetween (10) the speakers. After each and every speaker they would do that and then stop and then another speak would start.

COURT : You say they sang freedom songs and they were dancing or jumping. What else do you mean by wild? -- The third reason why I say they were wild is that at the time when we left, that is when they were calling us dogs, that confirmed to me that in fact no one would be able to control these children.

MR BIZOS : Any way, you and your policemen colleagues left? -- Yes.

And you do not know what decisions or resolutions were (20) taken at this meeting? -- No, I do not know.

WITNESS STANDS DOWN.

COURT ADJOURNS.                      COURT RESUMES.

ZEPHENIA NKOSI, still under oath

CROSS-EXAMINATION BY MR BIZOS (continued) : You told us about this meeting of parents and scholars. They did not want to do what the department wanted them to do? -- Yes.

If you can say so, say so. If you cannot remember, say so. Do you remember how many differences there were between the department and the demands of the scholars or of the scholars (30) and their parents? Can you remember what the differences were?

... / I



-- I cannot remember that, therefore I do not know.

You told us that you could not distinguish between scholars, young unemployed people or groups of people that moved around in the locations during the time of unrest? -- Yes.

Would it be better to say for instance that the mayor's house was attacked by young people rather than by scholars? -- (Witness hesitates in answering)

Do you understand the question? -- Just repeat that question?

The people that attacked the mayor's house for instance, (10) you do not know whether the people that did the attacking were scholars or young unemployed people or a mixture of both? -- I would not be able to tell.

COURT : Was anybody arrested in connection with that crime?

-- If I remember well there was one who was shot at that scene.

Did you know him? -- No, I do not know this person.

Was anybody arrested in connection with the arson of your house? -- Nobody was arrested.

MR BIZOS : In relation to the stay-away that you spoke of in November 1984 and these people that were hiding in the ground (20) not in the ground, were hiding in the veld and then prevented people from going to catch the buses ... (Court intervenes)

COURT : One may say there was a snake in the grass.

MR BIZOS : Did that happen very early in the morning, before daybreak? -- Yes.

Because - you know, I cannot see how it could have happened more than once, because if you expose yourself once, then the trick would not work the second time, would it? If there is a steady stream of people going to work? -- Yes.

So, it could only have happened once? If it happened (30) at all. -- Yes, it happened only once during that time.

... / COURT

COURT : And how long did it continue that these people were chased away? -- About five minutes, because this was a big group of people.

MR BIZOS : And did the police chase them away? -- Yes.

And of course you do not know who these people were? -- No, I did not know.

You have put Mr Cyrial Jantjes - is it Cyril Jantjes? -- Yes.

I am suggesting to you that you put him in too many organisations? -- Yes. (10)

Because you see for someone to be a prominent COSAS person and also a member of AZAPO, I am going to suggest to you that it would be a very unusual experience in South Africa in 1984? -- Well, during that period he used to attend all these organisations.

I am told that he is about 45 years of age? -- No, I do not know what his age is.

He is not a scholar? -- Yes, that is true.

He is a middle-aged man? -- Yes.

Do you know what age group COSAS is open to? -- No, (20) I do not know that.

You also put him in AZASUM? -- I cannot remember that.

Yes. -- What I remember having said was that he frequents the meetings of the following organisations, COSAS, AZAPO and UDF.

Which UDF meeting did he attend? When did the UDF hold a meeting that he attended at Kwa Thema? -- When the pamphlets were distributed, which pamphlet was announcing a meeting to be held, he would attend that meeting and some of the pamphlets would have COSAS written on them and UDF. (30)

Is that why you call it a UDF meeting? -- Yes.

... /What

What is the age group of Mr Pepsi Mahlangu? -- Between 19 and 20.

Is he still at school? -- Yes.

And what organisation do you say he belonged to? -- COSAS.

And who do you say was a member of AZAPO and AZASUM? oo  
The chairman to AZAPO's name is Duke More. The chairman to AZASUM is Mzitho.

Is that the first name or the surname? -- This Mzitho is just a name we call him, which can be taken as a nickname, otherwise his surname is Mavuso. (10)

Is he a young man or an elderly person? -- I will say he is still a young man because he is still a scholar.

COURT : A scholar or a student? -- If I am not mistaken he is doing his Form V this year.

MR BIZOS : Will you please tell us when and where AZAPO held meetings in Kwa Thema? -- It will be very difficult for me to tell about the date, as I have already said earlier, they hold meetings without informing us and therefore we cannot know about these dates.

You cannot tell us about any AZAPO or AZASUM meeting (20) in Kwa Thema during 1984 and 1985, where it was held, whom resided, what was said? -- Not at present here, but if I were to go back to the office and check, I may be able to find relevant dates.

You see about Mr Cyril Jantjes, I want to put to you that in fact he is a member of ERAPO?

COURT : Now?

MR BIZOS : Was.

COURT : Was in 1984?

MR BIZOS : 1984/85. -- I would not dispute that, because (30)  
I have already said that he was frequenting all the organisations.

... / In

In his capacity as an ERAPO member, he attended various meetings, I am going to suggest to you and that he was not a member of either AZAPO or COSAS? -- No, I am not able to comment on that.

Do you know that you and he have at least one thing in common in that his house too was attacked with petrol bombs and destroyed? -- Yes, I do.

COURT : When was that? -- I am not clear about dates. I cannot quite remember exactly when it was.

Was it this year or last year? -- If my memory serves (10) me well, it was last year.

MR BIZOS : Do you know whether or not Mr More was expelled from AZAPO early in 1984 for - well, that he was expelled. Do you know that? -- I do not know about that. I hear that for the first time.

So that if you did see him attending any meetings, he might have attended them as a private individual and not as a member of AZAPO if in fact he was expelled in the beginning of 1984? -- Yes.

My Lord, I would like to indicate to the Court that we (20) have no specific instructions in relation to this bit of evidence about Chikane. It was not in the indication given to us by the State. The AK47 banner that you saw, could you please tell us where it was in the procession? -- My Lord, when they left the church building, they displayed it just in front of the coffin of the deceased.

And you do not know the people who were carrying it? -- No, I do not know that.

Was it a rough and ready sort of a banner or was it a good representation of an AK 47? -- It was neatly done, well drawn.(30)

What experience have you got of AK47's by the way? --

... / I

I do not have any particular experience of an AK47, except that I know an AK47 on seeing it.

What distinguishes it from other automatic weapons of a similar kind? -- What I can say is, the shape of an AK47 is entirely different from our guns here.

What distinguishes it from other machine guns that you have seen? -- For instance, the bullets which are being taken by AK47, are not the same in size with our guns here. They are a bit longer.

But there was no representation of the bullets on this (10) banner? -- No.

This red flag, was it just a piece of cloth, a red cloth, or was it a flag proper?

COURT : It is a bit difficult, because the witness started off by not knowing the difference between a banner and a flag. Now you are asking him is it a flag proper? What do you mean by a flag proper?

MR BIZOS : I will amend the question. Was this a banner or a flag? Did it have sticks on both sides? -- It had sticks on both sides. (20)

Then we call it a banner. How near to it were you? -- (Witness indicates distance)

COURT : It is less than 100 metres.

MR BIZOS : Besides these two banners, can you remember any other banner? -- No.

No other banner at all? -- If I am not making a mistake there was another banner written RMC or something of that nature.

Other than that you do not remember seeing any other banner? -- No.

COURT : You have told us where the AK47 banner was in the (30) procession. Where was the red banner with the hammer and sickle

... / in

in the procession? -- They were in this position. Those with the other banner were walking next to the others. They were in line and then there was another banner behind them, the RMC banner. After that banner to which I refer as a RMC banner there was a coffin.

So, from the coffin forwards, we have the coffin, then the RMC banner, which is RMC if you are correct, then parallel to each other the red banner and the AK47 banner?-- Yes.

And you did not know who was carrying the red banner? -- No, they were not local people. (10)

HERONDERVRAGING DEUR MNR. HANEKOM : Mnr. Nkosi, kan jy werklik vir die Hof sê wat die oorsaak was dat daar onluste en oproer uitgebreek het op 2 Oktober in Kwa Thema - Oktober 1984? -- Daar is baie dingetjies wat dit veroorsaak het, dat daardie moeilikhede begin het.

MR BIZOS : Is the witness now asked to express an opinion and pass judgment on the facts?

HOF : Mnr. Hanekom, u moet hom asseblief pertinente dinge vra en nie 'n algemene mening wat die oorsaak van die oproer is nie.

MNR. HANEKOM : Nee, ek vra dit omdat dit in kruisverhoor aan(20) hom gestel is.

HOF : Wel, dan kan u aan hom vra of die oorsaak van die oproer die bakkerswa was, maar u kan hom nie 'n algemene mening vra oor die oorsaak van die oproer nie, maar in elk geval, was hy daar by?

MNR. HANEKOM : Nee.

HOF : Wat is u vraag?

MNR. HANEKOM : Ek sal die vraag laat vaar. Dan nie verdere herverhoor nie. Ek wil net op rekord plaas na aanleiding van My Geleerde Vriend se opmerking oor die stukkie getuienis (30) oor Tsakane. Ek het twee dae terug spesifiek vir die verdediging

... / die

die detail daarvan gegee dat ek getuienis gaan lei oor die begrafnis van Diale op 30 Oktober 1984 in Tsakane.

MR BIZOS : I accept that on what My Learned Friend says, but it must be lack of communication because of the various attorneys involved. Two of them have only come now. There was someone else involved - one set with Tsakane and another with ... (Court intervenes)

COURT : Yes, but we have had this in the past before that the left-hand does not know what the right-hand does. We must attempt to prevent that. It creates problems. (10)

MR BIZOS : We try hard, but it is almost inevitable in view of the nature of the matter.

