

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

Ass 2

SAAKNOMMER: CC 482/85

DELMAS

1987-01-22

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORE: MNR. W.F. KRÜGEL

PROF. W.A. JOUBERT

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

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COURT RESUMES ON 22 JANUARY 1987.

COURT: Mr Bizos I perused your application for bail last night and I notice that the affidavit by A. Mokoena is not attested. Will you take it back and attend to it.

MR BIZOS: I am sorry about that My Lord, I was told that it, unless a copy may have ...

COURT: Yes it seems to me that a page, no a page is missing, the page on which he attested is not included.

MR BIZOS: As Your Lordship pleases, yes we will see to it when the, that firm of attorneys comes we will deal with (10) it because I actually, there was a conversation about attest- ing it on a particular day so I ...

COURT: Yes it must have happened because he initialled the pages and therefore it must have been attested. The page is missing if I looked correctly.

MR BIZOS: As Your Lordship please, it is something we will, I do not know if Your Lordship requires another copy in the meantime.

COURT: No that is not necessary.

MR BIZOS: My Lord there are just two minor matters which (20) I wish to draw Your Lordship's attention to and that is that we would seek Your Lordship's leave for Mr Moses Chikane, accused no. 21, to attend a doctor tomorrow at midday. It is possible that he may have to be taken away earlier than any time that Your Lordship may be pleased to adjourn the trial and we submit that this portion of the case that we are really dealing with is a little remote to him if Your Lordship would grant that leave?

COURT: This is granted, yes.

MR BIZOS: And the other is that Mr Ephraim Ramagula, (30) accused/....

accused no. 9, to attend the clinic at the Provincial Hospital which has, oh I am sorry he is on bail but he is still being attended by the same doctor and an appointment has been made for 2 March, which is some distance ahead but if Your Lordship..

COURT: But at what time? Will he be here part of the day or will he be away the whole day?

MR BIZOS: The note does not say but this is a clinic at which apparently the specialist takes people in turns.

COURT: Is it in Johannesburg?

MR BIZOS: Yes it is Johannesburg, yes the Provincial (10)
Hospital in Johannesburg. Your Lordship will recall his condition requires periodic ...

COURT: Yes leave is granted.

MR JACOBS: Edele kan ek net iets vra hierop? Dit gaan miskien op hierdie stadium kan daar miskien later aan nou probleme ontstaan, as daar dinge gesê word en daar is later aan 'n botsing wat miskien 'n getuie of algemene omstandighede van die getuienis raak, sê nou maar oor UDF en 'n getuie en van die getuies is nie hier nie en dan kan 'n mens hom stel dat daardie getuie het in die Hof so gesê en hoekom stel hy (20)
nou so dan kan daar so wees dat hy kom sê hy was nie in die Hof nie. Daar kan probleme ontwikkel. Ek noem dit net op hierdie stadium, ek dink ons moet dit in aanmerking neem as ons nou die beskuldigdes verloop gee om nie Hof by te woon nie.

HOF: Ja dit is so Mr Jacobs. Aan die ander kant as die man behandeling moet kry moet hy behandeling kry.

MNR JACOBS: Sal dit dan nie wenslik wees dat ons dan miskien verdaag daardie dae dat hy nou nie ...

HOF: Ons sou dit kon doen. Dit persone wat op borg is moet miskien 'n poging aanwend om hulle afsprake te maak op tye (30)

wat/....

wat die Hof nie sit nie, indien dit moontlik is, wat natuurlik moeilik is want die Hof sit tot 15h00 in die middag. Maar die dokters is dikwels daar tot 17h00 in die middag.

MNR BIZOS: Wel eek weet nie of dit so is by die

HOF: By die kliniek nie.

MNR BIZOS: By die kliniek waar die spesialis van 11h00 tot 13h00 gewoonweg daarheen gaan en in die namiddag het hy sy eie privaat pasiente.

HOF: Wel ek dink in die vervolg moet daar 'n bietjie samespraak wees tussen die Staat en Verdediging oor die aspekte. Dat (10) ons nie uiteindelik in 'n botsing oor die ding beland nie.

MNR BIZOS: Ons sal probeer om dit op te los.

HOF: In elk geval die verlof is toegestaan.

BAVUMILE HERBERT VILAKAZI: d.s.s.

FURTHER EXAMINATION BY MR BIZOS: Mr Vilakazi when did you become a rent payer in your own right in the Vaal Triangle?
-- That was in July 1979.

And were you married? -- Not at that stage.

Were you married shortly thereafter? -- Yes.

And when was the first rent increase that you came (20) across? -- In about August 1980 I received the first notice of a rent increase.

Do you remember how much to how much? -- When I began occupation of the house in 1979 the rent there was R37. In August 1980 this was increased by an amount of R10.

COURT: R47? -- To R47.

Now when you speak of rent what exactly do you mean? -- Then, even presently when I speak in terms of rent I speak in terms of site rent including services charges.

And your house was, in Sebokeng? -- House no. 55241, (30)

Zone/....

Zone 3, Sebokeng.

The number is? -- 552041.

Sebokeng? -- Zone 3, Sebokeng.

MR BIZOS: Yes. Did you have any feelings about the amount of the increase at the time? -- Yes, not only my own feelings but generally my neighbours also felt that the increase was too substantial and also the reasons for the increase were not really convincing enough.

Well we do not have to examine this, the reasons at this stage but did you do anything about it at that time? -- A (10) number of my neighbours came around at my place and we discussed this issue and it was felt that we should have a meeting or residents so that we can make some form of representation to the community council with that regard.

Did you take a leading or prominent role in that little exercise Mr Vilakazi? -- Yes I did.

So that His Lordship has some idea of your background have you taken any leadership role in any community affairs even from the days that you were at school? -- Not quite.

Were you, what position did you hold in your church? (20) -- In my church I was a member of the choir, a Sunday School teacher, a Vice-President of the Youth League in the church, that was at the time my brother, my elder brother who is presently a pastor in the church, was the President, and when he went to attend a theological college I was elected into the position of the President.

Were you the President of the Youth League of your church for some time? -- That is so.

And you told us that you took a leading role in making representations to the Council. What form did this take? (30)

-- I/....

-- I alternated with some of the neighbours in chairing the meetings. That particular, the two meetings that we held with regard to the rent increase and we decided then to draft a memorandum stating our position with regard to the rent increase then and sending it over to the Chairman of the Vaal Triangle Community Council, Mr Knox Majila, as the signee to the rent increase notice that we had received earlier.

I do not want you to try and describe the whole, the contents of the notice but what was the gravamen of the notice, what was the essential part of it, of the memorandum? What(10) did you say to Mr Majila, the Chairman of the Council? -- We requested that more clarity with regard to the increase to be supplied to the residents before such an increase was to be implemented and we also made mention of the inability of some people in paying that rent increase and we also mentioned the inadequacies of the services that we received from the Council at that stage.

Well what response, if any, did you receive from Mr Majila or any other Council member to your memorandum? -- Well there was no direct response we got from them. (20)

Well was there any indirect response? -- I cannot remember anything being done about it.

But the rent was nevertheless increased? -- The rent was increased.

Prior to 1983 were you involved in any political movement or any political organisation Mr Vilakazi? -- No.

Had you ever been a member of COSAS or AZAPO? -- That is not so.

When in 1983 did you become aware that there was going to be a change from Community Councils to Town Councils? (30)

Did/....

Did you become aware of that? -- That is so.

What work were you doing at that stage in 1983? -- I was still employed by Urban Training Project as educator for the Vaal.

And are you a regular reader of newspapers Mr Vilakazi?
-- That is so.

And as a result of the nature of your work do you try to follow the, or understand the legislative programme of the government insofar as it affects you and other people like you? -- That has been my interest. (10)

Now did it come to your notice, or did what are called the Koornhof Bills come to your notice? -- Yes.

What did you understand, I do not want, I do not know if you are able to give but His Lordship does not need a legal exposition of the matter but what did you understand the effect of these bills was insofar as it affected you and members of your community? -- The fears around the Koornhof Bills altogether was that to a great extent they did not guarantee any security with regard to the position of the Black person in the urban areas, particularly in the Vaal (20) complex the fear was that ultimately the Vaal complex would be linked with a homeland like Qwa-Qwa which has got strong links with the authorities in the Vaal complex and it was a general belief that the Koornhof Bills will bring such a situation whereby Qwa-Qwa would opt for independence and it would be easy for people in the Vaal area to be incorporated into this homeland and ultimately lose their citizenship as South African citizens, like the kind of situation we have with places like Ga-Rankuwa which was incorporated into Bophutatswana and we have people coming from Ga-Rankuwa commuting (30)

to/....

to work daily from Bophuthatswana into South Africa, not as permanent residents of South Africa.

Do you know where Ga-Rankuwa is? -- Ga-Rankuwa lies north-west of Pretoria.

I am sure Your Lordship might have taken notice of that, but just in case. You say that there was this fear, now is Qwa-Qwa a tribal authority? -- It is.

And you say that there was a fear that there would be independence taken. What was the, what were the rumours, what were the facts, what was the feeling, what was the (10) perception at the time?

COURT: That is about three questions. The one is what were the facts and the other one is what were the rumours and the third one is what were, what was the perception. You can take them in sequence. -- The facts as far as I know them is that the Chief Minister of Qwa-Qwa, Chief Mopedi, had rejected the concept of independence but surprisingly there was what was built in Qwa-Qwa which was called an Independence stadium. Also the kind of ministerial houses that were built in Qwa-Qwa which were very lavish mansions indicated that some kind of (20) independence in the pipeline. The naming of the Qwa-Qwa stadium as an independence stadium created the kind of rumour that counsel may be referring to, that Qwa-Qwa may be opting for independence very soon. Now with the kind of link that the Development Board, or the then Administration Board in the Vaal complex had with the administration of Qwa-Qwa the fears were generally that the Vaal complex would be incorporated into Qwa-Qwa administration.

MR BIZOS: How would that have affected you personally if it happened Mr Vilakazi? -- Well personally it would put me in (30)

a/....

a very difficult position as I do not attach myself or attach any significance with regard to the homeland system. In any event I would find it very difficult because my paternal origin is Swazi-Zulu and my material ancestry is Southern Sotho.

And have you made a choice of the paternal or the maternal side, or do you leave yourself out of this division? -- I choose to remain a South African.

And during 1983 was there any talk about any political rights being given to Coloured and Indian people? -- That (10) is so. There was the White referendum on the question of the Tricameral Parliament which meant really that it was a question of incorporation of the Coloured and Indian communities into the legislation, into Parliament I can put it, with the introduction of the Tricameral Parliament system. But the main question that remained was that the fact was the Black people in the country were left out in the cold in the process.

How did you feel about that? -- The fact that we were left out and with the introduction of the Koornhof Bills we were merely offered the Community Council and the Town Council (20) systems, the Village Councils and the Town Council system as an alternative really made me feel very much insulted as a Black person being offered a structure which really gave me no control over my own life in my own country, that is the country of my birth.

Are you able to tell His Lordship whether you were alone in these feelings as far as you moved around among your friends, your neighbours, your relatives, colleagues, workers that you saw? -- Everybody I met really was concerned about that position. Everybody in the townships discussed this (30) situation./....

situation. Even at work amongst the workers. At seminars you will find that people would sort of move off the set programme and always try to bring in these political issues and I can say the confirmation was the evidence we heard in this court that has been led by people like our Chairman, the reverend Lord McCamel and number of witnesses who were members of the Community Councils of...

Yes, you have heard that evidence, would you agree with that part of the evidence of the witnesses? -- Yes, fully.

I want to read to you a short passage appearing on (10) page 37 in the report of Professor Van der Walt, it is very brief My Lord I will just read it out.

COURT: The exhibit number?

MR BIZOS: AAQ34 My Lord, page 37. It refers to the feeling of the people about the new political dispensation and how Black people felt about it and the passage that I am referring to is:

"That the Coloured and Indian can now take decisions which the White man ..."

COURT: Which paragraph are you reading from? (20)

MR BIZOS: I am sorry that I cannot be of immediate assistance.

COURT: The top part of the page is "Chapter 4 - Nationwide Implications" is that correct?

MR BIZOS: That is so. I have a very brief extract in the statement and I have not marked it on this page. Could I...

COURT: Well read the extract, I will pick it up.

MR BIZOS: Yes:

"The Coloured and Indian can now take decisions with the White man. The Black man in the homelands at least has some rights but what about me who was born here, whose (30) father/...."

father was born here, whose father lies buried here."

COURT: Whose grandfather lies buried here. You wrote it down incorrectly.

MR BIZOS: I am sorry My Lord. Which only goes to show how important it is that we should observe Your Lordship's insistence on referring to the original document.

COURT: Petra fontes(?).

MR BIZOS: How does that finding by Professor Van der Walt correspond with your own experience and your own feelings Mr Vilakazi? -- To my belief is that the Learned Professor (10) is mentioning his own findings with regard to his own experience with the people of the Vaal complex and I share similar experiences.

Now you have told us one of the objections to what are referred to as the Koornhof Bills. Were there any other provisions of these Bills that you understood were of fundamental importance to your community? -- No.

You did not think so, right.

Did you personally make any decision what your attitude should be to the proposal in terms of these Bills that (20) they should be Town councils, what was your own feeling about it? -- I was opposed to the Town Council system.

Did you take any personal decision as to whether you should participate by standing or voting or having anything to do with it? -- My decision was that I would not stand for elections and I would not participate in any form in the elections of such a system.