ASSESSOR (MR KRÜGEL) : In reply to questions by the Learned Counsel for defence, you have agreed to certain propositions regarding the happenings at the bakers' van, although you were not there. You remember it was put to you that as a result of an attack on the bakers' van, the driver lost control? -- Yes.

And then it was put to you that as a result of this incident the youth went on rampage? -- Yes. (20)

Can you express any opinion or knowledge about what caused people to attack the bakers' van or what caused somebody to go on the rampage?

HOF : Uit sy eie kennis.

MR KRÜGEL : From your own knowledge? -- In the first place according to my judgment I would say it was just naughty children who were out on mischief and wanted to commit theft that resulted in the attack on the bakery van.

Is it the same youths that then went on the rampage? -- No, that I do not know. (30)

NO FURTHER QUESTIONS.

... / MNR. JACOBS

MNR. JACOBS : U Edele, die volgende afdeling van die getuienis gaan oor die tegniese opnames wat nog uitstaande is. Dit sal gaan oor BEWYSSTUKKE V(6) saam met BEWYSSTUK 6, dit sal die tegniese band wees, BEWYSSTUK V(7), hy gaan saam met BEWYSSTUK 7. Dit sal gaan oor BEWYSSTUK V(12), hy gaan saam met BEWYSSTUK 12; BEWYSSTUK V(14), hy gaan saam met BEWYSSTUK 14. Dit sal dan ook gaan oor BEWYSSTUK V(24). Hy gaan saam met BEWYSSTUK 30. Ongelukkig is hierdie nommers nou 'n bietjie deurmekaar, maar dit sal gaan oor BEWYSSTUK V(1) en V(25), ek noem hulle saam, want dit is die "launch" van die UDF, wat alles op die (10) "launch" self en die konferensie gegaan het. Hulle gaan saam. Ons het die bande toe nou maar ook opgedeel. V(1) gaan saam met BEWYSSTUK 1 en dan V(26) gaan saam met BEWYSSTUK 25. Ek sal dan getuienis lei om hierdie bande voor die Hof te kry en in te handig. Die eerste getuie wat ek roep gaan oor BEWYSSTUK V(6) en BEWYSSTUK 6 wat in die prentjie sal wees hier en dit is Johannes Lodewikus Nel.

JOHANNES LODEWIKUS NEL, v.o.e.

ONDERVRAGING DEUR MNR. JACOBS : Mnr. Nel, u is 'n adjudant-offisier in die Suid-Afrikaanse Polisie gestasioneer te veiligheidstak(20) Kaapstad? -- Dit is korrek.

Op Maandag, 26 November 1984 om 20h00 het u gegaan na die Burgersentrum te Claremont, Kaapstad? -- Dit is korrek.

Vir watter doel het u daarheen gegaan? Wat sou daar gebeur by Claremont Burgersentrum? -- Daar was 'n vergadering geadverteer, 'n UDF vergadering met sprekers dr. Allen Boesak en Reverend Frank Chikane.

Gaan voort? U het nou gegaan soontoe. Wat sou u daar gaan maak of wou u daar gaan maak? -- Ek wou die vergadering tegnies dek. Ek het sersant Uren van ... (Hof kom tussen-(30) bei)

... / HOF



HOF : Wat bedoel u met tegnies dek? -- Ek wou 'n bandopname van die toesprake maak wat daar gelewer sou word.

Ja? -- Ek en sersant Uren het observasie gedoen. Ek het sersant Uren met 'n sender die saal binne gestuur en ek het buite in die motor 'n opname van die toesprake wat in die saal gemaak is, gemaak op band.

MNR. JACOBS : Die tipe masjien wat u daar gebruik het, wat se tipe masjien is dit? Hoe sou u verbind wees met die persoon in die saal? -- Dit is 'n Macron masjien. Die persoon in die saal het 'n sender en ek in die motor het 'n apparaat met 'n (10) lugdraad waardeur ek die gebeure in die saal op band kan vaslê.

As u in die kar besig is om die opname te maak, kan u ook terselfdertyd hoor wat praat die mense daar deur jou masjien, deur die sender? -- Dit is positief. Ek het oorfone op wat my in staat stel om die gesprekke self te volg.

Die opname, word dit dan op 'n band gemaak op wat hulle noem 'n kasset of wat? -- Dit is korrek.

Ek neem aan die masjien het skakelaars wat hom sit op "record" en al daardie tipe goed. Wanneer het jy begin "record" op daardie ding? Opneem? -- Sodra die sender in die saal is (20) wat ek deur 'n persoon instuur, maak ek 'n toets om te kyk of die band werk. Daarna skakel ek die band af. Ek het oorfone op en sodra die eerste spreker begin, skakel ek die band aan van die persoon wie se gesprek ek wil afneem.

HOF : Hoe weet u dan wanneer hulle begin daar? U hoor die hele tyd - u monitor met u oorstel? -- Dit is korrek, maar die bandmasjien het nie nodig om te loop nie.

MNR. JACOBS : Terwyl u nou daar gewag het en observasie gehou het voordat die opname werklik begin het, het u enige van die mense toe gesien aankom na die saal toe? Het mense opgedaag (30) en in die vergadering ingegaan? -- Daar het baie mense opgedaag

... / en

en na die vergadering gegaan.

Het u enige van die sprekers daar sien opdaag en ingaan?

-- Ek het vir dr. Allen Boesak sien opdaag en ingaan.

U het nou, soos die Hof dit gestel het, gemonitor wat in die saal aangaan. Het u op 'n stadium die opname begin? Dit is die masjien aangeskakel sodat hy ook opneem? -- Dit is positief. Ek het gehoor dat Reverend Chikane begin praat en die bandopnamemasjien aangeskakel.

Vandat u hom aangeskakel het, hoe het u met u masjien toe gewerk? -- Die band het deurlopend geloop. Kant 1 het vol (10) geloop, ek het hom omgedraai en kant 2 het ook vol geloop.

HOF : Dit is nou die tweede kant? -- Ja, kant 1, dan draai ek hom om, dan kant 2 ook. Of A en B, soos u dit wil noem.

MNR. JACOBS : Hoeveel bande het u vol geneem van hierdie hele vergadering? -- Een band beide kante.

En as u nou aan die einde van die eerste band kom, moet u die masjien afskakel om die band om te draai of hoe werk u? -- Ja, ek moet hom afskakel, dan ruil jy die band om, dan skakel jy hom weer aan.

HOF : Is daar dus 'n gaping in u opname? -- Tussen kant 1 en (20) kant 2 is daar 'n gaping.

Terwyl u dit omruil is daar 'n gaping? -- Dit is reg.

MNR. JACOBS : Van die begin af wat u hom aangeskakel het tot aan die einde behalwe vir die omdraai-afskakeling, het u hom aan- en afgeskakel? -- Nee. Ek wil net 'n regstelling ook maak. Tydens die opname gebeur dit dat jy klankverdwynings kry. So, indien daar 'n klankverdwyning is, kan dit 'n steuring wees, òf 'n motor wat verbygaan òf miskien 'n ander radiosein, maar dit is net vir 'n sekonde of twee wat jy 'n klankverdwyning op die band kan hê, maar dit is nie as gevolg van aan- en afskakel (30) nie.

... / HOF

HOF : As u nou sê daar is 'n klankverdwyning, is dit as 'n ander motor verby ry? Is dit dan sy lawaai wat die opname uitdoof of is daar 'n elektriese versteuring? -- Nee, dit kan 'n seinversteuring wees.

Dan neem hy niks op nie? -- Net vir daardie wyle, want dit kan 'n sekond wees, ek glo nie langer nie.

MNR. JACOBS : Kan dit millisekondes ook wees? -- Ja, dit is baie kort.

Nadat u die opname klaar gemaak het, wat het u toe gedoen? -- Sersant Uren het na die vergadering weer uitgekom en hy (10) het by my aangesluit. Ek het die sender wat hy by hom gehad het weer by hom geneem. Ek het teruggegaan na my kantoor. Ek het die band uit die kasset verwyder, dit in 'n amptelike koevert geplaas ... (Hof kom tussenbei)

HOF : Die band uit die kasset verwyder of die band uit die opnamemasjien? -- Uit die opnamemasjien.

Ja? -- Dit in 'n koevert geplaas en die koevert verseël met amptelike seël 1279. Ek het die bandopname in 'n kabinet in my kantoor toegesluit, waarvan ek alleen die sleutel het. Ekskuus die koevert het ek gemerk UDF Claremont vergadering (20) en die datum. Die volgende dag het ek die verseëelde koevert uit die kabinet uitgehaal, aan adjudant-offisier Le Roux, 'n kollega van my ook by veiligheidstak Kaapstad, oorhandig met 'n opdrag dat hy die band moet transkribeer.

MNR. JACOBS : Toe u dit daar uit die koevert gehaal het en vir hom gegee het ... -- Dit is positief, ek het dit aan hom oorhandig. Hy het dit oopgemaak. Die houer van die band het hy gemerk UDF Claremont vergadering Burgersentrum en die datum daarop en hy het die kante gemerk A en B.

Was dit daarso in u teenwoordigheid? -- In my teen- (30) woordigheid.

... / Was

Was dit dieselfde band wat u die vorige dag ... -- Dit was presies dieselfde band waarmee ek die opname gemaak het. Terwyl daardie band in my besit was, het niemand of ek met hom gepeuter nie.

Geen veranderings of niks daarop aangebring nie? -- Geen ander persoon het toegang tot daardie band gehad terwyl dit in my besit was nie.