Now the suggestion by the State Mr Vilakazi is that your decision to do this and other members of your community was inspired by, or instructed by the African National Congress. (30)

What/....

What do you say to that suggestion by the State? -- I deny such an allegation because my decision was out of my own initiative.

It is also suggested that it might have been the South African Communist Party or that you got instructions from the United Democratic Front. Did you get instructions from anybody as to what attitude you should have to the council system that was introduced in the Vaal Triangle in 1983? -- I received no instructions or any directions from the South African Communist Party and with regard to the United Democratic Front I was not a member of any organisation until later in 1983, and as (10) such there was really no way that the UDF could influence me as an individual.

COURT: In previous elections, that is the Community Council, did you vote? -- No.

Not at all? -- Not at all.

Were you not eligible for voting? -- I was eligible for voting but ...

Once? -- Once.

Yes. Why did you not vote then? -- For the same reasons that I gave evidence on earlier when I spoke, when I gave (20) evidence about my meeting with Mr Majila.

Yes, thank you.

MR BIZOS: Was there any public debate about this council system and the new dispensation? -- There was a lot of debate there around that issue.

And were you alone in holding this attitude in relation to councils, or were there well known personages who publicly expressed their opposition? -- The debates were generally in every Black community in the country as far as I can remember. There were also reports of public speeches being delivered (30)

by/....

by reknowned public figures like Dr Motlana of the Soweto Civic Association and also the Chairman of the Soweto Committee of Ten, who also expressed his feelings in opposition of the new system.

Can you remember anyone else, perhaps in a different political camp to Dr Motlana? -- With regard to the whole new dispensation I can remember also Mr Enos Mabuza of Kangwane was also in opposition and also I think, yes I remember Chief Gatsha Buthelezi of the Kwa-Zulu government who really because of the Labour Party's breaking away from his Black Alliance (10) and seeking position in the new system, he also mentioned and called the new dispensation as an unholy alliance.

In adopting a personal stand in 1983 that you would boycott this election did you think that you were doing anything illegal or even possibly anything morally wrong in adopting this attitude? -- Not at all.

Your experience up to then was what were called Community Councils. Were Town Councils established by the so-called Koornhof Bills held out as a horse of the same or different colour? -- I would say though it would have been put that (20) this was a new system altogether our perception in my community was that this was one and the same thing because both still had very limited powers, if any, particularly with the new Town Council system.

COURT: In what way were the powers limited? -- An example would be that for every major decision that was to be taken by the Town Council the permission of the Minister had to be sought.

Is that now a decision having financial implications?
-- That is so.

(30)

But/....

But if it was budgeted for? -- If it was budgeted for then I would ask the question, the question I would pose would be did the Town Council have the powers to draw their own budget and the answer would be, as far as I knew it to be, they had no powers to draw their own budget.

MR BIZOS: Who had to confirm or vary or amend or correct this budget? -- The Development Board came into the picture there.

Whatever the position may be in fact or in law by you were the Town Councils in terms of this new dispensation thought to be any different from the Community Councils (10) of the past? -- Can I have the question once more?

Yes. Did you think that the Town Councils in terms of this new dispensation were going to be any different from the Community Councils of the past? -- My feeling was that they were not going to be any different.

Did your neighbours, relatives, friends, fellow workers, as far as you know feel any differently to you? -- Not that I remember.

Now what would you say to the suggestion that if you boycotted the Council, the proposed Council, successfully (20) there would be no one to administer the township and that chaos would result? What do you say to that? -- I would not agree to that because the Administration Board had been in control of the administration of the townships, particularly in the Vaal complex, even before the 1977 inception of the community councils. Now with the Black Local Authority having the Development Board still there I thought and I believed that with the boycott there will not be any chaos for the Development Board was still there to administer the township.

Have you any objection to local government as local (30)
government?/....

government? -- Not at all. I believe that there is necessity for local government.

Well did you consider this as a form of local government which would be of any benefit to you or your community?

-- No, I believed in a structure that would be put into office after the people that the structure was to affect have been consulted and their ideals for a structure have been weighed by the government.

COURT: So whether the structure was good or bad, beneficial or malignant, would make no difference to you because you (10) were not consulted? -- If the structure was to be put then if the structure was to be in control of my life I do not see how good the structure would have been if my aspirations were not really gauged and my ideas of that structure were not being gauged. It may have been looked like it is a good structure to see people in authority but I would find that the structure does not suit the people, it is not what the people were expecting, it is not what the people really want in regard of structure that is now to govern them. Then it would be bad to them. (20)

No I am not speaking about the people. I am speaking about you personally. As far as you personally were concerned because you were not consulted never mind whether the structure was good or bad it was unacceptable? Is that your point of view? -- It would depend on whether it really meets up with my expectation of an ideal structure. Then I would have been in a position to say it is good or it is bad.

Yes?

MR BIZOS: Was this structure offered merely as local government or was it offered in lieu of something else as well? (30)

-- Well/....

-- Well it was not merely offered as local government but it was offered as the end of the line for political rights, meaningful political rights for Black people in the country.

COURT: So it is because you thought this was the end of the line that it was not acceptable? -- That is one of the reasons.

MR BIZOS: For the sake of completeness perhaps we should ask you Mr Vilakazi what sort of local council would you have wanted and would you have found possible to support, in order that His Lordship may properly gauge your feelings in the matter?

-- Well I would accept a local council, a local structure, (10) that has got full decision making powers and that is adequately financed, that has got access to rateable property and that will no solely rely on the rentals of housing units for its own finances. And also such a structure really be not offered as an alternative to something else.

Where do the people of Lekoa or the Vaal Triangle living in the townships do their buying, their food, their clothes, get their services, medical, dental, everything else? -- Most of the buying is done in the towns of Vereeniging, Vanderbijl Park and to some extent Meyerton. (20)

Yes. And are any rates and taxes which are paid on the value of the business properties in those towns which rely on the support of you, your support and the support of your community funnelled through to the people living in the townships? -- No.

Where, were the structures ..

COURT: Was there not a subsidy from Vereeniging to Sebokeng?

-- Not that I know of.

MR BIZOS: I think it is the position in Pretoria. I do not know that it is, I have heard in certain proceedings that (30)

it/...

it was in Pretoria. I do not know about that. Now the system as it was being proposed where would the money come from? -- To finance the projects of the township?

Yes. -- From the rents.

From the rents. Now you have already told us that you personally decided that you would have no part of the system, that you would boycott it and what did you hope to achieve by the boycott Mr Vilakazi? -- By the boycott action I saw it as the most appropriate action and I believed that with the boycott the government would see that the system was not (10) acceptable and having noted that error of having instituted that system some good would come of it.

You have already given us your personal experience of the success of the boycott of the system of liaison committees on the shop floor. Did you have any other example of the improvement in the status of Black people in South Africa or other minority group as a result of participating in boycott politics? -- Yes.

Which one? -- I think the Community Councils in Soweto were boycotted which brought them into office with very (20) little vote and thereafter was talk of the BLA. So that is an example of that.

You say, was there or was there not a successful boycott of the community council system in Soweto? -- There was.

And did you ascribe, I understand your answer that you ascribed that failure in part to the successful, or rather that failure in part to the success of the boycott in Soweto? -- That is it.

Yes. Now what about the ...

COURT: Which failure?

(30)

MR BIZOS:/...

MR BIZOS: The failure of the community council system, the witness said that is why something different in the ...

COURT: Thereafter there was talk of the BLA.

MR BIZOS: BLA.

ASSESSOR (PROF JOUBERT): There was talk of BLA. Could we perhaps just get the drift of what the talk was about. Was it an improvement?

MR BIZOS: Yes, was it held out as an improvement? -- Yes the Black Local Authorities Act was supposed to come with much more improved version of local authority than the community (10) councils.

Well we were going to move on to the experiences as you knew it or understood it or heard about it from, of the coloured people. What was the position there? -- The Coloured people, I think in the Coloured community the people opted into going into the Coloured management structures and resigning as soon as they were into office. That is aborting the whole thing once they were elected into office.

Can you remember the name of the main body that was aborted from within so to speak? -- That was the Coloured (20) Representative Council.

And what was your perception, was it successfully boycotted or not? -- My impression was that it was successfully boycotted.

And did you believe whether any improvement came along or not as a result of that successful boycott? -- Well I saw no improvement because what came thereafter was the Tricameral system with the ...

From, you did not regard it as an improvement from your point of view? -- That is it, yes. (30)

Did/...

Did you ever give consideration to possibly participating in this system and trying to reform it from within so to speak?

COURT: Is that now the Coloured Representative Council?

MR BIZOS: I beg Your Lordship's pardon, I should have made it clear. The Town Council, did you consider possibly standing for election for the Town Council and trying to reform it or even abort it from within? -- I had considered that after instances like Mr Majila approaching me into coming to the council earlier on. But I thought there would be no good out of it because my integrity as a person would be very much (10) affected, particularly with the kind of perception people had with regard to the Community Council and their experiences with community councillors.

COURT: Your integrity or your reputation? -- My reputation.

MR BIZOS: Yes. Now I want to refer you again to AAQ34 about some of the matters that you have spoken to His Lordship about, and more particularly what you said about this fear of these Bills that they made lead to some form of independence, and the spending of money at Qwa-Qwa. I am referring to page 32 My Lord, paragraph 3. Professor Van der Walt found: (20)

"That all this has created a climate in which rumours can be spread freely, many of which also came my way, such as that Lekoa residents money was being used for the development of Qwa-Qwa or to finance loans to councillors. I was told this even by cultured and influential Blacks.

One told me that he had seen a noticeboard in Qwa-Qwa with his own eyes which stated that this development was made possible by the Orange-Vaal Development Board.

Apparently the said Board had done some work in Qwa-Qwa on a contract basis, therefore for remuneration but (30)

the/....

the residents of the Vaal Triangle were never told this." And the following paragraph:

"Competent authorities will no doubt investigate these other rumours thoroughly. The fact remains, however, that these rumours are abroad and there are indignant residents who want to know 'If the authorities have all that money to invest or to lend why must we pay a higher rent and increased services levies' and 'If they want to spend their money why not in our own township so that we can also see more development here. Why are some of the (10) new houses offered for sale so badly finished, not plastered, no floors, no roofs? Is it that we do not really want to encourage home ownership?'"

Now what do you say to His Lordship from your own personal experience and the contact that you had with your community in relation to that, to those two paragraphs in Professor Van der Walt's report? -- Like I said earlier in my evidence that there were links between the local authority in the Vaal complex and the Qwa-Qwa authorities. It had from time to time appeared in the local authorities mouthpiece in the Vaal (20) Bulade Tabadi Lekoa ...

Perhaps you had better spell that for the record?

COURT: Yes please. -- B-u-l-a-d-i-t-a-b-a T-s-a L-e-k-o-a.

MR BIZOS: Yes. What appeared in that publication Mr Vilakazi? -- From time to time the publication would report on a number of projects within Qwa-Qwa that were undertaken by the Administration Board, that is the Orange-Vaal Administration Board. That would range from the building of roads, housing units, and the small business sites in Qwa-Qwa. The use of the same construction company both in Lekoa and in Qwa-Qwa (30) made/....

made the people believe that we were actually financing the development of Qwa-Qwa a compared to financing the development of the Vaal complex as the place we were staying in.

In further confirmation of what you have told His Lordship about the thought that this new Town Council, although somewhat held out as something of an improvement and something different would you please have a look at EXHIBITS AAQ19 and AAQ22, the two notices that were published in 1984 increasing the rental signed by Mr Ganz on behalf of the Board. Now did you see those notices at the time or not Mr Vilakazi? -- (10)
Not at the time.

Not at the time. But now that you have seen them when they were produced in court could you tell His Lordship what the perception, your perception and the people that you knew and talked to, who was really calling the shots, who was the boss in ...

COURT: Is that now on the basis of a notice he saw in court now?

MR BIZOS: Well My Lord ...

COURT: Why do you not just ask him you did not see the (20) notices at the time, the impression he formed in court is irrelevant, it is my impression that counts. Why do you not ask him merely who called the shots?

MR BIZOS: As Your Lordship pleases. What was your feeling, who called the shots in the Lekoa area? -- My feeling was that the Administration Board, and later Development Board, called the shots in the Vaal complex.

Did you read at the time that it appeared the newspaper a portion of which has been produced as AAQ16, the Press statement of Mr George Thabe in which he describes the (30)

body/....

body he had taken part in as a toothless body which had no means of financing itself or remaining independent. Did you read that at the time? -- The only newspaper report that I read to that regard was when Mr Thabe was announcing his resignation from the Community Council. That one I read.

Yes. A statement from a person like him who was talking from within the system, I think the expression is, did that strengthen or weaken the general impression that you had about the powers of this body?

COURT: Well let us first hear what the report was that he (10) read.

MR BIZOS: As Your Lordship pleases.

COURT: Because it may not be the one you are referring to.

MR BIZOS: What did the report that you read say about the powers of the council? -- The report that I read in it Mr Thabe was saying that the council system does not have any powers. He also referred to himself and his colleagues as puppets.

Did this sort of description by Mr Thabe himself come as a surprise to you and the community or as confirmation of what you believed? -- It came merely as a confirmation of what (20) we believed.