Ek het 'n koevert hier. Die datum is 26/11/84 Claremont, inhoud 1 kasset band. Die koevert is verseël met 'n seël, amptelike polisie-seël 1385. Ek breek dan die seël. Ek (10) wil aan u toon hierdie bewysstuk wat ek nou oopgeskeur het. Daaruit haal ek een kassetband waarop op die houer staan Agfa FE1 90 wat hierop gedruk is en dan staan hier op die agterkant op die etiket geskryf UDF vergadering Claremont Burgersentrum 1984, November 26 - 20h00. Sprekers dr. Allen Boesak (2) Reverend Frank Chikane. Uiters geheim. Top secret is hier onder aangebring. Aan die voorkant op die band self die een kant is gemerk bo "Side A" en dan is daar geskryf - dit is skrif wat iemand aangebring het "T 470/1/1". Dan kom die naam van hierdie ding. Dit is 'n Agfa FE1 Ferro Color (20) HD 90. Die ander kant het 'n "Side B" geskryf daar. Die "Side" is gedruk maar die B het iemand daar aangebring. Ek wil u dan die band en sy houer toon. Dit is BEWYSSTUK 6 voor die Hof.

MR BIZOS : I may indicate our attitude to this evidence at this stage. We persist in our objection to the admissibility of this evidence for similar grounds to those that were advanced to Your Lordship in relation to the tapes, to the videos. It is intended to present further argument to Your Lordship in that regard. There have been discussions with My (30) Learned Friends for the State and ourselves in order to try

... / and

and avoid the evidence of one policeman receiving the exhibit from another and that admissions are being formulated about that, but we wish to place on record at this stage that we intend trying to persuade Your Lordship, subject to what the evidence may disclose, that it is not admissible.

COURT : At which stage do you intend persuading me of that? Do you want to reserve your rights till the end of the case or do you want a ruling on that now or what is the position?

MR BIZOS : After the evidence has been led.

COURT : Of this witness or all the evidence? (10)

MR BIZOS : Let the State lead the evidence in relation to all these tapes. It may be different in relation to different tapes also, so that we can advance the argument as coherently as we possibly can after the evidence has been led, so that - may I say that there is no objection to the tape being identified as EXHIBIT 6 at this stage.

COURT : Well, it may have to go further than that, because it may come to a placing of the transcript before the Court and the reading by the assessors of the contents of the transcript which now doubt they are doing quickly. Have you any objection to that? (20)

MR BIZOS : No, we have no objection to that, because in any event we have indicated to the State that if Your Lordship holds one or other or all of them inadmissible, then we do not have to worry about the transcript. If Your Lordship holds them admissible, then we do not intend putting the State to the proof of the transcript. There is some sort of agreement in relation to that.

COURT : The objection is then noted. Die laaste vraag wat aan u gestel was, is ken u hierdie bewysstuk? -- Dit is die (30) bewysstuk hierdie.

... / Dit

Dit gaan dan in as BEWYSSTUK 6 onderhewig aan die objeksie.  
Die beswaar.

MNR. JACOBS : Kan ek net iets vra van My Geleerde Vriend?

Ek is 'n bietjie in die war. Dit is vir ons gesê dat ons moet ook die getuienis oor die eerste persone wat die transkripsie gemaak het lei.

MR BIZOS : No.

MNR. JACOBS : Ek het hom net verkeerd verstaan. Dalk verstaan ek verkeerd, maar ek wil net duidelikheid hê.

MR BIZOS : It is the making of the tape that is put in (10)  
issue, not the transcribers' work. It is the making of the  
tape.

COURT : Let us just get clarity on this. What is not in issue is the transcription. The transcription is taken to be correct. What is not in issue is the chain of the handing over of the tape by the witness who took the tape until it was transcribed and brought before Court?

MR BIZOS : No, I think we must make the position clear. The making of the tape is in issue. How the tape was made.

COURT : That is the recording itself? (20)

MR BIZOS : The recording itself. This is in issue. What I have indicated to the State is that it is not necessary and they can formulate admissions in relation to what happened to this article, to this tape thereafter in order to avoid a proper ... (Court intervenes)

COURT : Until we get to court.

MR BIZOS : Until we got to court. That is not in issue, but the making of the tape relating to this meeting and the speakers, all that is put in issue. In relation to the transcript there may be changes, corrections from time to time, but that is (30)  
not in issue at this stage.

... / MNR. JACOBS

MNR. JACOBS : Ek kan dit dan net so afsluit, dit is BEWYSSTUK 6 wat u oorhandig het aan u kollega vir die transkripsie, adjutant Le Roux? -- Dit is korrek.

Nadat hy die transkripsie gehad het, het u nie weer die band gehad nie? -- Ek het die band nadat ek dit aan hom oorhandig het, nie weer gesien tot nou nie.

KRUISONDERVRAGING DEUR MNR. BIZOS : Mnr. Nel, ken u dr. Allen Boesak? -- Nie persoonlik nie. Ek weet hoe hy lyk.

En u het hom gesien in die vergadering gaan? -- Dit is korrek. (10)

Is hy die enigste een wat u gesien het? -- Van die sprekers.

Op die bewysstuk wat u ingehandig het, blyk dit nie of daar 'n voorsitter by die vergadering was wat die vergadering geopen het nie? -- Ek kon monitor wat die mense in die saal sê. Ons het op daardie stadium net belang gestel in die hoofsprekers, dr. Allen Boesak en Reverend Frank Chikane. Daarom het ek die band eers aangeskakel toe Reverend Frank Chikane begin praat het.

Laat ek dit vir u vra. Hoe lank was die vergadering aan die gang voor u besluit het om die bandopname aan te sit? (20) -- Ek kan nie presies onthou nie, omdat ek kon hoor wat daar binne-in die saal aangaan.

Wie was die sprekers of weet u wie die sprekers was voor eerwaarde Chikane - laat ek weer begin. U self kan nie sê of dit die stem van eerwaarde Chikane was wat oorgeklank was nie of oorgekom het nie? Van u eie persoonlike kennis? -- Persoonlike kennis, nee. Dit was die eerste keer wat ek Reverend Chikane hoor praat het.

As dit hy was? -- Ek kan net sê ek kon oor die oorfone hoor dat daar 'n voorsitter opgetree het en hy het dr. Frank (30) Chikane voorgestel aan die gehoor. Hy het gesê hy gaan nou

... / praat

praat.

Maar u was nie daar nie? -- Dit is korrek, maar ek kon dit hoor.

Maar dit is nie op die opname nie? -- Nee.

Wie was - vir hoe lank het die voorsitter gepraat? --  
Ek kan nie onthou nie.

Wie was die eerste spreker wat die voorsitter voorgestel het? -- Ek weet nie.

Hoeveel sprekers het voor - hoeveel sprekers het gepraat voor u besluit het om die masjien aan te sit? -- Ek weet nie. (10)  
Ek het net belang gestel in Frank Chikane en dr.Boesak se toespraak op daardie stadium.

Kan u vir ons asseblief sê vir hoe lank die persoon wat u aanvaar eerwaarde Chikane was gepraat het voor u die masjien aangesit het? -- U bedoel nadat hy begin praat het, hoe lank het dit gevat om die masjien aan te sit?

Ja? -- Ek kan nie presies onthou nie, maar hy het al begin praat toe ek die masjien aangesit het. Dit kan 'n sekond of twee of na 'n minuut se kant toe wees. Ek kan nie presies onthou nie. (20)

U kan nie sê nie? -- Nee.

Kan u vir ons sê waarom u nie die masjien aangesit het toe die voorsitter melding gemaak het van eerwaarde Frank Chikane nie? -- Ek het net belang gestel in sy toespraak. Ek het nie belang gestel in ander manne se toesprake nie.

Volgens die transkripsie wat ons het, begin dit met die woorde "What we have said, Mr Chulunge, to me said since September." Dit lyk asof dit 'n taamlike - dat hy verwysing sou gemaak het na 'n sekere gebeurtenis voor hy die dinge sou gesê het? -- Nee. As daar 'n stuk uit is, sal dit baie min wees. (30)  
Dit sal miskien net aan die begin van 'n reël wees. Toe hy begin

... / praat



praat het, het ek die masjien aangedruk.

Kan u onthou wat die persoon na wie u verwys as Frank Chikane mag gesê het voor u die masjien aangeskakel het? -- Nee, ek kan nie onthou nie. Dit kan net 'n woord of twee wees. Dit kan nie 'n lang toespraak wees nie.

U was net geïnteresseerd, sê u, in eerwaarde Chikane en dr. Boesak? -- Dit is positief.

Dit blyk uit die bewysstuk wat aan ons gegee is as BEWYS-STUK V(6), dat 'n persoon wie se naam hier geskryf is Andrew Borraine, gepraat het? -- Dit is positief. (10)

U self het nie vir mnr. Andrew Borraine sien praat nie? -- Nee, ek het hom nie sien praat nie.

En seer sekerlik ken u nie sy stem nie? -- Ek ken sy stem. Ek het al verskeie vergaderings van hom bygewoon.

O, u ken sy stem? -- Ja.

Wie is mnr. Andrew Borraine? -- Hy is 'n persoon wat in Kaapstad woonagtig is.

Is daar enigiets anders wat u van hom weet. -- Hy het al voorheen by UDF vergaderings opgetree in die Kaapse Skiereiland Enigiets anders? -- Nee. (20)

Aan watter organisasie behoort hy? -- Ek weet nie.

Is hy nie voorgestel aan die vergadering nie? -- Ek kan nie onthou nie.

Is hy nie op enige vergadering voorgestel waar u hom gesien of gehoor het nie? -- Sover my kennis strek, is hy 'n ondersteuner van die UDF, maar ek kan nie sê hy is lid van hom nie.