Whilst we are dealing with this, because it is the same subject matter although it came a little later, what was the perception of your community in relation to the apparent coincidence that the vast majority of the liquor outlets in Lekoa found themselves in the, soon to be the property of councillors and members of their families? -- The people in the Vaal complex would never believe that really such a coincidence can happen. I think for them to believe in that kind of coincidence would be rather too much, particularly (30) where/....

where you find that the councillors are said to have got these bottlestores as a result of the tender.

COURT: Of a tender? -- Of a tender, yes. And surprisingly enough some of them paid not even a cent for these bottlestores. That does not go with my understanding of a tender.

MR BIZOS: Were you approached at all to either vote or take part in the 1983 election? -- A candidate in the elections came to ask me to vote for him.

Who was that? -- That was a Mr John Mokoena, a local businessman. (10)

There are a number of Mokoenas, just for the sake of clarity is he one who has or has not given evidence in this case? -- He has not given evidence in this case.

Yes. What did he come to you for? -- He was in his rounds canvassing for his elections and he wanted me to elect him into office for the ward that he was representing, which ward I was staying in.

Yes. Did you ask him any questions? -- We discussed the new Town Council system and Mr Mokoena expressed his views with regard to the comparison between the old community (20) councils and the new town council system. And his ticket I noted was that he would fight for the reducing of the rents.

Reducing? -- The reducing. That is where I really understood and realised that Mr Mokoena does not understand the BLA because I asked him where else would he expect to get the money to finance the projects, if not from the rents. He said no he would fight from within to get the government to subsidise the local authority more than it did at that stage. I asked him a question what does the Act say about that presently, can the government subsidise that, is there any form of (30) subsidy/....

subsidy that the government can give to the local authority to the extent that rents would be reduced. And Mr Mokoena did not know really whether that was so, that was possible, but it was his contention that he would fight for the reduction of rent. I explained to Mr Mokoena that he would have more projects in the council and because you have no other alternative source of income other than the rentals in the townships you will be forced to increase rentals. Then he disagreed there and I realised that Mr Mokoena cannot understand my point. But then I assured Mr Mokoena that I will (10) not elect him into office even if it merely meant putting him on a test.

What was the economic climate in the Vaal Triangle towards the end of 1983 whilst Mr Mokoena and his colleagues were seeking election? Was it good or bad? -- With the rise of inflation and the industry, particularly the steel industry which is predominant in the Vaal complex was very much hard hit and we saw lots of retrenchments and lots of general unemployment during the year 1983 in the Vaal complex. There was no change with the beginning of 1984. The climate (20) persisted.

In relation to the council's understanding of the function that they were undertaking I want to read to you a passage from Professor Van der Walt's report appearing on page 31, paragraph 3, and we are not relying on the typed one again My Lord.

"Some of the most important complaints expressed were some councillors are ignorant about the rules, regulations and procedures concerned. Many of them come to meetings unprepared, even for the first time opening (30)

the/....

the sealed envelope containing the agenda at the meeting. That some of them attend meetings irregularly and they are therefore not in a position to keep their constituents informed. That some of them are too arrogant and not easily accessible. And last, but not least, many of them are corrupt and self interested."

Now I do not know if you know when they opened they agendas or not but for the rest what do you say from your personal experience about this finding by Professor Van der Walt? --

I would not know really that counsel puts it that what (10) happens when the councillors open their agendas at the meetings. But the question of corruption and self interests of the councillors I have substantially given evidence on earlier on and the other question of ignorance I would not really believe, actually I do not believe that people like Mr Mokoena received any form of training on the local authority even after having joined the council or having been elected into office.

COURT: Yes, there is no school for politicians.

MR BIZOS: Nor licensing, or there should be. Mr Mokoena I want to refer to the, I want to go to the, I beg your (20) pardon Mr Vilakazi I want to turn to the housing problems. I want to read to you a number of passages from Professor Van der Walt's report and ask you whether what I read accords with your personal experience or not. Professor Van der Walt says ...

COURT: Page?

MR BIZOS: Page 14 My Lord.

COURT: Paragraph?

MR BIZOS: May I just read it and then I, the second line from the top page 14: (30)

"One/....

"One afternoon the children come home to find the doors locked, a common practice of the local authorities wherever municipal accounts are in arrear. But the children are too ashamed to ask anybody for assistance. In spite of welfare services and the Municipal Support Fund to which every household makes a monthly contribution in the form of a levy, the doors are unlocked only when on his own initiative the Principal has collected enough money from sympathetic people to pay the outstanding accounts."

Now have you yourself seen houses locked by the authorities, (10) with the children locked out because the people were in arrear with their rental? -- That was common practice in the Vaal complex.

And can you give examples if you are called upon to do so? -- That is so.

I do not intend asking you for examples so that we can get on, but if you are asked. Then at page 32 paragraph 1:

"Sometimes ruthless action is taken, for example by locking the doors of the house of someone who is in arrears with his rent or by removing a door or ... (20)

COURT: I am sorry I am not with you, page 32?

MR BIZOS: Paragraph 2 page 32 My Lord.

COURT: Paragraph 2?

MR BIZOS: Yes I am sorry My Lord I said paragraph 1.

COURT: Well the Professor does not say "Sometimes ruthless action is taken. He says "Of course all this is not improved by the numerous allegations".

MR BIZOS: I am sorry My Lord, yes. From now on I will read from the Gazette:

"Of course all this is not improved by the numerous (30) allegations/...

allegations that sometimes ruthless action is taken by for example locking the doors of the house of someone who is in arrears with his rent or by removing a door or all the furniture without prior warning. On the other hand it is also clear that some councillors try to avoid their voters because they do not see their way clear or are unable to answer questions."

Now are you able from your personal experience to either confirm or not what is reported by Professor Van der Walt?

-- I have seen this happen around me. (10)

Well the Professor says that these are allegations. Have you actually seen it happen? -- As I said I have seen it happen around me.

COURT: Well there are two allegations. The one is about the locking out. The other is the avoidance of voters by councillors. Now which have you seen happen? -- Well I have had only one experience of avoidance by a councillor, personal experience. And I have seen in my neighbourhood the locking out taking place and if ever you had a lock out or you had your furniture being removed only to retrieve it at the (20) time you are able to pay the amount you are in arrears. Alternatively you had one of your outside doors, either the back door or the front door being removed. Actually having spent the night in an insecure position with an open door right through the night.

MR BIZOS: And how safe would your belonging be if you had to go to work without a door on your house? -- Practically one would have a choice of going to work or remaining to protect one's property.

The avoidance, you say one experience that you have (30)

had, /...

had, although I do believe that you are referring to an incident which happened later in 1984 could you relate this, very briefly this experience of avoidance? -- Yes that happened in 1984, soon after the announcement of the R5,90 increase. I went to see Councillor Mokoena at one of his shops.

COURT: Is that the same Mokoena you have been speaking about? -- That is it.

MR BIZOS: He succeeded in being elected? -- Yes he had succeeded in being elected. It must be noted that Councillor Mokoena did not stay in Zone 3. He stayed in Zone 7 which (10) is about five to six kilometres away from Zone 3, so it was a bit difficult for one to get hold of him and I perchance met him at the one of his businesses in Zone 3. After having greeted him and just said the opening of my discussions with him, particularly with the rent, Councillor Mokoena said this is a major issue, that we would need time to sit down and discuss and he said he would make an appointment, arrange his own time schedule so that he can come and see me at my home. And that was the last time I heard of Councillor Mokoena.

COURT: When was it, in September or August or July? -- It (20) was in August.

In August. Near the end of August? -- Yes.

MR BIZOS: At page 27 paragraph 7 Professor Van der Walt, that is the last paragraph on page 27 My Lord, says:

"Added to this is the fact that in recent years the physical conditions of many Black residents have taken a turn for the worse. The maintenance of many of the rented houses, so it was alleged, had deteriorated drastically. The improvement of roads, the laying out of parks and sports grounds, the provision of other (30) community/....

community facilities and so forth had been either cut drastically or put off indefinitely in an attempt by the authorities to economise. True some 25 000 trees had been planted on pavements or along the main routes but most of them, according to officials, were not proof for long against the vandalism of some of the residents. Other complaints were about the lack of traffic signs and pedestrian crossings as well as the lack of suitable stormwater drainage at certain places. While there were areas, especially in the older townships, where the (10) sanitary arrangements were still appalling. The effect of all this was that although the average resident was paying more and more towards municipal service levies he could not see any of it being ploughed back into the community."

Now from your own experience are you able to make any comment in relation to what is recorded here by Professor Van der Walt? -- Yes I can confirm what Professor Van der Walt puts in accordance with my observations in the township.

Then I want to read a passage from page 28, paragraph (20) 2:

"White councils certainly could do more than they are doing at present. The facilities at Black bus stops and bus terminuses for example more often than not ...

COURT: Just a moment, that is paragraph 3. We numbered the first portion as paragraph 1.

MR BIZOS: As Your Lordship pleases.

"White town councils certainly could do more than they are doing at present. The facilities at Black bus stops and bus terminuses for example more often than not leave(30) much/....

leave much to be desired. Adequate shelter against inclement weather is the least that could be provided." Now although this indicates presumably the areas of the White town councils where people catch the bus back home did you feel that the Lekoa Town Council should have taken any steps in relation to this or not? -- In their jurisdiction yes, because in our townships where you find a bus stop it would be just an extension of the kerb, the roadside. Just to allow enough space for a bus to stand and nothing else. No shelter, no ablution block, no protection whatsoever. (10)

I now want to turn to the question of the formation of civic associations. Before 1983 were there civic associations, bodies or groups of people concerned with the, what was happening in the townships, were they being formed, were they being discussed or did it come as a bolt out of the blue in 1983 for the first time Mr Vilakazi? -- No the period of the 70's and the 80's saw the emergence of a number of organisations in the Vaal complex. Both community organisations, students and religious groupings. Amongst these organisations were the Inter-Denominational Ministers Association, the Vaal Youth (20) Crusade, COSAS and I think the Sharpevill Students Union, the Young Christian Workers were there too. There were also the Baphutana(?) who called themselves a party, Baphutana Party, there were Mashlasedi Party, there was also Inkatha in the Vaal.

Were there any trade union organisations in the Vaal before 1983? -- Yes there were.

Had you yourself been approached to join any political organisations prior to 1983? -- Yes, it was in 1982 when I was approached to be a member of AZAPO in the Vaal. (30)

By/...

By whom were you approached? -- I was approached by Mr John Hlomoka.

COURT: That is our accused no. 2? -- That is accused no. 2 in this matter.

MR BIZOS: Did you join AZAPO? -- No I did not.

Why not? -- I disagreed with some points in the policy of AZAPO.

Did you join any other political organisation, civic association, other than those connected with your church youth movements prior to 1983? -- Prior to 1983, not. (10)

COURT: What is the, what are the points on which you disagreed with the policy of AZAPO? -- The points that I disagreed with in the policy of AZAPO was mainly that AZAPO was promoting Black leadership and also opening its membership solely to the Black people.

MR BIZOS: And what was your feeling? What should, is AZAPO a local or a national organisation? -- For a national organisation I would have joined AZAPO if its constitution was non-racial.

Where were you actually working in 1983 Mr Vilakazi? (20)
-- As I reported earlier I was still in the employ of the Urban Training Project.

In what town? -- I was based in Vereeniging.

Did you travel to Johannesburg from time to time? -- From time to time it was expected of me to report to head office in Johannesburg.

Did you travel by train? -- That is so.

Miss Edith Lethlake, did you know her or come to know her?
-- Yes during my travels between Vereeniging and Johannesburg I got to know Miss Lethlake. (30)

You/...

You travelled on the same train? -- That is so.

Did you know Mr Esau Raditsela? -- Yes.

For how long did you know him? -- I had known him whilst we were still at school together.

Although you were at school together did you remain friendly with Mr Esau Raditsela? -- Well we were not really on friendly terms because at some stage his twin brother had a tiff with my elder brother at school and this sort of spread over to be between myself and Esau Raditsela too.

What is your brother's name? -- My brother's name is (10) Paul.

COURT: Paul? -- Paul.

MR BIZOS: And his twin brother was Jacob? -- Yes Esau's twin brother was Jacob.

And what was the relationship between the two of you, was it friendly, unfriendly or just polite and correct? How would you describe it? -- Well I would say we were on speaking terms.

Now did either Miss Lethlake or Mr Raditsela tell you anything that was going on in your community in relation (20) to the formation of an organisation? -- I had heard from Miss Lethlake about the existence of the Vaal Action Committee.

What did Miss Lethlake tell you about the Vaal Action Committee? -- She told me that the Vaal Action Committee was working towards organising the people into a community organisation.

Can you place a date or a month more or less when this discussion took place? -- It could have been, I think it was the beginning of September 1983.

We know, and it is common cause that the inaugural (30) meeting/....

meeting of the, to form the civic association of the Vaal was 9 October 1983. Was that approximately a month and a week or two weeks before the inaugural meeting? -- I can safely say about a month.

About a month before. What was your attitude, did you show an interest in the formation of the civic association? -- Because of the many grievances of my people in the Vaal complex at that stage I was in favour of such an organisation.

Did you see Miss Lethlake more than once or only once during this period? -- I cannot say how many times it was (10) during this period but it could have been, it was well over one, it was over ...

More than once? -- Yes, I think it was more than two times.

More than twice. Yes. Did you see any notices advertising the inaugural meeting? -- A week prior to the meeting of 9 October 1983 I saw a poster advertising this meeting outside a shopping complex in Zone 3.