U het ook nie dr. Allen Boesak gesien praat nie? -- Nee, ek het nie.

Is hy voorgestel? -- Hy is voorgestel.

Maar dit is nie op die bandopname nie? -- U bedoel by (30) die vergadering voorgestel?

... / Ja

Ja? -- Nee, ek weet nie of hy op daardie vergadering voorgestel is nie.

Maar wat ook al gesê mag gewees het in verband met dr. Allen Boesak, is nie op die bandopname nie? -- Ek kan nie onthou nie.

Kan u vir ons sê hoeveel ander sprekers by die vergadering was voor of na die persone wat - wie se name op die bewysstuk voorkom? -- Herhaal net daardie vraag, asseblief?

Kan u vir ons sê hoeveel sprekers by die vergadering was behalwe die vier persone wie se name hier voorkom? -- As ek(10) reg onthou, ek praat onder korreksie, het daar 'n vrou opgetree wat gepraat het. Dit is 'n artikel 29 aangehoudene se ma. Ek kan nou nie op haar naam kom nie. Mary - Mary - ek kan nie onthou nie, maar daar het 'n dame gepraat oor haar dogter wat aangehou is.

Ken u enige persoon by die naam van Marie Philips? -- Ek ken nie so 'n persoon nie.

HERONDERVRAGING DEUR MNR. JACOBS : Geen vrae.

GEEN VERDERE VRAE.

... / ADRIAAN

ADRIAN MARK UREN: d.s.s.

EXAMINATION BY MR JACOBS: Mr Uren you are a member of the South African police and was stationed in Cape Town? -- That is correct.

Now on ...

COURT: What is your rank? -- Sergeant sir.

MR JACOBS: Now on 26 November 1964 did you assist the ...

COURT: 1964?

MR JACOBS: 1984, did you assist the previous witness at a meeting at Claremont Civic Centre? -- I did. (10)

What was taking place there? -- It was a meeting organised by the UDF where the main speakers were Alan Boesak and Reverend Frank Chikane.

In what way did you assist Mr Nel? -- Well I took a transmitter that he had handed over to me into the hall where the meeting was held.

Was that part and parcel of the machine taking, making a record of what was taking place in the hall? -- That is correct.

Where did you sit in the hall? -- Well it was on the, (20) there was an aisle in the middle and I sat on the right-hand side of the aisle close to the front.

Was this hall decorated? -- I remember there were a lot of posters, I cannot remember exactly what was written on the posters but there were a lot of posters stuck all over the walls.

The names of any organisations on the posters? -- The UDF was most prominent.

Who was the chairperson of this meeting? -- Andrew Boraine. (30)

Do you know who he is? -- I do not know what organisation he/....

he belongs to.

Yes. And where were the speakers seated in this hall when you entered it, when you sat .. -- On the stage behind the chairman.

How many speakers were there? -- Well there was the Chairman Andrew Borraine, then there was the Reverend Frank Chikane, then there was ...

Do you know him? -- I do.

Yes? -- Then there was Mrs Mary Phillips, the mother of Kate Phillips. (10)

Do you know her? -- I do not know her, I saw her for the first time that night.

Yes? -- And then there was Nick Borraine, whom I know.

Nick Borraine, who is he? -- I am also not quite sure what, he was involved with NUSAS, the National Union of South African Students, he was the Secretary General of that organisation but at that stage I am not quite sure which organisation he belonged to.

Yes? -- And then there was, the last speaker was Dr Alan Boesak. (20)

Do you know Alan Boesak? -- I do.

Now the chairperson you say was Andrew ... -- Borraine.

Borraine. -- That is correct.

Did he announce the first speaker and introduce him to the audience? -- That is correct.

Who was the first speaker? -- Reverend Frank Chikane.

Can you still remember what he spoke about? -- Well basically, it happened a long time ago but he basically spoke about the unrest in the Vaal triangle and that was his main topic. I mean I cannot remember exactly what he spoke about, (30) but I can remember that he, one thing that stuck in my mind was/.....

was that he spoke about that the black people in the townships did not have their own army and that they were looking for an alternative army and that it was not very difficult to identify a friendly army, that was the most important thing I can remember what he said.

And the next, after he had spoken who spoke next, can you remember? -- Mrs Mary Phillips, the mother of Kate Phillips.

Can you remember what she spoke about, not in detail but can you give us the gist of what ... -- She spoke about the effect that detentions had on the parents of detained people. (10) That was all I can remember, she spoke basically about that.

Yes, and after her who was the next speaker? -- Well then there was a lot of shuffling around of, Andrew Boraine asked the people in the front of the hall to move forward because there were a lot of people standing outside who could not actually, the hall was very full and they wanted to come in so we all moved forward so that people could move from the outside, could move into the hall.

Yes? -- And then he introduced Nick Boraine, that is right.

And can you remember what he spoke about? -- He also (20) spoke about the unrest and the participation of the South African Army in the recent unrest that they had had and he also at one stage brought about a similarity between the situation that happened in Rhodesia, now Zimbabwe, and what was happening in South Africa at this stage.

And after him? -- The last speaker, which was Dr Alan Boesak.

All the speakers were they introduced to the audience, all of them? -- They were all introduced, that is right.

By whom? -- By the chairman Andrew Boraine. (30)

Now after the meeting what happened? -- Well after the last/....

last speaker, which was Dr Alan Boesak, the chairman Andrew Boraine made a few announcements and also said that the people must support the Grand Bazaar stay away which was on at that stage. Then the meeting ended off with their national anthem, Nkcsi Sikilele.

Yes. -- I do not know the words.

Can you remember an incident at the end, after the speeches, the main speeches, did you do anything in the hall yourself, turn around, go back ... -- Well after Dr Alan Boesak a woman sitting on my left-hand side, I do not know (10) who she is, I do not know at all and I cannot remember what she said to me exactly but she spoke to me.

Yes? -- And I turned to answer her and I cannot remember what my answer was.

When you turned away, turned to her did you turn away from the stage or sideways from the stage? -- Well I turned my body to speak to her and it was only for a few moments though.

Afterwards, after the meeting did you leave the meeting? -- That is correct, I left the meeting. (20)

Where did you go? -- I went straight to Warrant Officer Johan Nel and gave him the transmitter and from there I went home.

At a later stage did you in the office see the tape of, listen to the tape of the meeting? -- That is correct. The next day, 27 November 1984.

In whose office was it? -- In Warrant Officer Nel's office.

Was it in the presence of Mr Le Roux? -- I cannot remember.

And did you identify the persons on the tape? -- That is correct. What was said, the tape that I listened to what was (30) said on the tape were the people and what I had heard the

previous/....

previous night at the meeting.

Will you have a look at EXHIBIT 6 before the Court, the tape is there and the holder. Can you remember is that the tape and the holder with the wording on it? -- I do not recognise the holder. All I saw was the tape itself, this is the original tape.

Thank you.

CROSS-EXAMINATION BY MR BIZOS: How long did this meeting last Sergeant Uren? -- Well sir it started at approximately 20h00, eight o'clock, five past eight, and it went on for (10) well I cannot remember the exact time that the meeting adjourned but it was definitely longer than an hour and a half.

And how many speakers were there in all? -- Andrew Boraine gave a small speech in the beginning, then there was Reverend Frank Chikane, then Mary Phillips and Nick Boraine and Dr Alan Boesak. So there were, besides the chairman there were four speakers.

There were no other speakers? -- I cannot remember if there were any other speakers besides the main speakers.

No are you able to give His Lordship an assurance (20) that there were no other speakers other than those that you have mentioned? -- Mr Bizos it happened a long time ago as I said and I cannot remember if there were any other speakers who went up just to say a few words or something but there were the other main speakers.

No the question is whether you can recall any other speakers speaking at this meeting or not? -- I cannot remember.

You cannot remember. Was your mechanism, as far as you were concerned operative throughout the meeting? -- Well as far as I was concerned, yes. (30)

Yes.

COURT: / . . . .

COURT: Could you switch it on and off? -- No.

You were not able to switch on and off the transmitter?

-- The transmitter itself?

Yes. -- Well as, I cannot remember if there was a button on it to switch it on and off.

As far as you were aware there was not anything by which you could switch it on or off? -- No sorry, that is quite correct, there is a button which can switch it on and off because it works with batteries and there is a button that you can switch it on or off and before I went into the meeting (10) I switched it on and after the meeting I switched it off.

MR BIZOS: Well do you recall whether or not you switched it off during the period that you did not really consider particularly relevant to your purposes? -- No, no I switched it on before I went into the meeting and off just before I gave it back to Warrant Officer Nel.

Have you done this work before or was this the only occasion? -- No I had attended a few ...

Other meetings? -- Other meetings, that is correct.

Because a moment ago you did not remember whether there (20) was a button which would have enabled you to switch it on or off? -- Well we sometimes use different equipment.

I see. And which equipment did you have on this occasion? -- Well it was a battery pack and it has got two, it has got an aerial coming out and then another like cord with the microphone.

Yes. -- And the actual battery pack has got an on/off switch.

Yes. And do you remember whether on this particular (30) occasion you had an on/off switch or not? -- It did have an on/off/...



on/off switch.

Right. So with the mechanism that you used, the mechanism that you used, you could control what was transmitted at will?

-- Could you repeat that please?

You could control at your will what was being transmitted to the recording mechanism outside operated by Mr Nel, if you wanted to? -- I could switch it on or off if I wanted to.

Yes. And you could have been selective, if you wanted to, in relation to what was being transmitted to Mr Nel, by switching on and off? -- If I wanted to. (10)

If you wanted to. -- But I was informed not to.