And did you see any pamphlets advertising the meeting? -- There were also pamphlets that I saw.

Would you have a look at EXHIBIT AN3 and AN5 and (20) would you be able to say whether those are the documents that you saw? Did you see those documents calling for the meeting? C.476 -- These are the two documents that I saw.

Now did you take part in the affairs of the Action Committee, in the caucussing or the preparation for the inaugural meeting on 9 October or did you remain a spectator to those preparations? -- I took no part in such preparations.

You told us that you were involved in trade unions. In view of that involvement did you form any view as to what you should do about this inaugural meeting? -- Yes as I was (30)

always/....

always interested in matters affecting my people I decided that I would attend this meeting.

Now I want to refer you to the allegations made by the State in relation to this meeting. It is alleged that you decided to go to this meeting in order to further the policies of the African National Congress and the South African Communist Party in order to overthrow the South African State by violence. What do you say to that suggestion Mr Vilakazi? -- I deny such an allegation.

Why did you go there? -- As I put it out of interest (10) in matters affecting my people I felt I was dutybound to attend this meeting.

The other allegation was that you were really doing the bidding of the United Democratic Front in conspiracy with the African National Congress and the South African Communist Party to overthrow the State by deciding to go to this meeting. What do you say to that allegation Mr Vilakazi? -- As an individual I did not know if there was any way that I could have any connections with the UDF. What I know is that membership is attained with the UDF only through organisations, (20) not on individual basis.

Did you, insofar as the UDF may or may not have been connected with the formation of the civic association, did you know of any conspiracy between the UDF and the African National Congress or the South African Communist Party, or any other unlawful organisation in order to overthrow the State by violence by calling an inaugural meeting of the people of the Vaal to form the Vaal Civic Association? Did you know of any such conspiracy and such agreement, any such suggestion Mr Vilakazi? -- Till this moment I have no knowledge whatsoever (30)

of/....

of such an arrangement.

Or that if the UDF did not do it in conspiracy with the African National Congress and the South African Communist Party it did it in a conspiracy of its own together with the affiliates in order to overthrow the South African State by violence? Did you know of any such agreement or conspiracy or any hidden agenda of the UDF in order to do any such thing Mr Vilakazi? -- As I subsequently became a member of an organisation that affiliated to the UDF I would say that I deny the allegation that there was such a conspiracy (10) between the UDF and their affiliates.

It is further ... -- And secondly, if I may add?

Please carry on Mr Vilakazi. -- Secondly having membership of the UDF as an affiliate an organisation did not receive orders from the United Democratic Front but such an organisation retained its autonomy.

What do you say to the allegation that you went to the formation of the Vaal Civic Association on 9 October 1983 for the purpose of inciting, indoctrinating or activating the masses, I am sorry I must correct and use the precise word (20) of the indictment, the Black masses of the Republic of South African to take part in violence, revolt or riots. What do you say to that allegation against you Mr Vilakazi? -- There is no basis for such an allegation.

Can you recall whether you arrived at the inaugural meeting of the VCA before it started or had it started when you arrived there Mr Vilakazi? -- I arrived at the meeting some time after it had started.

Do you now recall who was busy addressing the meeting when you arrived there? -- Yes. On my arrival I listened to (30)

Dr Motlana/....

Dr Motlana speaking for a period I think of about twenty minutes.

It is common cause that the hall was packed. Did you get in easily? - No. I struggled to get in. In actual fact for one to go in one had to wait for somebody to be pushing to go outside and then take the opportunity of the gaps that appeared in between people to push you way into the hall.

It is common cause that the Reverend Lord McCamel was presiding at the meeting? -- That is so.

I do not believe that there is much dispute in relation to precisely what Dr Motlana said but could you give us just a couple of sentences of the theme of Dr Motlana's speech? -- In his speech Dr Motlana was merely drawing parallels between the grievances of the people in the Vaal complex and the people in Soweto. He encouraged the formation of a local organisation in the Vaal and also hinted at the inadequacies of the provisions in the Black Local Authorities Act and really what I would say in summary that his attitude was negative towards BLA. (10)

Yes.

(20)

ASSESSOR (MR KRÜGEL): Negative towards? -- Black Local Authorities Act.

MR BIZOS: Well let us start, use the words of the indictment in translation again. Did he advocate violence, revolt or riots in any way? -- Not at the stage I was there.

Or did he suggest in any way that by forming this association you would render the country ungovernable? -- No.

Do you recall who spoke after Dr Motlana? -- After Dr Motlana Mr Curtis Nkondo was called to the fore.

Do you remember very briefly what was the gravamen (30)

of/....

of his speech? -- His speech was based really on the education programmes in the country where he spoke of the rejection of the prefect system by the students and also appealed for the parents to actively be supportive of the students demands for democratic representations in their institutions and he also appealed to people to join up with the National Education Union of South Africa which he explained as an organisation concerned with education in the country.

Did Mr Curtis Mkondo incite the Black masses there, as the indictment calls them, to riots, to violence, to revolt(10) or to make the country ungovernable? -- I deny these allegations against Mr Mkondo.

COURT: What is the body that he urged the people to join?
-- National Education Union of South Africa, NUSA.

Yes, thank you.

MR BIZOS: Did you know that Dr Motlana and Mr Curtis Mkondo had been associated with the Soweto Civic Association? -- Yes I knew that.

Did you think that the civic association of which you attended the inaugural meeting would be different or substantially similar to the one headed by Dr Motlana? -- I saw the civic association to be the same. (20)

Did you know from your, the information that was available to you as to whether the Soweto Civic Association had been in existence for a short time or a long time prior to the attempts of your community to form a civic association? -- At that stage I believed the Soweto Civic Association to have been there since I think 1981.

Did you know whether it operated lawfully, making public statements, or whether it was a kabal(?), meeting secretly(30)

and/....

and making conspiratorial decisions? What did you believe it to be? -- My information was the Soweto Civic Association was very much open about its activities.

Yes. And what did you intend your association to be? An association meeting in secret, making secret agendas or having secret agendas with the ANC, the South African Communist Party, the UDF or to operate as a lawful organisation? -- Being an organisation that was launched by the people in the Vaal complex I would really disagree with the principle of any secret meetings away from the eyes of the people and I (10) would not go along with any conspiracy, any organisation both inside the country or outside the country on matters that were not in line with the mandate that was given this organisation by the people.

Do you recall whether, after your arrival, any speakers other than Dr Motlana and Mr Curtis Mkondo spoke? -- Well there were a number of speakers after the two gentlemen had spoken.

Did you, you can name them if anyone is interested to hear them again? -- That is so. (20)

Did any one of them advocate violence of any sort at the meeting that you attended to launch the VCA? -- No.

Was there any person who spoke at that meeting who had been a town councillor? -- There was a Mr Mofokeng from Zone 11.

Again we have had, I think we have had a Mofokeng if I am not mistaken giving evidence, was it the person who gave evidence or not? -- That is not the person who gave evidence. I think the Mofokeng who gave evidence here was from Sharpeville. (30)

Yes./....

Yes. And this Mr Mofokeng that spoke at the inaugural meeting, what did he have to say? -- This Mr Mofokeng expressed his gratitude towards the formation of a civic association in the Vaal complex. He said he had been in the council with the firm belief that the Community Council would serve the interests of the people but that this has not been so. He spoke about the corruption of his colleagues and made an example that at the quarters of the Council there were piles of blankets which were meant to have been handed out to old age pensioners during the winter period but this had not been done merely for the (10) purpose that these could be used by councillors to entice the pensioners to vote for them in November 1983.

So the blankets would be given out in summer? -- That was what he said.

Do you know a Mr Sekwatla? -- I know Mr Sekwatla.

Had he had any connection with the council system? -- In 1983 I did not know him to be having any links with the council system but I know that in November he was a candidate in the council and I think he succeeded in being elected into the council, that is the Evaton Town Council. (20)

What did he have to say about the council system at the meeting of 9 October? -- Mr Sekwatla is the gentleman who at the meeting of 9 October spoke very much against the council system and urged a boycott of elections. The following month, in November, Mr Sekwatla I saw driving in a bakkie using a loud hailer with a dog chained at the back of the bakkie and canvassing for votes in the elections with the promise that he was going to fight dog tax in Evaton.

COURT: He did not make the dog bark into the microphone?

MR BIZOS: Yes, well this sort of behaviour by people (30)

connected/....

connected with the council system, I suppose it speaks for itself, did it do anything to enhance the reputation of the system Mr Vilakazi? -- It speaks for itself, if one person can speak this language and in a month's time he speaks another language openly and in public.

Tell me, at this meeting, careful not to mention his name please because he gave his evidence in camera and he was known as IC8. You know who I am referring to? -- That is so.

Did he recite a poem at this meeting? -- No there was no recital of poems at this meeting. (10)

Did you see him reciting a poem at any other meeting, see and hear him reciting a poem? -- That is so.

Which meeting is that? We might as well deal with it now? -- That was the meeting of 27 October.

Yes.

COURT: 1983? -- 1983 My Lord.

MR BIZOS: Yes, and I think it is AAQ1, would you please have a look at that. It has a poem in it. Are you able to tell His Lordship and the Learned Assessors whether that is the poem that IC8 recited or not? Can you remember whether, whilst (20) His Lordship is looking, it is the first one My Lord. It is not the first. I should perhaps have said that it is the first one in our file.

COURT: It is very easy, why do you not give him a choice of ten poems?

MR BIZOS: Well it is an exhibit before Court My Lord and he can say no if this is not the poem.

COURT: Yes, you could also ask him what is the first line of the poem before showing him the document.

MR BIZOS: Well have you looked at the poem? Please close (30)

the/...

the file, have you had a chance of looking at it yet or only the picture on the cover? -- I have only looked at the picture.

You have only looked at the picture. Perhaps we should ask you as His Lordship has suggested. Do you remember what the poem was about? -- The poem was about Africa.

What about Africa, what did the poem say about Africa as you remember it? -- His first line was "Africa my beginning."

Well could you now please look at the exhibit and tell us whether from your memory this is the poem that the witness IC8 recited at the meeting other than on 9 October 1983? (10) -- Yes. When I look at the ending of the lines after the first paragraph the two lines "Africa my beginning, Africa my ending" was what I heard from IC8 on 27 November.

Do you remember the month in which the meeting, this meeting was held? You have told His Lordship 27 October, do you remember whether or not it was October. -- 27 November. That was my mistake.

Do you recall whether at the inaugural meeting of 9 October the Reverend Moselane, that is accused no. 3 before His Lordship, came there or not? -- I saw him only at the time when (20) he was beckoned onto the stage by the Chairman, the Reverend Lord McCamel.

Did he go onto the stage? -- He did so.

Did he speak? -- Yes he did.

Do you remember what he said? -- He spoke for a very short time and in his speech he just indicated that he was supportive of the efforts in establishing a community organisation and also indicated that despite the difficulties that people had in acquiring venues a number of churches were still prepared to offer their church premises for community meetings and (30)

made/....

made a personal appeal for the respect that people had to show in church during these meetings, in particular he appealed against smoking during meeting held in churches.

Did he, the Reverend Moselane, accused no. 3, or the Reverend Lord McCamel, indicate as to whether accused no. 3 was called up as representing any particular organisation or not? -- No. Well my impression was just that they must have known each other from the church circles because he referred to accused no. 3 as Reverend Moselane and both of them being priests I thought that it was on that basis that a priest (10) seeing another priest in a community meeting would give him an opportunity to speak.

COURT ADJOURNS FOR TEA. COURT RESUMES.

BAVUMILE HERBERT VILAKAZI: d.s.s.

FURTHER EXAMINATION BY MR BIZOS: Mr Vilakazi was accused no. 13, Mr Simon Nkoli, known to you before 9 October 1983? -- I knew Mr Nkoli before then.

What do you say to the allegation that he made a speech at the meeting of 9 October? -- From the time after my arrival at the meeting I neither saw nor heard Mr Nkoli speak. (20)

COURT: You never saw him at the meeting? -- I never saw him at the meeting.

MR BIZOS: Did you know Mr Jerry Thlopane, accused no. 14, before this date? -- That is so, I knew him.

I may say that there is no evidence it is alleged in 67.6.4, did you see him at the meeting or did you hear him make a speech? -- No.

Did you see Mr Thabiso Ratsomo, accused no. 22 before His Lordship, at that meeting? -- Yes I saw Mr Ratsomo seated on the platform next to the Chairman. (30)

Was/....

Was he doing anything in particular there? -- He was busy with some writings. The Chairman had announced that pieces of paper would be passed around to the audience so that they can write down their suggestions for resolutions. These were to be passed back to the care of Mr Thabiso Ratsomo.

Was there any indication at the meeting as to whether or not there were resolutions which the people that had called the meeting had prepared or not, were there any prepared resolutions as far as you could see? -- No the resolutions that I heard were those that were read from the pieces of paper. (10)

And who read them out? -- These were read out by Mr Ratsomo in English, most of them were written in English and the Chairman, the Reverend Lord Eldorado McCamel, interpreted these resolutions into Southern Sotho.

Do you recall what the first resolution was? -- The first resolution was the formation of an organisation. The name that was proposed there was Vaal Civic Association.

Do you remember who proposed it? -- It was a note from Miss Edith Lethlake.

Now you have seen, well will you please have a look (20) at the document AN13. Will you have a look at that document and tell His Lordship whether all or some of the resolutions were passed at that meeting?

COURT: Well do you know this document? -- I know this document.