Well let us come to what you were informed about a little later. Now can you recall how long Mr Boraine's introduction was? Introduction to the meeting I mean by that, not introducing a particular speaker. We know that the chairman generally speaking has his little say in the beginning. Do you recall Mr Boraine doing that? -- He did, he had a few things to say before he introduced the main speaker.

Alright. Now please tell us what Mr Boraine said? What were his introductory remarks? Do you recall or not? -- (20)  
Well before he introduced the people, the main, one of the main speakers which was Reverend Frank Chikane he spoke very briefly on detentions and ...

What did he say about detentions? Please I am asking you if you remember what he said about detentions, not what generally speaking now has been said about detentions. Do you recall what Mr Boraine said about detentions on this occasion? -- No I do not.

You do not. So if you were asked to repeat what, it was not Dr Boraine, it was Mr Boraine? -- Excuse me? (30)

It was Mr Boraine and not Dr Boraine who was the chairman?

-- No/.....

-- No Mr Boraine, Mr Andrew Boraine.

Mr Andrew Boraine, yes. And if you were asked to say to His Lordship what Mr Boraine said, because that has apparently not been recorded, you would not be able to say what he said?

-- No, I could not recite it.

No you could not say what he said? -- Well as I said he spoke generally on detentions and ...

Well you would not be able to say ...

COURT: Do not interrupt the witness Mr Bizos.

MR BIZOS: Sorry My Lord. -- He spoke generally on deten- (10)  
tions before he introduced the first speaker, and also on the participation of the South African Defence Force in Operation Palmiet.

Yes, but you do not remember what he said about that?

-- No I do not.

Do you remember what he said about the person that he introduced as the Reverend Frank Chikane, what did he say about, do you remember what he said about him? -- No I do not.

You do not. Do you remember whether, at the beginning, he spoke about the speakers as a whole or whether he merely (20) mentioned the Reverend Chikane's name? -- I cannot remember. It happened a long, almost two years ago. I cannot remember.

You cannot remember. And do you recall whether he welcomed any wellknown personages in the audience who were perhaps not going to be speakers on that occasion? -- No I cannot remember.

You cannot remember. Yes. Then could we summarise all this sergeant on the basis that you would not be able to give us an accurate account of anything that was said at this meeting, independently of any mechanical recording? -- Well (30) I can tell you what I have already told the Court, but not

more/....

more than that.

Not more than you have already said in your evidence-in-chief? -- That is correct.

I see, yes. So that you would not be able to tell His Lordship, and you would not even be able to give an accurate summary of everything that each of the speakers said at this meeting in the absence of any mechanical recording that might be placed before you? -- Not besides what I have already told Mr Jacobs.

Yes. Now can you please tell us what the person that (10) was introduced as the Reverend Frank Chikane said immediately before he made a reference to a friendly or unfriendly army, what did he say immediately before that? -- In other words you are asking me to recite what he said, I cannot remember.

You cannot remember? -- No.

And what did he say immediately after this phrase or sentence or two sentences that you remember, what did he say immediately after that? -- I cannot remember.

So that we can assume sergeant that you cannot really put, of your own independent recollection, the remark of the (20) person that was introduced as Frank Chikane in context, in the absence of any mechanical assistance? -- That is correct.

MNR JACOBS: Edele ek wil net, ek dink dat hier word 'n misleidende stelling gemaak dat "was introduced as Frank Chikane", die getuie het gesê hy ken hom ook. Die indruk wat geskep word dat hierdie getuie ken nou net die persoon as, omdat hy so voorgestel is maar die getuie het gesê hy ken Frank Chikane. Die oorkonde begin die indruk, dan gaan die indruk en die idee skep hier dat hierdie getuie is maar net, eintlik, het Frank Chikane net uitgeken omdat hy so voor- (30) gestel is.

HOF:/.....

HOF: Nee ek dink mnr Bizos probeer bepaal of die getuie enige onafhantlike herrinering het van ander dele van die toespraak as wat hy in sy hoofgetuienis gesê het.

MR BIZOS: My Lord in fairness to My Learned Friend I am trying to make a slight distinction over and above what Your Lordship has indicated with the witness but I am sure that whoever reads the record will read both bits of evidence and will be able to come, but in any event I will come to the point that My Learned Friend has referred to. Sergeant have you had a look at this transcript recently? -- I did. (10)

When did you last have a look at it? -- In Colonel, I cannot think of his surname now.

Yes the tape expert. -- Dr Jansen.

Yes. -- In his office.

In his office, you had a look at this? -- That is correct, yes.

Now do you remember anything about the beginning of the Reverend Chikane's speech independently of this? -- No.

You do not? -- I do not.

Do you remember for how long he spoke before the re- (20)  
cording that you saw in Dr Jansen's office? -- Could you repeat that please?

Do you recall, you saw where the ...

COURT: Well I do not know anything about Dr Jansen. Where does Dr Jansen figure in this case?

MR BIZOS: Apparently he will figure My Lord, but that is where the witness saw the transcript.

COURT: Well did you read the transcript or did you just look at the transcript? -- I just looked at it.

Looked at it, from there .. -- That is correct, yes. (30)

Did you look at in the sense that you looked at the  
speech/....

speech of particular speakers? -- No I listened to the original tape also in Dr Jansen's office to refresh my memory.

MR BIZOS: Yes. How long ago did you read, did you hear it in order to refresh your memory? -- It was on the 28th of last month, of the seventh.

Of July? -- That is correct.

I see. And despite that refreshing of memory you still do not remember independently what was said? As you have indicated? -- It is very difficult to remember exactly what each person said. (10)

I am sure. Now when you listened to the tape do you recall whether, that it started in this way "What we have said Mr Chilungu to me said since September we have been meeting with the Mayor Mr Esau Mahlatsi and other homeless councillors and the Vaal Development Board." Now do you recall for how long he had been speaking before he uttered these words? -- No I cannot.

You cannot. -- No.

And you cannot tell us whether he had been speaking for minutes, five minutes or seven minutes or ten minutes, you (20) cannot really tell us? -- I do not want to guess.

The answer is yes I cannot tell? You cannot tell and you do not want to guess? -- I cannot tell, no.

Do you recall whether the first speaker that appears on this exhibit, said to be the Reverend Frank Chikane, was using notes or not? -- I cannot recall that.

When had you seen the Reverend Frank Chikane before this day? -- That was the first time I had seen him.

The first time you had seen him? -- Ja that is correct.

You did not know him before that? -- No I did not. (30)

Have you ever seen him since? -- No except in photographs and/....

and things.

Photographs in newspapers? -- Yes and magazines and things.

Magazines. So if you were to be asked directly do you know Dr Chikane independently of what you saw at this meeting you would say no I do not know him? -- That is correct, I only know him from the meeting.

From the meeting. There are just one or two aspects that I want to check My Lord if Your Lordship would be pleased to take the adjournment at this stage.

COURT: Yes. (10)

C.388 COURT ADJOURNS FOR LUNCH. COURT RESUMES.

ADRIAN MARK UREN: d.s.s.

FURTHER CROSS-EXAMINATION BY MR BIZOS: Sergeant you told us that you saw a tape the next day? -- That is correct.

What day of the week was the 26th of the eleventh? -- Just say that again please?

What day of the week was the 26th of the eleventh 1984? -- I do not know.

Well are you sure that it was the next day that you saw a tape? -- It was the next day. (20)

And you saw a tape which you had not seen before, it was shown to you? -- I saw it for the first time on the 27th.

You saw a tape? -- That is correct.

The next day? -- That is correct.

Did you initial it in any way or identify it in any way? -- I did not touch the tape or identify, I mean like write anything or anything.

And did you listen to the whole of it or merely to small portions of it so that you could supply names to the person who was doing the transcribing? -- I listened to the whole (30) tape.

The/....

The whole tape. Why? -- Just to, it was because, well the guy, Warrant Officer Nel requested me to listen to the whole tape.

No but why did you have to listen to the whole tape? -- I did not have to but for my own interest as well I listened to the whole tape again.

Well why, did you not remember what had been said? What interest would you have had in listening to the speeches twice? -- Well my interest in the meeting the previous night was not, it was just to tape the meeting, I did not actually(10) listen to exactly what was being said and the next day just to refresh my memory and for the interest I listened to the tape again, the whole tape.

You listened to the whole tape? -- That is correct.

Yes. Now have you any specialised knowledge in relation to the equipment that was used by you or Mr Nel? -- I do not.

Do you know whether the microphone that you had can be directed or can be selective or not, do you know anything about that? -- I do not.

And you surely cannot say what interruptions, breaks (20) or other happenings may have been on the tape that was being made by Mr Nel? -- I would not be able to comment on that.

And would you agree that on face value one tape looks the same as another, I mean one cassette looks the same as another? -- It depends on what markings it has on it.

Yes. Tell me when were you first asked as to whether you were bumped or whether you spoke to a woman or whether you turned your head or anything like that, when were you asked about that for the first time? -- In Dr, or Colonel Jansen's office. (30)

Yes. Was that in order to possibly explain an interruption in/...

in the tape? -- That could be.

But now how could one remember so long afterwards such an insignificant little event? -- When I listened to the tape in Colonel Jansen's office at the end of the tape I heard my own voice on the tape and that jolted my memory as to speaking to the lady that was sitting next to me on my left-hand side.

Do you recall whether you asked anyone to excuse you to go to your seat or anything like that during the meeting? -- I cannot recall that.

No. Or whether you spoke to your next door neighbour? (10)  
-- How do you mean my next door neighbour?

The person sitting next to you I mean? -- Well as I said I spoke to the person on my left-hand side.

Just one person? -- I did not speak to anybody else.

Well did not anyone else speak to you? -- No besides the person on my left-hand side, the lady on my left-hand side.