Where did you see it for the first time? -- I saw this at one of our weekly meetings.

Our weekly meetings being of the VCA? -- Of the VCA.

MR BIZOS: You were elected onto the committee at this meeting? -- Yes as an area representative for Zone 3.

And who prepared that document? -- This document was (30) prepared/...

prepared by Mr Thabiso Ratsomo.

Accused no. 22. Were those resolutions passed by the meeting? -- Yes the Chairman asked for each resolution to be dealt with on individual basis, that people should indicate whether they accept or reject such resolution or where there was need amendments to be made to the particular resolution.

Can you recall whether each one of the resolutions there was passed at the meeting or not? -- They were passed by the meeting.

COURT: Each resolution set out on EXHIBIT AN13? -- That (10) is so.

MR BIZOS: Do you recall Mr Vilakazi whether any motions were put which were not accepted but rejected? -- I can remember one such motion.

Yes what was the effect of the motion? -- The motion was that the Vaal Civic Association Executive and Area Representatives should be representative of the whole Vaal complex and stand for elections in the local authority elections that were coming the following month.

Do you recall who proposed that? -- I do not recall (20) the name of the person who did that but it was a lady.

COURT: A lady? -- A lady.

MR BIZOS: How was this proposal received? -- Before this resolution was opened for discussions there were jeers and boos from the audience.

Isolated or in chorus? -- They were scattered through the hall, the church hall, but they were all in chorus. The Chairman had difficulty to bring the people to order at that stage.

And was it put to the vote at all or were the jeers and the booing enough for it to be rejected? -- It was put to (30)

the/.....

the vote and it was voted against.

Can you recall what the voting, whether the voting was counted or not or whether the Chairman made a decision by one way or the other or overwhelming evidence, how did it happen, do you recall? -- Well there was, voting was by show of hands and as soon as the voting started a great percentage of the people raised their hands and the Chairman thought that it was no need to go back to people who were for that because now the majority of the people had raised their hands and the matter was dropped there. (10)

Was there any suggestion from the platform in relation to the UDF? -- No the suggestion that came was from the audience.

COURT: Well was it a suggestion or a proposal? -- It was a proposal from, it was a proposal in a note from Mr Mofokeng, the ex-councillor I have just given evidence about.

MR BIZOS: Had you been party to any discussions about any plan that the association should affiliate with the UDF before this proposal was made by Mr Mofokeng? -- No. The first time I attended any meeting where discussions were held around the organisation itself was on the 9th. (20)

What was your personal attitude to this proposal that the association should affiliate with the UDF? -- I was supportive of this proposal.

Would you like to briefly explain to His Lordship why you were supportive of this proposal? -- Yes. Because my understanding then of the UDF was that it was a coming together of a number of organisations in opposition of apartheid policies in the country. Well seeing such apartheid policies affect people regardless of their affiliation membership was open to all those organisations who agreed with this principle of (30)

peaceful/.....

peaceful extra-Parliamentary opposition to apartheid.

Was there an election of the area representatives? -- Yes but this was held after an executive had been elected.

COURT: But at the same meeting? -- At the same meeting.

MR BIZOS: Do you recall who the office bearers, who were the office bearers elected? -- The office bearers elected are, were Reverend McCamel in the position of the Chairman, Mr Esau Raditsela as his Vice, that is the Vice-Chairman, Mr Thabiso Ratsomo, accused no. 22 in this matter, as the Treasurer, Mr Johnny Motete as the Secretary, Mr Mike (10) Kgaka to a position of an assistant secretary.

Yes, Kgaka, K-g-a-k-a. Is he an attorney practising in that area? -- That is so.

These nominations, I am sorry the election of these office bearers was it as a result of nominations or ... -- There were nominations before elections.

In view of one of the suggestions made in this case thusfar perhaps we should take a little detail on it. How many people were nominated for the position of Chairman? -- Three people were nominated. (20)

Who were they? -- Amongst the three nominees was the Reverend Lord Eldorado McCamel, Mr Esau Raditsela and Mr, I forget this name it will come, but he was a gentleman from Zone 13.

You remember a gentleman from Zone 13. Well I do not know if there is any objection I will give you the name and you can tell us whether this, do you know the name, you object to it? Very well we will leave it. If you think of the name during the course of your evidence perhaps you will just let us know. Many of us forget names. Now there were three nominations (30)

for/....

for Chairman? -- That is so.

And who was elected? -- Reverend McCamel got the highest vote.

By a small margin or a wide margin? -- A wide margin.

Who was second? -- The second highest vote went to Mr Esau Raditsela and this gentleman was the third.

Was there then an election for Vice-Chairman? -- No it was taken that the second highest vote would go the person who would take the position of Vice-Chairman.

Vice-Chairman. Was that something that was announced by (10) the Chairperson or was it arranged before the voting actually took place? -- It was the electoral officer there, the person who acted as electoral officer, who made this announcement.

Do you recall who the electoral officer was? -- That was Dr Motlana assisted by Mr Curtis Mkondo.

COURT: So he announced that we take the second highest as Vice-Chairman? -- Before the actual elections, after the nominations he said the highest votes, the person getting the highest vote will be the Chairman and the next in line with votes will be the Vice-Chairman. (20)

MR BIZOS: Did the meeting agree or disagree with Dr Motlana's suggestion? -- The meeting was agreeable.

Did the person whose name you cannot remember stand for any other office? -- Yes he was again nominated when we went for nominations for the position of a secretary.

And what happened then, was he elected as Secretary? -- No again he lost.

Were there nominations for the other executive positions? -- Yes there were nominations for the position of a treasurer only. Not the assistant, or in vice. (30)

How/....

How many nominations for treasurer were there? -- There were two nominations.

Do you remember who they were? -- Yes. There was Mr Andrew Ratsomo.

COURT: That is no. 22? -- That is so. And Miss Edith Lethlake.

MR BIZOS: And did Mr Ratsomo win? -- Mr Ratsomo won.

Did Miss Lethlake stand for any other position?-- For the area representative for Zone 7 and she attained that position.

Were you nominated and elected as the Zone 3 representative? -- That is so. (10)

It is common cause who the other area representatives were and they appear in 67.7(vii) of the indictment, but what I want to ask you is this, Mr Molouisani, sorry Mr Thembikile Hlekluke, H-l-e-k-l-u-k-u, was he elected area representative at this inaugural meeting or not? -- Mr Hlekluke was not elected then but he volunteered to assist with the hostel complex.

And was, do you know whether he was eventually confirmed or otherwise as the hostel complex representative? -- He was (20) accepted.

Was anyone nominated against you as the Zone 3 representative? -- Yes, I had made my own nomination for the person I was keen to have as my area representative.

You say although you had been nominated you yourself nominated someone else? -- Mine was the first nomination, and this person was Mr Fanelo Radebe.

Did you nominate Mr Radebe just as a gesture or did you hope that he would win the election? -- Well I hoped he would win. (30)

Any/....

Any special reason for that? -- Well I had found him to be a person who is very much articulate and very much conversant with the problems around the township and he was quite a sociable person.

Yes, how keen were you to really become involved as a representative on this association, yourself? -- Myself I was not any keen on seeing myself holding any position in this organisation. My keenness was limited to seeing an organisation coming.

Was there any reason why you were not keen to serve (10) on the committee? -- Yes.

What was that reason? -- My day to day work and responsibilities demanded a lot of me.

Was all your work at that time done in the Witwatersrand-Vereeniging area or did you have to go elsewhere? -- Basically my work required me to conduct weekend seminars and courses both in the PWV area and also in the Free State and from time to time I would be requested to assist in the coastal offices, both in Durban and Port Elizabeth.

Why did you not decline nomination? -- It was per vote (20) and as this was going to be an interim committee I thought that I could arrange my time to the best of my ability until such time that a formal constituted elections are held.

What was your plan, were you going to stand for the permanent committee if and when the temporary committee's term of office came to an end? -- I was keen to see more and more participation amongst my people in matters that affected them and I was keen to see people taking initiative and having spent a spare(?) with their interim committee. I normally would have expected that somebody else would come into (30)

my/....

my position at that stage.

COURT: Why did you choose an interim committee? Why not just a committee because the VCA was in fact formed, why not choose a committee, why call it an interim committee? -- Because the committee that was formed had the mandate of drawing a constitution and also to try to structurise the activities of the organisation and it was felt that to elect a committee directly would leave it just loose. So this committee would work at this and when they came back to the people at a time that was not clearly defined then the people would accept (10) this constitution and the guidelines for this organisation, then people would elect the people they wanted into office.

Now their term of office, the term of office of the interim committee, was that defined? -- No it was just within a year, it was just broadly said that within a year we should have a report back.

MR BIZOS: After the elections did the meeting come to an end? -- After the elections the meeting came to an end.

And did the people who were elected get together then or thereafter? -- The Chairman suggested that people who have (20) been nominated from all different positions to remain at the end of the meeting and we did remain.

Now I want to deal with the allegation and evidence that ANC songs were sung and ANC slogans were shouted and terrorists were praised and terror was popularised among the masses and hatred and violence against the Whites in the Republic of South Africa was aroused and popularised. Now will you please tell us what songs were sung there? -- After my arrival there was not much singing. The songs that I can remember sung there was the Hlanganani Basabezi(?) and the other one was (30)

Sizenena/....

Sizenena(?), and the third one was Singamashutsha ga Mandela(?).

And what slogans were uttered there?

COURT: Did you start any of these songs? -- Not at this meeting.

MR BIZOS: What slogans, were any slogans shouted out at this meeting? -- I remember only one slogan that I heard there. That was the shout of Amandla with the respons of "Awetu".

Now what do you want to tell His Lordship and the Learned Assessors about the allegation that the songs that you have mentioned and the slogans that you heard and the response (10) that you heard are ANC songs and ANC slogans, what do you say about that? -- On the songs I know of no particular song that I can refer to as an ANC song. The songs that I heard there like this Sinzenena is a song that I have heard being sung, which had adopted to some extent the form of a hymn in gatherings, even at church services and at funerals one would hear this song sung.

COURT: Well is Sinzenena in your official hymn book? -- No. It is not in the official hymn book. But like I said it had adopted the status of a hymn. (20)

MR BIZOS: Which was sung in church? -- That is so.

Which church? -- Well I have heard it in my own church.

COURT: At a political meeting or at a religious meeting? -- Religious meeting. Hlanganani Basabenzi, it is one song I am very much well acquainted with as this song is sung greatly by the workers during their meetings, conferences and seminars. Singamashutsha ga Mandela is a song that I have always heard being sung at commemoration service meetings in the townships.

That is on 16 June? -- Sorry? (30)

When/....

When you speak of a commemoration service do you refer to services on 16 June or on any other day? -- Only 16 June, and the March 21 Sharpeville shooting commemoration.

MR BIZOS: Did you regard this song about Mr Mandela as an ANC song? -- No.

The people who attend these commemoration services, and particularly the one of 21 March, what is the political ideology of the people who particularly celebrate 21 March? -- I will explain there that the Sharpeville shooting was not necessarily a crisis for the people of Sharpeville in the (10) country, it was equally a national crisis and with regard to the arrangement of such commemoration services I have always seen people from AZAPO being the people, the key people at such commemoration services. With regard to people who attend these services I cannot attribute them by merely seeing them going there to be of any particular ideology.

So could I summarise what I believe you said correctly that the people in charge of the service are AZAPO people as a rule but you cannot say what the audience, what the political or ideological affiliation of the audience is? -- Yes. (20) To be more clear what I am saying is that in Sharpeville I have always seen the initiative being taken by the AZAPO organisation but the people of Sharpeville as a whole did mourn and commemorate this period on that particular day.

And did they sing this song about Mr Mandela? -- Yes.

Did you yourself sing this song at the commemoration services that you attended before this about Mr Mandela? -- That is so.

Was there a police presence at some of these commemoration services? -- Yes I have seen some police being present at (30)

these./....

these.

Now did you know of anyone being arrested or apprehended for singing the song about Mr Mandela at any commemoration service or at any meeting? -- Not at a meeting that I have attended.

Is this song about Mr Mandela sung at trade union meetings from time to time? -- Yes from time to time you hear the workers starting that song and others will join in and sing that.

Have you ever heard of any worker or anybody arranging this trade union meeting with a song about Mr Mandela was sung being arrested or apprehended or reproached for doing it? -- No, during the period I spent with the workers I have never come across such an instance.

Did you yourself at the meeting of 9 October join in the singing the song about Mr Mandela? -- Yes as part of the meeting I joined in and sang together with the audience.

Yes. Did you feel that you were singing an ANC song whilst you were singing this song? -- As I said earlier I do not know what is an ANC song and I did not regard myself (20) to be singing an ANC song.

For yourself what position does Mr Mandela occupy in your eyes, in your mind in the African Community or in South Africa, how is he regarded? -- I see Mr Mandela as the leader of the Black people in South Africa.

Do you recall whether there was a group of what are described as "lead singers" in the indictment? -- Lead singers?

Yes leading the singing? -- Oh at the meeting here?

At the meeting. -- These songs just came up from all quarters of the hall. At least the three songs that I (30)

heard/....

heard being sung there were from generally different points, one from the other. So if there was a lead group that was a group of lead singers I would have expected a particular group-
ing at a particular point of the meeting to be singing these songs, coming out with these songs.

You gave His Lordship an answer that you consider Mr Mandela the leader of the people in South Africa. Do you know whether you were alone in this feeling or whether or not his leadership is acknowledged by others and not necessarily those that agree with his policies? -- I am not alone in that (10)
feeling.