Was there no comment at time "A good speaker", "A bad speaker", "too long", "too boring", "too loud", no comment like that at the meetings you go to? -- There were no direct comments made to me. (20)

No well or in your immediate vicinity? -- Not that I can remember.

Not that you can remember. Right. Now you have already told us that you do not remember in what context the alternative army was mentioned by the person that was introduced as the Reverend Frank Chikane. What I want to ask you is this can you remember whether or not the Reverend Frank Chikane complained about the treatment meted out to the people of the Vaal by the army, can you remember that? -- I cannot remember that. (30)

You cannot remember that. Can you remember whether he referred/....



referred to any document which purported to record the ill treatment meted out to the residents of the Vaal by the army?  
-- I cannot remember.

Can you remember whether his remark about the alternative army was in the sense of that if that sort of behaviour by the army continues an alternative army may be thought of by the people as a prediction of what might happen in the future, can you recall that? -- Could you repeat that question please?

Can you recall whether the context in which he said it was that if that is how the army behaves towards people in (10) the Vaal I in a sense predict that this might happen in the future, that an alternative army may be looked for? Can you remember whether it was said in that context or not? -- I cannot remember.

You cannot remember that either. Did he say anything about a black army? -- No he did not.

Well I do not know whether Your Lordship has a note. I have a note but I may not have heard the witness properly.

COURT: I never heard anything about a black army. When was that said? (20)

MR BIZOS: He introduced the first speaker, he basically spoke about the Vaal triangle, he spoke about a black army, an alternative army. That is my note but I am not absolutely...

COURT: Black people, he spoke about unrest in the Vaal triangle, black people in the townships did not have their own army but were looking for an alternative army which was not difficult to identify.

MR BIZOS: Yes, I will accept that My Lord. I transposed the black My Lord. Despite the fact that you listened to this tape some, a week ago approximately? -- That is correct. (30)

You have already told us that you cannot give any

accurate/.....

accurate resume of what was said at this meeting independently of the tape? -- That is correct.

And the proceedings were in English? -- That is correct.

In which you appear to be particularly well versed? --  
I am English speaking.

Yes. And could you please tell us the extent of your educational achievements? Are you a university person or not?

-- I have got a matric certificate and I was at University for four months but I have not got any degree or anything like that. (10)

You have not got a degree yet? -- No.

Thank you, we have no further questions.

RE-EXAMINATION BY MR JACOBS: No questions.

ASSESSOR (MR KRÜGEL): Mr Uren what is the effect of this apparatus that you took into the hall with you? -- How do you mean the effect?

What does it do? What is it used for? -- It transmits from the speaker to the, a sender if you can call it that, and from the sender to the person, to a transmitter, who is sitting outside. (20)

COURT: Is it a sort of pick-up microphone? -- That is correct.

And then it transposes to a sender which sends to outside? -- It is from the, like little microphone.

Yes? -- To a sender which picks up the transmission and directly into a tape recorder which Warrant Officer Nel operated.

ASSESSOR (MR KRÜGEL): But what you had with you is a sender microphone? Or is it a sender and a microphone? -- It is a microphone, a battery pack which, with a microphone attached to it. It picks up all the signals, the voices and every- (30)  
thing.

Now/....

Now you say that you were in a meeting at the Burger Centre in Claremont? -- That is correct.

Where inter alia Mr Andrew Boraine, Reverend Frank Chikane, Dr Alan Boesak figured as speakers? -- That is correct.

And that you listened to the same, that you listened to a tape in the office of Warrant Officer Nel on the following day? -- That is correct.

Can you say whether the tape that you heard in the office of Mr Nel was a reflection of the meeting that you attended (10) the previous day at all? -- I can definitely say what I heard on the tape that I listened to the next day was what I heard the previous evening at the meeting.

Was that a true account of what had happened in the meeting? -- Definitely.

Was there any way of tampering with the transmission? -- Not that I know of.

From the meeting onto the tape? -- Not that I know of.

And was there any doubt in your mind that the tape that you heard is a true account of what had happened in the (20) meeting? -- There is no doubt in my mind that the tape that I heard was what I heard in the meeting, the original one.

You say that you did not know the Reverend Frank Chikane before he was introduced by Mr Boraine? -- I had heard of him but I had not, I did not know him personally.

But did you see him then when he was introduced? -- That is correct.

On the platform? -- That is correct.

And you heard him speak? -- That is correct.

Have you also seen photographs, I think you said, of (30) him subsequently? -- That is correct.

Was/....

Was he named as the Reverend Frank Chikane on these photographs? -- That is correct.

Magazines and papers and so on? -- That is correct.

Is it the same man? -- That is correct.

Is there any doubt in your mind as to whether you had heard the Reverend Frank Chikane on that day, on 26 November 1984, or somebody else? -- That definitely was Reverend Frank Chikane speaking.

Thank you.

COURT: Any questions flowing from those put by the Court? (10)

MR BIZOS: Sergeant I remember that I asked you why you listened to the tape the next day? Do you remember that?  
-- I can remember that.

Do you remember that I asked you why you listened to the tape the next day? -- Well Warrant Officer Nel, he asked me to listen to the tape.

Do you remember what your answer was in addition to that?  
-- I would like to listen to it out of my own interest as well.

Yes, because you were not concentrating the day before?  
-- Well in the sense of I was not listening to exactly (20)  
what they were saying.

Yes you were not listening to what they were saying on the day that you were at the meeting and that is why you wanted to listen to the tape the next day? -- Well my full attention was not at the meeting the night of the meeting.

Yes. Because you thought well that the mechanism would take care of it and you did not have to concentrate, you could daydream as far as you were concerned? -- Well I knew that the mechanism would work.

Yes, and that is why you, that is the reason you gave (30)  
for listening to it the next day, or one of the reasons?

-- One/....

-- One of the reasons.

Yes. And because you were interested to hear precisely in the quiet of the office what was said? -- That is correct.

Yes. And absorb what was said? -- That is correct.

Yes, therefore you could not give the assurance that you gave the Learned Assessor, that it was a true reflection of the meeting? -- Well I know for definite that the speakers were who I said they were and that they were there at the meeting that night.

Yes. Which newspaper did you see the Reverend Chikane's (10) photograph in?

COURT: Magazine he said.

MR BIZOS: Newspaper or magazine? Which one? -- I cannot remember whether it was a newspaper or magazine.

You cannot remember which newspaper or magazine. -- Or which one either.

And you are asking me which one it is? -- No I say I cannot remember what is the name of the ...

You cannot remember. And when did you see it? -- I cannot remember the exact date. (20)

Does, did the Reverend Frank Chikane have a beard or was he cleanshaven when ...

COURT: Is it put that Mr Chikane did not speak at this meeting?

MR BIZOS: No My Lord, I do not have to put anything to him, we are testing the admissibility of this evidence and there are certain requirements and there is certain learning on it and we are going to rely on it.

COURT: I do not quite understand Mr Bizos. I cannot make you put anything. I note that you do not put that he was not (30) there.

MR BIZOS:/.....

MR BIZOS: No, I have not put that.

COURT: Yes.

MR BIZOS: Was the Mr Chikane that you saw at the meeting, was he cleanshaven or did he have a beard? -- I cannot, he had a beard, that is correct.

He had a beard? -- That is correct, yes.

And the person that you saw in the magazine was he cleanshaven or did he have a beard? -- He also had a beard, that is correct, ja.

He had a beard? -- That is correct. (10)

So the person that you saw had a beard? -- That is correct, yes.

Describe the beard? -- That is a difficult question.

Thank you My Lord.

COURT: Further re-examination?

MR JACOBS: Mr Uren although you did not pay particular attention to what was said in the meeting but in the overall did you follow what was said there, in a general ... -- In overall, yes.

... without concentrating? -- Excuse me? (20)

Without concentrating on what the people said but did you follow what ... -- Without concentrating on exactly what they were saying I did pick up the general gist of the whole meeting.

Thank you sir.

NO FURTHER QUESTIONS. WITNESS EXCUSED.

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MR BIZOS: While we are waiting for the next witness My Lord, we did as for the original of these tapes but the State did not feel that it was obliged to hand them over to us before- (30) hand. We would ask Your Lordship's leave to uplift the originals/....

originals for examination.

COURT: Are you going to do tests on them?

MR BIZOS: Probably My Lord.

COURT: What is your attitude?

MNR JACOBS: Edele ek het nie beswaar dat dit gegee word nie maar ek wil net graag, ek moet, ek het My Geleerde Vriend verduidelik ek moet dit aan die getuies stel en ek moet dit beskikbaar hê as hul kan, ask hulle enige merke wat daarop identifiseer. Ek kan dit ongelukkig nie vir hulle gee voordat ek nie met die getuies klaar is nie. As hulle(10) klaar is het ek geen beswaar as die Hof dit ...

COURT: Well you will have a long time to deal with it later on, I take it. Do you want to deal with that now?

MR BIZOS: No My Lord, it depends how Your Lordship deals with it because if Your Lordship deals with it as a question of admissibility and I understand that an expert is going to be called, we will not, we may not be able to deal with that evidence unless we have had a reasonable opportunity of examining it.

HOF: Wat sê u? Wanneer kry ons die expert, as ons een (20) kry?

MNR JACOBS: Dit sal na hierdie getuienis miskien wees as dit nodig is na hierdie getuies wat hom, wat geneem het en wat dit opgeneem het en ...

COURT: Well in any event Mr Bizos I will give you an opportunity to prepare for the expert if necessary.

MR BIZOS: Well that would probably be the best My Lord. Yes if we could hear his evidence and then perhaps uplift them.

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JOSEPH BENJAMIN: d.s.s.