What can you say to His Lordship about that, about the recognition of Mr Mandela as a leader of the South African people? -- Mr Mandela is regarded by all Black South Africans as the leader of the people of South Africa. This is confirmed by the students, church groupings, the labour organisations and political organisations in the country. Even other leaders do regard him as their leader. I will also refer to the two gentlemen I referred to this morning, that is Mr Enos Mabuza of Kangwane and Mr, Chief Gatsha Buthelezi of (20)
Kwa-Zulu, both gentlemen do recognise Mr Mandela as their leader.

Have they said so publicly? -- Very much so.

Once or more than once? -- On more occasions have I heard and read in the Press.

Yes well those ...

COURT: Are we not busy with a lot of hearsay here?

MR BIZOS: Well My Lord ...

COURT: How is this to be counted by the State?

MR BIZOS: My Lord the (30)

COURT: /

COURT: Let us get the newspaper if that is so.

MR BIZOS: We will try and make it available My Lord.

COURT: Because the statement we have so far is that he is regarded by all Blacks in South Africa as their leader.

MR BIZOS: Yes, as a leader, yes.

COURT: All Blacks in South Africa. Is that not a bit wide?

MR BIZOS: It may be wide My Lord but ...

COURT: Very well go ahead.

MR BIZOS: But you have given the names of two other leaders who regard him as such. Now in singing a song about, in (10) singing a song about Mr Mandela did you believe that you were committing any offence or doing anything wrong at this meeting? -- No.

Did the Chairman of the meeting, Lord McCamel, himself sing this? -- He did.

Was this inaugural meeting closed to police informers or other people who may have wanted to report on the happenings there? -- I saw no martials at the door. Like I said when I arrived there people were jamming the door because of their numbers and I do not think there would have been any possi- (20) bility if there was such need to stop police from coming in. It would have been even difficult.

What was the last act of the meeting? Did people just go away or did they sing anything before they left? -- The singing of the national anthem was the last act of the meeting.

You are not referring to Die Stem? -- By the national anthem I am referring to the hymn Nkosi Sikelele e Africa.

One or more witnesses have described that as an ANC song. What do you say about that? -- I never regarded it as an ANC song because I have sung it from childhood and there has (30)

never/....

never been any indication or implications that I am singing an ANC song.

Do you know Mr Malindi, accused no. 5 before the Court, did you know him, sorry yes obviously you know him now. Did you know him before 9 October 1983? -- That is so.

Did you see him at the meeting? -- No I did not see him at that meeting.

Do you recall whether there were banners displayed at the hall at which the inaugural meeting was held? -- Banners in what? (10)

Banners, posters or other insignia? -- I did not see any banners, either outside the hall as I came in or inside the hall. What I saw outside the hall at the gate and on the walls of the church were the very same posters that advertised the meeting. Next to them were pasted also the pamphlets that we have referred to this morning.

Yes. Other than that did you see any other posters of pamphlets? -- No.

Did you see any UDF publications being distributed at this meeting? -- No. (20)

I am sorry I should not have gone on without asking you about this slogan "Amandla" and "Awetu". Has it got equivalents in other languages? -- Yes. I understand it to mean in Sotho Kopani ki matla(?).

Yes, do you recall ... -- In English Unity is Strength.

Do you recall whether any of the speakers started or finished or punctuated their speeches with this slogan? -- That is so.

COURT: Well is Unity is Strength the same as Amandla and Awetu? -- My understanding of that, I said my understanding (30)

of/....

of it in English can put it as Unity is Strength.

Well translate it literally? -- Literally?

Literally translate Amandla - Awetu? -- Well let us say "Power is ours".

Yes. -- But it does not end up there because if I may go further it is not merely shouted but in the townships it goes with lifted right hand fists, closed fingers, which would symbolise the unity that we talk of in the power is ours.

MR BIZOS: Perhaps this is the appropriate occasion to ask you Mr Vilakazi whether you are able to tell His Lordship (10) where this idea of the clenched fist came from, if you know or if you have heard can you give any information to His Lordship about it? -- No I do not know exactly where the idea came from but I have seen it being used very much broadly, both in this country and in other countries.

Well have you been to other countries or is this what you read and see? -- This sign of a fist I have seen on newspaper pictures, at certain events you see people with their fists raised, and I have also, during my work as a training educator shown a workers film called F-I-S-T, FIST. This is (20) a film based on a trade union organisation named the Federated, My Lord I remove the preface "The", The Federated Inter-State Truckers", that is what the FIST would stand for.

What did this -- And their emblems carry the fist. In our townships here now lately you would hear people talking in terms of Punyaselesele, which is a nickname attributed to Bloemfontein Celtics Football Club.

COURT: Could you just repeat what you said? -- Punyaselesele.

PUnyasele? -- Selesele, s-e-l-e-s-e-l-e.

Yes? -- It is the nickname for Bloemfontein Celtics (30)

Football/...

Football Club. Their emblem is a fist.

ASSESSOR (MR KRÜGEL): What does it mean, Punyaselesle, what does it mean? -- It means fierce, and selesele really would be referring to Celtics. It is a form of adoration for the name of Celtics, one would just say selesele.

MR BIZOS: Perhaps a little more, a little closer home is the fist, the trade union. When was the setting of that film and when was this adopted as the, the acronym fist when was it adopted? What year, what period does this workers film deal with? -- This film deals with the organisation of the workers(10) in the factories in the United States of America.

Is that a time when it was easy for workers to organise themselves in trade unions in America? -- No, and for, basically the, that film is used to indicate you know parallels between the present situation, Black trade unions are facing in South Africa today and those, the situation that the unions in general in America faced in the factories in the 40's. The kind of problems like refusal by management or the employers to recognise bona fide union representation of workers, the tactics used by the employers to discourage union member- (20) ship like the refusal itself is one of the tactics ...

Yes I think that is enough to give His Lordship some idea of the parallel and the meaning of how FIST came to be adopted Mr Vilakazi. Are there any parties in Qwa-Qwa? -- Yes I have heard of Dikonkwetla party.

Perhaps I should spell that, D-i-k-w-a-n-k-w-e-t-l-a.
-- That is it.

COURT: You are going too fast Mr Bizos.

MR BIZOS: D-i-k-w-a-n-k-w-e-t-l-a. -- After the first t-w-a there should be an n-g. That is it. (30)

What/...

What is its emblem? -- Its emblem is a sign of a well built forearm with a raised fist.

COURT: Is it a party of body builders? -- Well Dikwangkwetla would mean a child basically, people of recognisable bodies.

MR BIZOS: What sort of party is it? -- It is one of the parties in the Qwa-Qwa legislative assembly.

I see. -- Which also has organised a lot in the Vaal complex and also some of the councillors in the Vaal complex are part of the Dikwangkwetla party.

Whilst we are dealing with slogans are you familiar (10) with the slogan "Mayebuya e Africa"? -- Yes I am familiar with that slogan.

When did you become familiar with it for the first time? -- I have often heard it at a very young age in Sharpeville. Although I did not know the meaning of it, could not attribute any meaning to it then.

I see. And as you grew older could you attribute a meaning to it? -- Yes.

What is its meaning to you? -- To me Mayebuya e Africa means a cry to express particular aspiration of the Black (20) people. That of having their land coming back to be shared equally amongst people as was the case before the acts of Parliament like the 1913 Land Act which divided South Africa into a number of parts, the 1936 Land Act. People always looked back to the time when they could plough their fields in harmony and their labour through working in the fields actually feeding their families out of the fields themselves.

Do you regard this slogan as a slogan of the African National Congress Mr Vilakazi? -- Well I found the slogan and there it has been used by people I know not to be members (30)

of/...

of the African National Congress. I have used it not being a member of the African National Congress so I cannot say it belongs to the African National Congress.

Was it used surreptitiously, secretly or openly? -- It has been used openly.

Even after 1960 when the African National Congress was declared an unlawful organisation? -- That is so.

Have you heard the slogan, not necessarily at this meeting, well let us ask you, Alutha continua. First of all let us deal with this meeting, was this Alutha continua used as a slogan(10) at the inauguration of the Vaal Civic Association? -- No I cannot remember at this meeting. As I said at this meeting the slogan I heard was Amandla, Awetu.

But are you familiar with this slogan Alutha continua?
-- Yes.

Is that, as far as you are concerned, an ANC slogan? -- No I cannot say it is an ANC slogan.

Did you know or suspect it to be an ANC slogan? -- I never had any suspicions for it to be.

Do you know how it started? (20)

COURT: Well do you know what it means? -- My question I think will meet up the two, my answer will suffice for the two questions in one. I saw the slogan in print for the first time, that was in the Press in 1974 at the time of the independence of Maputo and the Press was kind enough to put up in bold letters Alutha Continua, then in brackets underneath in smaller letters they would give an English version "The Struggle continues". And I think later in their report there would be instances like there were shouts of Alutha Continua in Mozambique which meant the struggle continues for the people(30)

of/....

of Mozambique. That is how I actually got to know about this slogan and to understand it.

Have you heard this slogan at meetings in the townships?
-- I have.

Did you take it as an ANC slogan when you heard it in the townships? -- No, I actually, I did not know how did it come to be used now in South Africa or was it either influenced by the reports people read about in the Press and took it up as a good idea to use it and basically at political meetings you would hear shouts of Amandla and at the end there would be (10) "Alutha Continua". Even at workers seminars you always find one worker coming up with it.

The slogan "An Injury to One is an Injury to All", did you know that as an ANC slogan? -- No.

C.477 How did you, when did you hear and under what circumstances was it used as far as you are concerned? -- This slogan is also used as a motto by other organisations, like in the labour field, because it fits with the principles of a trade union, the coming together of workers into an organisation with the aim of looking after one another's interests in the industries, (20) all that really can be explained shortly as an injury to one is an injury to all. That means that if you are a union member you do not stand off as a separate entity, you are part of the union. You cannot see a worker standing there and then you say no you have the union this side and this worker. You cannot say, as normally appears some people would say, refer to a union office as where the union is but in making the workers to understand that the union is their unity in the workplace people would use these to punctuate this need for the unity. That now in the union you are all like brothers. (30)

If/....

If your brother is hurt you feel the hurt naturally. So if a brother is dismissed from work it should concern you because such a dismissal might affect you, might come your way one way or the other. So if you do not do anything about it, so you do not see it as an injury to yourself too. So trade unions like South African in the Allied Workers Union have the motto an injury to one is an injury to all, and some people would use this as a slogan.

You say they use it as a motto. Is this on what, on banners, on letterheads or on the literature or on their (10) pamphlets or what do they use it on? -- That is it, on banners, literature and the letterheads.

COURT: Is that the South African Allied Workers Union? -- That is so.

MR BIZOS: And are these unions who openly operate as trade unions and enter into agreements which are published in the Gazette and that sort of thing? -- That is so.

Now the ad hoc committee of the VCA having been elected can you recall whether you met shortly after 9 October 1983? -- Yes, as I indicated earlier that after the meeting of the (20) 9th people who were elected were asked to remain behind. Basically it was just to decide on what date would be suitable for all of us to come together and the date that was found to be suitable was the following day, October 10, since this would be a public holiday and most of us who were workers would be available.

Yes. And did this meeting take place? -- It did.

Can you recall whether the witness IC8 was present at this meeting? -- No IC8 came up here at subsequent meetings, not this particular one, he was not there. (30)

Were/....

Were there any other expected guests at your first meeting on the 10th? -- Yes there was a certain Thabo Radebe who came up to the meeting and when we checked, because most of us were meeting for the second time since the previous day and we were not sure really if he was one of the people who had been elected, but when we checked on the names of people who were elected for the area Zone 14 we found that it was Mr Thabo Maloisani, as we knew it to be and not Mr Thabo Radebe. Apparently Mr Radebe had thought that when the name Thabo Maloisani was said it was referring to him. (10)

Anyway so he was a person who turned up to the meeting. He mistakenly believed that he had been elected? -- That is so.

Was he sent away? -- No he was not sent away. There were questions with regard to his genuinity, but as there was nothing to hide in that meeting and also as a resident of the Vaal complex we invited him to sit on.

To stay. You say there were questions about his genuineness, what do you mean by that?

COURT: Were there questions, did the witness say there were (20) questions about his genuineness?

MR BIZOS: Yes I think he did. He actually, I am informed he actually used the word genuinity and that may be the reason why Your Lordship did not catch it. You say that there were questions about whether he was genuine or not? -- Yes. But these were not posed directly to him.

They were not posed directly to him. Was it before the meeting actually started, what were there signs amongst yourselves? -- That is so.

But you say despite that he was asked to remain there? (30)

-- That/....

-- That is so.

And to listen to what was going to be discussed? -- That is so.

Yes. What was the main aim of this meeting? -- The main aim of the meeting was for us to get to know one another and to try to formulate some kind of programme with regard to our meeting.

Was there any talk about how you were going to finance yourselves? -- Yes, as I was still continuing, to see when, what days of the week can we meet and what times this meet- (10) ing could be, and also as an organisation or as a committee working on an organisation there was need for the organisation to be financed. We also had suggestions for ways and means we can employ to raise funds for the organisation. Also in the agenda we were to discuss on how to implement the resolutions as taken at the meeting of the 9th.