(30)

EXAMINATION BY MR JACOBS: Mr Benjamin you are a major in  
the/...

the South African police stationed at Durban and are attached to the security branch? -- That is correct.

Now on 5 February 1984 at about 13h30 were you at, on duty outside St Michael's church hall? -- That is correct.

And that is in Durban, Merebank, Durban? -- That is correct.

Why were you on duty there? -- I had to monitor a meeting that was scheduled to be held at the St Michael's church hall, a meeting ...

What was ... -- Was the Krishna Rabilal Memorial (10) meeting.

COURT: Krishnal? -- Krishna.

MR JACOBS: This meeting was it advertised beforehand? -- Yes it was advertised.

Did you take any machinery or any tapes with you to monitor that meeting? -- Yes I took my receiving recording and transmitting set with me.

What kind of set was it? What kind of set? -- It was a micron set.

And how ... -- With a Panasonic tape recorder. (20)

Did you have anybody to assist you? -- Yes I had other members with me but I did the recording myself. I had a source that I sent in with the sender.

Sent in to what? -- Sent him into the meeting.

Into the hall? -- Into the hall, yes.

COURT: Excuse my ignorance, what is a Krishna Rabilal commemoration? Who was that that is commemorated? -- Krishna Rabilal was a person from Merebank who skipped the country, well from what I was given to understand moved into Maputo and in a raid by the South African Defence Force he was (30) one of them that was killed in the raid in Maputo.

I/....



I see.

MR JACOBS: Is that the raid on what? Do you know? -- The ANC bases in Maputo.

Now did a lot of people attend that meeting or not? -- Yes there were quite a lot of people but the majority were black people.

Blacks and? -- Indian.

Did you recognise any of the people who came to the meeting, who attended it? -- Yes I ...

Any prominent people? -- Yes I recognised a few people.(10)

Whom did you recognise? -- Paul David, Keston Doorsamy, ex Robben Island prisoner.

COURT: Just a moment, Paul David is one person, then the next one is? -- Kisten, K-i-s-t-e-n.

Kisten, K-i-s-t-e-n? -- That is right.

Door? -- D-o-o-r-s-a-m-y.

MR JACOBS: You said something else about him? -- He is an ex Robben Island prisoner.

Political prisoner? -- Yes he was convicted on the sabotage trial in 1960. (20)

Yes, who else? -- Kisten Moonsamy, M-o-o-n-s-a-m-y.

Do you know to which, anything about him? -- He was also a person convicted in the sabotage trials in the 1960's and sent to Robben Island.

Yes? -- Spider Juggernaut.

COURT: Spider? -- Spider yes.

And his surname is? Juggernaut? -- Juggernaut, yes.

Is he a big man? -- No, he is a youngster.

MR JACOBS: Yes, do you know anything about him? -- Spider Juggernaut is from the Merebank area, I think he is in- (30)  
volved with the Merebank youth.

Paul/....

Paul David, you mentioned him first, do you know whether he is, to which organisations he belongs? -- Paul David is the executive member of the Natal Indian Congress and if I am not mistaken I think he is the treasurer, local treasurer of the Natal region of the UDF.

And the other two?

COURT: The two Kistens?

MR JACOBS: Yes the other persons that you mentioned, do you know... -- There was also another Robben Island detainee that was release, Babania. (10)

COURT: Babania? -- Babania, yes.

MR JACOBS: Does he, do you know whether he belonged to any organisation? -- Not now but he was a member of the Umkhonto Sizwe charged for sabotage.

Yes, anybody else? -- N.J. Naidoo.

Do you know anything about him? -- He is the Vice-President of the Natal Indian Congress. He was the President when George Swepersadt was under restrictions.

Do you know a person by the name of Archie Gumede? -- Yes I know him. I did not see him at the time when the meeting(20) started but I saw him after the meeting was finished.

Where did you see him? -- Walking out from the hall.

And who is Archie Gumede, do you know to which, anything about him? -- Archie Gumede was involved with the Lamontville people but he was eventually co-opted to the Natal Indian Congress.

Do you know to which organisations he belongs? -- Not offhand. He is, I think he is the Vice-President or President of the Natal Region of the UDF. I am not too sure.

COURT: What do you mean by the Lamontville people? -- (30)

Lamontville, there is an organisation known as JODAC, Joint Action/....

Action Committee I think it was.

JORAC? -- JORAC yes.

Is Lamontville a suburb of Durban? -- Yes it is a black suburb.

I see, yes thank you.

MR JACOBS: Now where were you situated with your recording machine? -- I was, there is a wall next to the hall and I was behind the wall.

Is it outside the building, inside? -- Yes outside the building. (10)

And this machine of yours does it take up, how does it take up what is going on, from where did it take up? -- Well when I switch on the machine I have to monitor the lever to pick up the receiver from the hall.

ASSESSOR (MR KRÜGEL): The transmitter? -- The transmitter, yes.

COURT: How do you know when you pick that up and not something else? -- Even if I do not switch this set on what goes on in the hall I could still hear it, so if I switch the set on I hear the same thing. (20)

MR JACOBS: Do I understand correctly, from where you were you could hear also by ear what is going on in the hall? -- That is correct.

COURT: One normally hears with ones ears, that is why they call it earring.

MR JACOBS: Yes. And also you could monitor in that way that what you are picking up is from inside the hall? -- Yes from the...

COURT: Did you have earphones on or what did you have in your ears, a plug or something? -- No nothing. (30)

Could you hear directly, behind the wall you could hear what/....

what was going on inside the hall? -- That is correct.

Were there loudspeakers? -- There were loudspeakers in the hall.

You could hear the sound directly? -- Yes.

Yes, I see. -- And there was a tent pitched outside the hall, people were sitting in the tent as well, and there were microphones in the tent itself.

MR JACOBS: Now did you, after you set up your machine and you had somebody inside the hall, is that correct, with the microphone? -- The person that carried the microphone inside (10) the hall.

And did you check before you started recording whether it was, everything was in order and it was picking up what is going on through the microphone? -- Yes I installed the microphone onto my source, I sent him in, I saw him walking into the hall, I gave him specific instructions what to do, where to sit and I switched on my set and I got the reception.

Yes. Can you tell the Court at what stage you switched on your machine to recording? -- Well the meeting was advertised to start at 13h30, I switched it on at 13h30 but as it (20) always happens at these meetings, they do not start on time. I think the actual meeting started about 14h10 or 14h20.

What was going on in the hall when you switched it on? -- Well I switched it on and expected the meeting to start immediately but they were carrying on singing songs.

What kind of songs? -- It was blacks singing songs, freedom songs.

And then what did you do? -- Well I was hoping for the meeting to start at any moment and carried on.

Did you switch it off at any stage? -- I did switch (30) it off at one stage.

During/....

During the songs? -- During the songs, and I switched it on again and they just carried on singing.

Why did you switch it off? -- I switched it off thinking that they are going to start the meeting.

I do not understand now, you switched it off because you? -- I waited for them to start the meeting.

Yes. And then? -- I switched it on again in case I missed the start of the meeting.

Were they still singing? -- They were still carrying on singing. (10)

Yes, and then what happened? Did you record it right through? -- I carried on recording the whole proceedings of the meeting.

And did you record it on what kind of tape? -- A Panasonic tape.

A cassette tape or on ... -- Cassette tape.

Cassette tape? -- Yes cassette. The four track cassette tape.

COURT: Is that the normal tape one buys in a shop? -- Yes.

Four track cassette. (20)

Four track? -- It is a four track, yes.

MR JACOBS: Yes, and when you got to the first, did you take up what was taking place until the end of the first track of the tape? -- Yes.

Then what did you do? -- I turned the tape.

Yes? -- And I recorded on the second side of the first tape.

Yes. Also to the end of the tape? -- To the end of the tape yes.

Of that track of the tape, and did you switch it off (30) then? Or did you just turn it around? -- I turned the tape

over/....

over.

So there was a break? -- I put a new tape, another tape on.

COURT: Just a moment. You say it has got four tracks, this tape. Now you have used two tracks. What about the other two tracks? Or did I not understand you correctly? -- They call it a four track tape but I tape on the one side and I turn it over and I tape on the other side.

That is then two? -- Two yes, but they call it a four track, I do not know why they call it a four track tape. I (10) was always given to understand it was a four track tape.

I see, yes thank you.

MR JACOBS: And after you completed on the second side at the end did you switch it off, the machine, and what did you do? -- I put on the second tape.

And did you, what did you do then? -- Carried on taping.

Also till the end of the tape? -- Yes.

And then what did you do at the end of the third side then? -- I took the tape off and turned it over onto the last side. (20)

And then you took it up till the end of the meeting? -- Till the end of the meeting, yes.

Now during this time that you, when you turned it around there was a break in the recording, is that correct? For the time that you ... -- Yes. There has to be a break because sometimes a person is still carrying on talking when you turn the tape.

Now did you know the speakers who spoke on that meeting, did you recognise any of them? -- Yes I recognised Paul David who acted as the chairman for the meeting. (30)

How did you recognise him? -- I know him well, I know his voice./....

voice.

Yes. Did you recognise it while you were taping it? --  
Yes I recognised the voice, but I double checked.

How did you double check? -- I had my men posted outside.

No but you did not go yourself to check? -- No I did not  
go myself.

You only recognised him with the voice? -- Voice. But  
with confirmation from my men.

Do you know Mr Ramsamy? -- Ramsamy, yes I know him but  
I cannot recognise his voice. (10)

And Barry Kisten Samy? -- Dr Barry Kisten Samy I know him.  
I did see him that day.

I beg your pardon? -- I saw him that day.

Where? -- At the meeting, but I could not recognise his  
voice.

Mr M.J. Naidoo? -- M.J. Naidoo is very well known to me,  
I recognise him, I recognise his voice.