Well was there any immediate plan to raise at least some money? -- Yes, as one of the resolutions was for VCA to oppose the forthcoming elections we needed money to have this possible, to make the necessary arrangements, and seeing that we had (20) no means of raising money at that stage, or at any other stage later we decided that the best to do for the organisation to grow and for us to be able to carry forward the mandate of the people we will have from time to time to pop from our own pockets towards the organisation.

Any amount suggested? -- At the beginning it would be R5 for a period of about three months, just one R5 for the period.

And was that money put in? -- Yes we tried to put in that money, as soon as a person could afford to put in that money (30)

he/....

he registered it in.

Did you go and open a banking account? -- Sorry?

Did you go and open a banking account? -- Not at that stage.

Or at any stage thereafter was a banking account opened? -- The books were held by Thabiso Ratsomo and we mandated him into looking into the question of a banking account and ...

Did anything come of it as far as you know? -- Yes. I remember he had some forms but the question of which bank to open an account with was a bit discussed and there was no (10) agreement around that. So Mr Ratsomo was entrusted with the money collected. In any event the amount that we ever had was not enough for a banking account because what happened is we would have a project that we wanted to embark in and start raising funds from amongst ourselves. As soon as this amount was available it went into that project. So it was difficult to really have an open banking account.

COURT: Now the R5 for a period of three months, was that membership fees for all members or was that membership fees to be paid by the committee? -- Those were not membership (20) fees.

Not membership fees. -- Those were voluntary ...

Contributions. -- Contributions towards the work of the organisation.

But by the committee? -- By the committee.

And others, or not others? -- Not others. There were at times when we would approach certain businessmen for assistance.

MR BIZOS: Although no evidence has been led in support of the allegation before His Lordship the allegation in the indictment is that you received financial support from the African (30)

National/....

National Congress and the UDF. Do you know anything about that, did you ever receive any such support? -- We never received such support. We worked on the basis of our own initiated forms of fund raising in the townships. With the UDF there was only one occasion where we sought their assistance. We had tried to raise money to attend a People's Weekend Rally in Lenasia and we could not raise enough money to get the two buses to carry people who were keen on going there. We approached the UDF who came to our assistance and this money we paid back to UDF because we had raised it by (10) collecting money from every person who was getting into the bus. We asked every person to give a certain amount and as they paid in we put that aside to pay back to UDF.

Did you pay the UDF back? -- That is so.

And was a receipt issued to you for paying the UDF back for this bridge financing that it did for you? -- A receipt was issued because it was quite important for the person who had been sent to pay this money back to UDF to come back with some form of proof that the money had been handed in.

My Lord the receipt is in the documents before Your (20) Lordship but I did not make a note of the number in the statement and this is why there is this flurry, we will find it in due course.

COURT: Well we can write that down at a later stage. We will deal with something else in the meantime.

MR BIZOS: Oh yes it is AN6, apparently it is noted elsewhere. Yes would you please have a look at the receipt in AN6, receipt no., it looks like B03, for R128,15 dated 31 October 1983. Is that the receipt that you were referring to Mr Vilakazi? -- This is the receipt. (30)

COURT:/....

COURT: What is the third word in brackets? -- The third word in brackets this person was trying to refer to Mr Thembekile Sashlugo. Then he wrote Tembegile with a g instead of a k.

MR BIZOS: Was he the carrier of the money? -- This was the person.

Was there any discussion of any other way of raising money for your organisation at the first meeting, at the first committee meeting on 10 October? -- Yes one of the options we looked into was the possibility of acquiring publications from different organisations that we could sell at a small profit. (10)

What sort of publications? -- Like publications by the Black Sash on "Know Your Rights", which would normally sell for an amount of about twenty or twenty-five cents, and having discussed our plight with the Black Sash then we could sell it for the said amount and then the Black Sash would then expect fifteen cents back and then we have the five cents. Sort of that way the Black Sash would be contributing possibly.

Yes by giving you a discount to come to you, to your association. -- That is it, yes.

Was the Black Sash the only organisation that publishes (20) these publications that people are interested in or are there others? -- No, there was also the newspaper people like Speak, and Saspu National. We also spoke to these people.

Had you ever heard of a publication called "Work in Progress" or WIP? -- That is so. This was one of the publications.

Any other way in which you thought that you might raise money? -- Other ways that we thought we could do, raise moneys, was to invite people for a certain amount to enjoy a braaivleis with us.

Has not that got a more popular name in South Africa? (30)

-- Well/....

-- Well it is called braaivleis in our townships and at times we would have a situation where you do not have the literal braaiing of vleis but you have refreshments only and music to dance around and it is called...

COURT: Is it only the beer and not the braaivleis? -- Well as it said it goes with refreshments because if it was beer only then people who do not partake would not really be attracted. But we expected everybody to come and enjoy the session and this would normally be known as a Stokvel, or a Stokkie. (10)

MR BIZOS: Yes. Did you consider the question of membership? -- The question of membership, raising money through membership, people paying a normal subscription to the organisation we did discuss but then we decided that we had to be very careful with that type of set up now that we did not have a constitution ready because when we deal with the question of membership it has to be a constituted thing that has been adopted by the people who identify themselves with the Vaal Civic Association, those people who would be in turn the members of the VCA. So since at that stage we did not have a constitution (20) we ruled out the question of having people paying for membership in the Vaal Civic Association.

Do you recall at your first whether it was known ...

COURT: Can we just pause there. When was the constitution drawn then? -- The draft constitution was drawn in about say three months later. It was discussed in three months.

And when was it adopted? -- It was not adopted, until my arrest it had not been adopted.

But this would then mean that for as long as you did not adopt the constitution you were not in a position to obtain (30) contributions/....

contributions from your members by way of membership fees?

-- That is so.

MR BIZOS: We will deal with the reasons why the constitution was not adopted and who had undertaken, it happened at subsequent meetings which we will deal with. Do you recall whether it was known on the 10th of October when the town council elections were to take place, whether on the 10th it was already known when the elections were going to take place? -- That is so.

When were they going to take place? -- They were to (10) take place early in November, no, no, the last weekend of November. I think it was 30 November, 29 or 30 November.

A resolution had already been taken to oppose or boycott the elections of councillors. Was there any discussion as to what you should do in order to implement that resolution calling on the boycott of the elections? -- Yes we decided that with that resolution we will go out to meet the people and talk to people about BLA and check if BLA fell in favour with the people in the Vaal complex. We also were to hold a rally, a protest rally against the inception of BLA in (20) the Vaal complex.

Did you fix the date for that rally? -- We fixed the date to be on 27 November, the Sunday.

Did you discuss the steps, if any, that had to be taken in order to affiliate to the UDF? -- Yes we did discuss the issue of affiliation.

It is a new topic My Lord, if Your Lordship pleases may be ...

COURT ADJOURNS FOR LUNCH.

COURT RESUMES AFTER LUNCH.

BAVUMILE HERBERT VILAKAZI: d.s.s.

FURTHER EXAMINATION BY MR BIZOS: Yes we were about to deal with the affiliation of the VCA to the UDF. Did this happen at the first meeting after the inaugural meeting? -- The question of affiliation to the UDF was discussed at the meeting of the 10th and what was concluded on was that we could not outrightly make an application for membership without having more information about the membership itself. To this regard we requested Mr Thabiso Ratsomo and Mr Tembikile Hlahlugo. (10)

That is accused no. 22 and ... -- Mr Ratsomo is no. 22 in this matter and Mr Hlahlugo. So the two gentlemen were mandated to make enquiries at the UDF head office in Johannesburg.

Yes. Was there any particular reason why Mr Thabiso Ratsomo, accused no. 22, was chosen? -- Basically the reasons were that he was travelling in and out of Johannesburg going to work each morning.

Where was he, for whom was he working at that time, do you know? -- Yes, he was working for the Institute of South(20) African Race Relations.

In Johannesburg? -- That is so.

Did Thabiso, as we all call him, report back, accused no. 22 report back? -- Some time later Mr Thabiso Ratsomo reported back to the meeting that he and Mr Hlahlugo had carried out the mandate and they had sought information with regard to affiliation with the UDF and in addition they had brought a copy of the UDF declaration and a copy of the UDF working principles which would serve as a basis for more information on the UDF and so that that can be, make it much easier (30)

for/....

for us to decide on affiliation or to refer the matter back to the people.

Were the documents brought by these two? -- That is so.

And were they placed before a meeting? -- They were.

Do you recall the date of that meeting, or the approximate date of that meeting? -- I would not remember but it was about two weeks, it was in the region of about two weeks after this meeting on the 10th.

Still in October. -- Yes.

Still in October. -- That is so. (10)

Now did Thabiso Ratsomo indicate to you when he was there finding the information whether he did anything in relation to the affairs of the association? -- No he did not indicate doing anything on behalf of the Vaal Civic Association but it so happened that on the day they went to make enquiries they were told of a forthcoming Transvaal General Council sitting and he and Mr Hlahlugo were invited to sit in there as observers, which they did, and one of the things that were mentioned about the general council was that it was expected of organisations sitting there in the general council to submit (20) reports on their organisations, or on matters that affected their organisations in their area. Seeing that they were coming there with a mandate that did not include submitting reports on behalf of the Vaal Civic Association they could not do that. Rather they chose to hurriedly write up a resume of the activities of the Vaal Action Committee right up to the time when the VCA was launched on 9 October 1983.

I want you to please have a look at document L7. From the description given by Mr Ratsomo at the meeting, well does the description correspond in any way with the document (30) marked/...

marked L7 before His Lordship? -- I see this document as a reflection of what Mr Ratsomo reported to that meeting.

When they came back with the declaration and the working principles, My Lord I do not know whether Your Lordship considers it really necessary for them to be identified. I think that Your Lordship has had full view of that. I do not think we will put them in. Were those discussed at your meeting? -- These were discussed at the meeting.

And was any decision made as to whether or not you should affiliate to the UDF? -- Yes a decision was taken and that (10) was we were going to affiliate.

Was this, did the affiliation require the payment of any affiliation fee? -- Yes the two gentlemen, Mr Ratsomo and Mr Hlahlugo came with further information that an affiliation fee of R100 was expected from every applicant.

What was the size of your kitty at that time? -- I cannot be precise but I doubt if it exceeded R20.

What did you do about the shortage of funds for your affiliation fee? -- The matter was discussed with the United Democratic Front and then agreement was reached that that (20) amount of R100 could be paid in in terms.

On terms, on instalments. Yes, of how much? -- We agreed on an amount of R20 at a time and also when that amount was available we could always pay it in.

Do you know whether the affiliation fee in fact was paid or not? -- I cannot remember if we did come to bring it off.

This is the second meeting which your committee had. Do you recall whether IC8 came to this meeting, the second meeting? -- I am not precisely sure whether IC8 came to the second meeting but the meeting he attended was in the region of (30)

our/...

our first four meetings that we held.

How many meetings did he come to? -- In all the time from 1983 to 1984 I cannot count any beyond three.

Was attention given to the mandate that you had been given by the inaugural meeting to draft a constitution? -- Yes such an attempt was made.

Who undertook the responsibility? -- The entire committee undertook the responsibility but we asked three particular people to work on the draft of such a constitution. One of these people was to be Mrs Debogo Mosealin, area representative for Evaton, Mr Esau Raditsela, the Vice-Chairman of the Vaal Civic Association and Mr Mike Kgaka, the Assistant Secretary of the Vaal Civic Association who is an attorney also. (10)

Was this, was he acting in his capacity as an attorney in undertaking this or as a member of the committee? -- Well he was acting in his capacity as a member of the committee.

I suppose you hoped that he would use his talents as a lawyer to get the document out quickly? -- Very much so.

And did that happen?

COURT: Speed is of course the hallmark of lawyers. (20)

MR BIZOS: Did that happen? -- The committee worked on the constitution and after months of work a draft was eventually produced. We did sit to look at this draft but we realised that it was inadequate. It could not be taken to the people right away and that more particularly it did not deal very clearly with the structure of the Vaal Civic Association. Also it did not deal clearly with the question of membership. We then asked the committee to go back to the drawing board but until my arrest I had not sat on any meeting that the constitution was discussed. (30)

Yes/....

Yes once you had spoken of your arrest was that in December 1984? -- That is so.

The precise date? -- 11 December.

Did you continue, well let us, did you have your anti-election rally? -- That is so.

And did you print any pamphlets? -- Yes we did print pamphlets advertising this rally.

Please have a look at EXHIBIT AM58. Which document have you got before you Mr Vilakazi, AM58? -- I have AM58.

Yes, who produced that document? -- This document was (10) produced by the United Democratic Front.

I think we, would you please have a look at document, there may be a misunderstanding here, AN15(8).

COURT: AN, for Nelly?

MR BIZOS: A, N for Nelly 15(8), I think that is where ... Which document have you before you now? -- I have AN15(8).

Yes, A, N for Nelly 15(8). What do you want to tell His Lordship about that document? -- This is a document that was printed by the Vaal Civic Association to express protest against the Black Local Authority Act and also to announce the rally(20) that was to be held on 27 November 1983. .

And what do you know about AM58, the document that was shown to you in the first instance? -- The AM 58 I recognise as a document that was produced by the United Democratic Front and at this stage this pamphlet also was available in the Vaal complex.

COURT: Now let me just get clarity. AN15(8) was, you say it was printed by the VCA, I take it you mean to say it was distributed by the VCA and printed on behalf of the VCA? Did you print it yourself? -- Yes. (30)

You/....

You printed it yourself? -- Yes.

I see. And AM58 was produced by the UDF but was it handed to the VCA to be distributed? -- That is so.

At the same time? -- At the same time.

I see.

MR BIZOS: And was there a rally held on the 27th? -- There was a rally held on the 27th.

And did the election take place a couple of days thereafter? -- That is so.

Now we, do you know according to the figures announced (10) what percentage of the eligible voters voted in this election? -- The official announcement was 14,7 percent.

COURT: Fourteen? One four? -- One four comma seven.

MR BIZOS: Did the VCA consider its campaign a successful or unsuccessful campaign against the Town Council system? -- In the light of the results of the low percentage poll we saw it as a success to our campaigns.

Now what was the relationship between the VCA and COSAS at the end of 1983, at the time that this election was taking place? -- There was no formal links between the VCA and COSAS (20) in the Vaal complex.

Did the VCA have any representation on its committee? -- No.

Did you have any representation on your committee from COSAS? -- No.

Was there any co-operation between COSAS and the VCA on any issues during 1983? -- Well I had seen from time to time when one was busy distributing pamphlets members of COSAS would be keen to assist.

To distribute the pamphlets? -- That is it, yes. (30)

Was/...

Was there any other form of co-operation that you know of? -- Well apart from that I can only say that at the mass meetings they would also assist in arranging seats, like for instance we would use a church but for the purpose of a meeting we had to turn around the pews to face the other direction where the stage was, where the stage is situated, and they would also be keen to help. One or two people helping there you would find that is a member of COSAS.

That is a member of COSAS who wanted to become involved in this, yes. Did the organisation, one organisation depend (10) on the other or did you work independently of one another? -- We worked independently of one another.

Was there any decision in relation to colours for the VCA? -- The question of colours for VCA were never discussed. It was only at a later stage, in February, where I learnt from the Zone 7 area committee ...

COURT: February of? -- Of 1984, sorry. February of 1984 I learnt from the area representative for Zone 7, Miss Edith Lethlake that the area committee in Zone 7 was keen to produce kaftans for their members through which they hoped to sell (20) and raise funds.

MR BIZOS: Did you know of any talent that Miss Lethlake had for anything to do with the making of clothes? -- Yes, although her permanent employment was that of a computer operator in a computer company in Johannesburg she also was an ardent dressmaker.

If there is any suggestion in the evidence that the VCA decided to adopt the colours black, green and gold what would you say to that suggestion? -- If the suggestion was?

That the VCA decided to make the colours black, green (30) and/....

and gold as its official colours. What would you say about that? -- Well I would deny that allegation because we never got to discussing the question of colours for the organisation.

COURT: Were the kaftans made? -- For Zone 7.

But were they made? -- They were.

And what were their colours? -- The colours were black and cream, a rich cream.

MR BIZOS: And who were they worn by? -- The members of the Zone 7 area committee.

COURT: Does this then mean Mr Vilakazi that the VCA (10) virtually had no members, it only consisted of committee members? -- Inasfar as I can put it is that because generally in broad terms VCA had not had a constitution and we wished our membership to be on the basis of a constitution.

So in fact the VCA consisted only of the persons appointed at this meeting of 9 October as office bearers? -- As office bearers and also we regarded those supporting the VCA as informal members of the organisation because there were many people who were active in VCA who were always of assistance and who personally would regard themselves as members of (20) VCA although not being in the committee.

MR BIZOS: Were any discussions or attempts to form area committees in other areas after November-December 1983? -- There was an area committee established in Bophelong.

We have heard that Lord McCamel was a teacher. Where did he teach? -- He taught at the Bophelong Community School.

And before he lost his job as a teacher did he go there every day to teach? -- Yes he did.

I want to deal briefly with the position of accused no. 22. You told us that he was working for the Institute of (30)

Race/....

Race Relations in Johannesburg. Did he at the end of 1983, beginning of 1984, indicate to the committee as to whether he was or he would be in a position to continue as a member of the committee? -- It was in January where he indicated that chances are he may be admitted as a student at Rhodes University in Grahamstown where he wished to study journalism.

Journalism? -- Journalism.

Yes. Did he say whether or not he would be able to continue in his position as treasurer of the VCA if he was so admitted? -- He did indicate and it was a fact that he could(10) not operate as treasurer for VCA being in Grahamstown, that is in case he was admitted as a student.

Did he ever announce to you or the committee, or both, whether or not he had been admitted to Rhodes University? -- It was some time in February when he phoned me to tell me that he had been admitted and the day or two thereafter he announced it at the meeting which we had held at Mr Maloisani's place in Zone 14.

COURT: Where? -- At Mr Maloisani's place. Mr Maloisani is the gentleman I referred to as an area representative for (20) Zone 14.

MR BIZOS: And did he tender his resignation? -- He did so.

And what was the reaction of the committee when he tendered his resignation? -- Much as we were not happy to lose a capable person like Mr Ratsomo the position of treasurer, despite the fact that we had financial problems still we were very much glad to understand that he was still keen on furthering his education. So basically he left the VCA with the blessing of everybody concerned.

And did anybody take his place? -- Because Mr Ratsomo's(30)
position/....

position was a position he got after being elected at a mass meeting at the launch of VCA we thought that we could not really elect anybody amongst us ourselves but we appointed Miss Lethlake to act as a treasurer until such time that another round of more formal elections were taken at the VCA.

I am sorry My Lord, I want to return to 1983 again just very briefly. This election that was held did you personally order ...

COURT: The election on the 9th of...

MR BIZOS: No I am sorry My Lord, again the election of the (10) councillors at the end of November 1983. I am sorry that I...

COURT: Yes, the election for the Town Council.

MR BIZOS: For the Town Council. Did you personally do anything to disrupt that election or to prevent anyone from being elected? -- No.

Did the VCA disrupt the election by any unlawful means or take any step to prevent or intimidate anybody from taking part in the election? -- No steps were taken to prevent anybody or to intimidate anybody against elections. The activities of Vaal Civic Association then was that we distributed (20) the pamphlets prior to the rally in protest of these elections, we called a mass meeting, a rally in protest of these elections and on the day of elections we had members of the VCA carrying placards and standing apart at distances that are legal, apart from one another, in protest against the elections.

And as far as you were concerned was this a disciplined or an undisciplined protest in relation to these elections? -- I never got to hear of any instance where discipline of protestors was questioned. In my area I personally moved in the rain on foot, as I could not afford a car then, moving (30) from/....

from one police station to the other. There were three in Zone 3, all of them about a kilometre apart. I did that from about six in the afternoon after I arrived from work until at nine in the evening, and wherever I went there was no sign of an intimidation, any abnormal practice by the protestors or any kind of friction whatsoever between those who were assisting candidates and the protestors. I must also be noted that most of the candidates and the people who assisted them were people very much well known to me and they knew me also as a member of the Vaal Civic Association and even (10) the members of the security police who drove past there also knew me and they knew me to be a member of the Vaal Civic Association but none of them approached me with a problem with protestors or having to lodge any protest with me with regard to the conduct of our people.

My Lord I know that I have to make up our own mind about matters which are not in the indictment but in respect of which evidence has been led. I merely wish to place on record that I am going to skim over that and try and do it as briefly as possible. I am merely saying it by way of explanation (20) lest someone tries to draw some inference in relation to that. Although there is no allegation of you having done anything wrong in the eyes of the State in relation to attending the meeting at Bophelong which was chaired by Lord McCamel and about which he gave evidence did you attend such a meeting? -- I did.

Did you do this for a reason other than your ordinary duty as a committee member of the VCA? -- It was a practice that started with that particular meeting, as it was our first, that when an area committee or an area representative was (30) organising/....

organising a mass meeting in his area he would then invite members of the executive and other area representatives to the meeting.

COURT: Could I just get the date again? The meeting we are dealing with?

MR BIZOS: At the end of November 1983.

COURT: End November 1983.

MR BIZOS: To found an area committee in Bophelong. What, with, we will come to the details later, with the dismissal of Lord McCamel as a teacher what happened to the Bophelong area (10) Committee? Did it continue or did it go into

COURT: Hibernation?

MR BIZOS: Hibernation or decline, what happened to this committee? -- The activities of the Bophelong Area Committee declined as from the early months of 1984 and by the time I was arrested I did not know of an existence of an area committee any more in Bophelong.

From the beginning of 1984? -- That is so.

And I do not want the details of what Lord McCamel said, or the Reverend Lord McCamel or what Mr Johnny Motete said, (20) did any one of them incite anybody to violence or do anything untoward at that meeting? -- No.

Did you speak at that meeting? -- I did.

Very very briefly what did you say? -- I spoke with regard to the forthcoming Black Local Authorities elections and I indicated to the people that at a meeting held on 9 October...

I am sorry to interrupt you, you have expressed your views to the Black Local Authorities to His Lordship here at some length this morning. -- That is it yes.

Is that more or less what you told the people? -- Yes, (30)

but/....

but that then I based my views on the basis of the resolutions taken at the launch of the VCA.

I see, and you have referred to the resolution? -- That is so.

Right. And you have already referred to the AAQ document in which the poem appears, 1, is that, was IC8 there? I have it confused apparently, I am sorry My Lord. At the meeting at Bophelong was IC8 there? Let me finish my question. -- No IC8 was not there.

And at which meeting again was the poem recited? I (10) think it is clear, he has already said on the 27th. I am sorry my concentration has lagged behind. Did you ever hear Mr Curtis Mkondo at any meeting saying that Whites should be employed to kill other Whites? -- No.

Were you yourself present at the anti-election rallies? -- That is so.

You earlier told His Lordship that you printed the, that you the VCA printed the pamphlet AN15(8). What did you mean by that, that you printed it? -- By printing that I mean that we drafted the pamphlet, we bought material and we approached (20) a printing concern in Johannesburg to print for us.

I see.

COURT: I see it is not indicated who printed the pamphlet. -- It is an organisation called Media Research.

Media Research. -- Society. No Media Research Service.

MR BIZOS: Did you ever consider publishing a newsletter? -- Yes we did think of the idea of publishing a newsletter and we thought it better to elect amongst us a media committee. This would be people who would work towards the production of such a newsletter. (30)

Who/....

Who were the people elected to this committee, or appointed to this committee? -- I was one of those people.

The others? -- Also Mrs Mosealin and Mr Hlahlugo.

COURT: Just a moment, Mrs Mashele, Hlahlugo? -- Hlahlugo yes. And I think the other person who was to assist this committee was Mr Thabiso Ratsomo.

No. 22? -- Yes.

MR BIZOS: You say that he was to assist you? -- Yes.

Was he a member of the sub-committee or was he just going to assist you if assistance was needed? -- As far as I can (10) remember he was just to assist us because of his experience as a researcher.

Is that what he worked at at the Institute of Race Relations? -- That is so.

Anyway did this committee manage to produce a newsletter at all? -- We were working towards that but the main thing again was finance.

And no newsletter was ever produced? -- No.

Did you communicate this desire to anyone to produce a newsletter? -- Yes we had spoken to people from MARS. (20)

Yes.

COURT: I take it that Mars is not a planet, is that Media REsearch Service? -- That is so.

MR BIZOS: Shortly after you showed this interest did you receive an invitation from anyone? -- Yes there was a seminar conducted by MARS where a number of medias affiliates participated and this seminar was a media seminar and we were invited to this seminar.

COURT: Your committee? -- The committee was invited to the seminar. (30)

The/....

The sub-committee that you have spoken about? -- That is so.

Did you go to this, did you respond to the invitation? -- In response to this invitation myself and Mr Thembekile Hlahlugo were found to be the only two who were available that weekend to be able to attend and so we attended that seminar.

Yes, a series of documents have been produced by the State marked C32. Do you know anything about them? Just have a look at them. Just very briefly, well what do you know (10) about those documents? -- This is one of the pamphlets that was sent in to us some time before this MARS seminar.

Yes, and did they relate to what was going to happen at this seminar? -- Yes they spoke very broadly around the media committee of the UDF.

Of the UDF. And did you attend this seminar? -- I did.

Where was it held? -- It was held on the ground floor of Khotso House.

And for how long did, well what happened there? Were you lectured to or did you take part in a discussion or what (20) happened? -- Well we had some talks by some speakers on media committees and also we did some group work on a number of posters and pamphlets.

What was the purpose of this group coming together, to overthrow the State by violence? -- No.

What was the purpose? -- The purpose was to guide the affiliates with regard to ways of communication, particularly using the media as a means of communication with the community.

Did you consider it of any importance for a civic association such as yours to learn how to make better use of (30)

the/...

the media? -- That is so.

I intend moving on to Port Elizabeth My Lord.

COURT: Just a moment before you move on. At the bottom of page 7 of these documents I see "Remind people about Seminar December 10, 6 p.m." and "Gumba party afterwards". I do not know what a Gumba party is. What is a Gumba party? -- A Gumba party, the one I attended on that day, was a disco type of, I would say an organisation during their fund raising, they would hire out a place or a hall or something and they would have music and light reflections there. That is for a (10) minimal fee.

That is for an entrance fee? -- Yes, actually sell tickets for entrance.

Now what ... -- So that even people who will not be able to be there but as contributions towards our cause then you can just buy the ticket and those who would like to attend would also benefit from the band.

Now the seminar of December 10, is that the seminar you referred to or is this a different seminar referred to in these documents? -- The seminar I am referring to is the seminar (20) on December 10.

December 10, yes.

COURT ADJOURNS UNTIL 23 JANUARY 1987.