Was he a speaker on that meeting? -- He was one of the  
speakers.

Victoria Mzinge, do you know her? -- I know Victoria (20)  
Mzinge.

Was she a speaker? -- She was one of the speakers.

Did you recognise her voice? -- No I did not recognise  
her voice.

Now Archie Gumede, do you know his voice? -- I know  
Archie Gumede, I know his voice.

Was he a speaker on that meeting? -- He was one of the  
speakers, yes.

Did you recognise his voice? -- I did.

And S. Juggernaut? -- Spider Juggernaut is well known (30)  
to me.

Yes?/....

Yes? -- But I could not recognise his voice.

Was he a speaker on that meeting? -- He was one of the speakers.

And Reverend Nzundu? -- Reverend Nzundu was the last speaker. I think he said a prayer. I cannot recognise his voice, he changes his voice a few times.

While you were recording the meeting did you at any stage in any way tamper with the recording? -- Not when I was recording the meeting.

What did you do after the meeting? -- After the meeting (10) was over I packed up the set, picked up my source who walked out of the meeting, collected the sender from him.

Now while you were recording how many tapes did you use? -- Two tapes.

Two tapes. Did you mark them in any way there? -- I did not personally mark them but my assistant.

Who was he? -- Sergeant Pillay, who was keeping observation near the car, assisted me. He marked the tapes, gave it to me.

COURT: Did he mark the tape in your presence? -- In my (20) presence, yes.

MR JACOBS: Did you see where he marked it and how he marked it? -- Yes.

Edele ek gaan dan die beysstuk is amptelike koevert, Krish Rabilal Memorial 5/2/84, inhoud twee kasset bande. Dit is ook geseël met daardie amptelike seël 1385.

HOF: Wat is die nommer?

MNR JACOBS: 1385. Dit is 'n polisie seël. Edele ek het twee tapes hierin. Ek wil net kyk, miskien is hulle een of twee genommer, ek weet nie, ek wil net seker maak. Een wat blyk-(30) baar gemerk is, ek aanvaar dit is so, op die een kant. Sy

houer/...



houer is 'n Agfa ferro-colour houer en op die houer is daar geen aantekening aangebring nie. Binne in die houer is daar dan een van hierdie kasset bandopnemers. Aan die een kant wat die A op het staan daar net 'n een aangebring, net syfer een. Op die ander kant wat die B kant is is daar aan die kant is 'n twee, nommer twee aangebring en daar is geskryf "Krish Rabilal Commemoration at St Michael's Church, Merebank" en dan is the datum 84/02/05 14h00 en dan is daar op 'n ander stadium is daar aangebring T305.1. Die tweede houer is, staan op die voorkant net "Low noise high output precision (10) cassette mechanism". Dit is 'n Dynamic Cassette, is die soort. En gee daar net voorskrifte blykbaar hoe dit gebruik word. In hom is dan die tweede kasset. Op die A kant daarvan is daar op die etiket aangebring 'n drie. Op die B kant daarvan aan die heel regte kant daar in die hoek is 'n vier aangebring en dan verder is hier geskryf op hierdie B kant "Krish Rabilal Commemoration at St Michael's Church, Merebank" dan weer die datum 84/02/05 14h00. Major I want you to have a look at these tapes. That will be handed in as EXHIBIT 7.

COURT: No we will give them separate numbers, EXHIBITS 7A (20) and 7B if you want to or 7(1) and 7(2).

MR JACOBS: As the Court pleases.

COURT: The first one that you handed in will be 7(1) and the other one will be 7(2).

MR JACOBS: Do you identify them? -- Yes they are identical to the tapes that I ...

But do you identify them as the tapes and the handwriting on it? -- Yes.

COURT: So those are the tapes on which you recorded the proceedings of this particular meeting? -- That is correct. (30)

Yes, could you just hand them to my registrar to be

properly/....

properly marked.

MR JACOBS: And you hand them in as EXHIBITS 7(1) and 7(2).

Now ...

COURT: Just a moment, so that we do not have any difficulty later on.

MR JACOBS: So afterwards what did you do with the tapes?

The exhibits? -- I took the tapes to the office.

Yes? -- I had them locked in my safe.

COURT: Did you lock them yourself? -- Yes I have a personal safe in my office. (10)

Do you have the only key? -- I have the only key.

Yes.

MR JACOBS: Yes and then? -- The next day I got, started with listening to the tape for compiling a report for my head office.

And compiling a transcript. Did you start making a transcript from it? -- I had to listen to the tape first.

Yes ... -- Compile a report and then transcribe the tape.

Why did you listen to the tape? -- I listened to the tape to get a general idea for my report. I submitted a telex (20) report to Pretoria and then followed it up with a transcribed version, a transcription of the tape.

Now while you were listening to the tape did anything happen in your office? -- What do you mean by anything?

At any stage while you were listening did you receive a telephone call or ... -- Yes there was a stage where my telephone rang while I was listening to the tape and I pressed the tape button instead of the stop button and I immediately realised that I made a mistake and I stopped the tape.

Will you have a look at exhibit ... (30)

COURT: Just a moment, the effect of this being, if you press the/...

the tape button that you erase what is on the tape? -- Yes and I record whatever ...

And you record the telephone conversation for example?

-- Yes.

I see.

MR JACOBS: I would like you to have a look at EXHIBIT V(7) on page 37, lines, just after 7, 7 and 8. There on the transcript it is "sounds something like a telephone ringing"  
-- This was when I was transcribing.

Was then afterwards when you transcribed it did you (10) transcribe it as well into the ...

COURT: Now are you saying that this is the stage where the telephone rang and you by mistake pressed the tape button instead of the stop button? -- That is correct.

And therefore the telephone is audible on the tape, otherwise it would not have been audible on the tape? -- That is correct.

Yes.

MR JACOBS: On this machine that you used is it, how did it happen that you made a mistake like that? Is it a similar (20) machine to this one? -- Yes.

Will you have a look at ... -- That is a Panasonic is it? National Panasonic, yes.

Can you demonstrate to the Court how it happened that you pressed the wrong button there?

COURT: Is the tape button next to the stop button? -- Next to the stop button, yes. My Lord I had the play button ...

MR JACOBS: There is a tape in it and you can demonstrate to the Court. -- The play button on and when the ...

Show the Court what is the play button. -- It is on. (30)

That is the second button but in the middle of it is a

red/...

red button that is not pressed down. -- No that is not pressed down. When the phone rang I did that instead of that.

So you then play ... -- And I picked up the receiver, immediately realised it was the wrong button that I pushed.

COURT: So what you pressed is you pressed the red button.

-- The red button.

Instead of pressing the stop button? -- Yes. Now I, if you listen to that now, stop. I thought it was the stop, meanwhile I had the recording button on and immediately realised that and I put the stop button on. (10)

MR JACOBS: Then afterwards you transcribed this from this tape, what is on the tapes? -- Yes.

What part did you ... -- I had to do the English portions, I do not know Zulu very well except kitchen Zulu. I did the English part of the tape and I gave these tapes to another colleague of mine, a black policeman, who did the Zulu transcription.

Where did you transcribe that, the tape? -- I did that in my office.

And the person, who transcribed the Zulu portion? -- (20) It is a Captain Kwala.

Where did he transcribe it, was it in your office also or ... -- No in his office.

In his office. And during the time that he was transcribing the Zulu portion what happened to the tapes at night and so on? -- Well I gave him specific instructions that he locks the tapes in his drawer, he has not got a steel trunk he has got a drawer and he has got keys to the drawer and I gave him instructions that it must be locked in his drawer.

After he finished what did you do with the, what (30) happened to the tapes? -- After Captain Twala had finished

I/....

I got the tapes and I handed it over to Captain De Beer.

Did you seal them before that? -- Yes I sealed them with official seal 266.

In what did you put them? -- In an envelope.

Yes. -- Official envelope with the S.A.P. seal 266 and I gave him the transcription as well.

During the time that the tapes were in your possession did you or anybody else tamper with it and try to alter on it or anything like that? -- No.

And that EXHIBITS 7(1) and 7(2) those are the tapes (10) that you took, the original tapes that you took of that meeting? -- That is correct.

And does it reflect it as you checked through it and you transcribed through it does it reflect a true version of what took place in that hall? -- Yes I transcribed it to the best of my ability.

At the end of the meeting, just before you switched off the tape, did you do anything there, pull out any wires or anything like that? -- I pulled the cord that runs from the receiver onto the tape recorder. (20)

Yes and what will be the effect then, and was the machine still running at that time? -- Yes, I realised it when I listened to the machine was still running and I had recorded the talking between Sergeant Pillay and another colleague that was there, and also the background singing of the people walking out of the hall.

So it was recording then, do I understand it correctly, what was happening in your immediate vicinity and far away noises that are hard enough to be recorded but not from within the hall? -- That is correct. (30)

COURT: Was this now after the meeting? -- This was after the meeting/....

meeting when the people were walking out.

ASSESSOR (MR KRÜGEL): Was this accidental, on purpose? -- I would not say purpose. It just happens that I pulled this cord off when I was trying to get the microphone set put away while the tape recorder was still on.

I see. -- Sometimes we do that, sometimes we do that purposely for, to get any other information that we could get outside, outside the meeting. If my source was carrying the microphone set, if he is walking out talking to somebody sometimes we pick it up. (10)

MR JACOBS: Then EXHIBIT 7 reads ...

COURT: Would this be a convenient time for the adjournment?

MR JACOBS: Yes.

COURT: Will you remember where you were Mr Jacobs?

MR JACOBS: Yes My Lord.

COURT ADJOURNS UNTIL 7 AUGUST 1986.