

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

Ass. 2

SAAKNOMMER: CC 482/85

DELMAS

1987-01-26

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

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KONTRAKTEURS:

LUBBE OPNAMES  
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VOLUME 161

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COURT RESUMES ON 26 JANUARY 1987.

MR BIZOS: My Lord we want to place on record our thanks to Our Learned Friends in relation to the question of reporting at the police station. Firstly let me start off by personal apology for misinterpreting Your Lordship's order until I actually saw it in writing when it was to be amended and then realised that there would be a problem in relation to reporting and that is why I raised it, but no harm was in fact done, the accused are here. It has been agreed, subject to Your Lordship's concurrence, that on days on which the Court sits (10) the accused who are on bail do not have to report to the Jeppe Police Station but the attorney for the accused in court on that day will, on the day before, I beg Your Lordship's pardon, the attorney in court the day before will telephone the person whose name will be furnished at the Jeppe Police Station to inform him that the following day is a court day.

COURT: Now which attorney is going to do this work?

MR BIZOS: The attorney who is in court on that day. That may change, this is why we are putting it the attorney who is in court on that day, on the previous day. It will be a matter (20) of universal observation as to which attorney was in court. We will see to it that it happens every day.

COURT: He will telephone who?

MR BIZOS: The person, the responsible person whose name is going to be supplied, that too may change.

COURT: Which person where?

MR BIZOS: At the Jeppe Police Station.

COURT: At Jeppe?

MR BIZOS: At Jeppe. That the following day is a court day, will be a court day. (30)

COURT: / . . . .

COURT: I think the responsibility must be on all the attorneys and not on an attorney who is in court because we have attorneys coming in and out all the time and then the one will point a finger at the other one should something go wrong.

MR BIZOS: As Your Lordship pleases. We will see to it that it is done. There is always, as Your Lordship might have noticed, one attorney here depending on whose client is giving evidence. So that it will work out. So that, the reason for it is this that an absence must not go unnoticed. That is really the reason. (10)

COURT: Well let me see whether I have noted it correctly. On days the Court sits the accused who are on bail need not report to the police station. The attorney who is, well I must merely say the attorneys, whether they are in court on a particular day that is your concern, the attorneys collectively, will telephone the responsible officer at Jeppe to inform him that the following day is a court day.

MR BIZOS: As Your Lordship pleases.

COURT: Yes, the bail conditions are amended in the following respects: The rider is added as follows: On days the Court (20) sits the accused who are on bail need not report to the police station. The defence attorneys will a day in advance telephone the responsible officer at Jeppe Police Station to inform him that the following day is in fact a court day.

BAVUMILE HERBERT VILAKAZI: d.s.s.

DURTHER EXAMINATION BY MR BIZOS: Mr Vilakazi we were busy dealings with the happenings at the meeting of 26 August 1984 at the Roman Catholic Church, Small Farms. Do you recall that?  
-- That is so.

And you told us about a number of speakers and a number (30)

of/...

questions that had taken place. Do you recall whether anyone named Mrs Matshaneng, M-a-t-sh-a-n-e-n-g, do you recall whether she was there or not? -- Mrs Matshaneng was at this meeting.

Do you recall whether she spoke or whether she asked a question or whether she made a remark? -- I remember she spoke.

COURT: By speaking you mean she made a speech? -- That is so.

MR BIZOS: Do you recall whether she was a scheduled speaker or whether she was a late coming volunteer? -- She was a late coming volunteer.

I see. Did she say who she represented or on whose (10) behalf she spoke? -- In introducing herself Mrs Matshaneng told the audience that she was speaking as a member of VOW, that is Vaal Organisation of Women.

COURT: She just said Vaal or VOW? -- Vaal Organisation ...

V-O-W? -- V-O-W My Lord.

VOW.

MR BIZOS: The witness added what it stood for.

COURT: Yes.

MR BIZOS: And do you recall what she said? -- Yes I recall what Mrs Matshaneng said. She spoke about the benefits of (20) being a member of the Vaal Organisation of Women and she encouraged mothers, as she put it, to affiliate with Vaal Organisation of Women so that the organisation can gain ground and so that new ideas could be introduced within VOW. She also spoke about the self help schemes that VOW had embarked on, amongst others she mentioned things like dressmaking, the buying of fruit and vegetables that could be sold at a small profit to the benefit of all.

Did she have anything to say about the proposed increase of rental? -- Yes she said already people have been burdened(30)

by/....

by the rent increase but in VOW people had been able to survive by benefitting from these self help schemes.

Did she refer to the disturbances that had taken place in Soweto in 1976? -- No she did not.

Did she propose the boycott of councillors' businesses? -- No this proposal did not come from Mrs Matshaneng.

We will come to that. When she spoke had the question of the march been raised yet or not? -- Yes the question of the march had already been raised from the floor.

We will come to the details of that when we deal with (10) it, but did she express any view whether she was for or against the idea of a march taking place? -- Her view was for the march.

We know that Mrs Rina Mokoena spoke, you have told us now that Mrs Matshaneng spoke. Did any other woman speak at the meeting? -- The other person who spoke at the meeting was Mrs Olifant, and what Mrs Olifant spoke about was generally a duplicate of what Mrs Matshaneng had already spoken about with regard to the Vaal Organisation of Women.

Did either ... sorry? -- But more clearly she described the self help schemes within VOW and how they were divided (20) in various areas where their members were. Like for instance she would say that in one week members of VOW say if residential in Zone 7 would for a week be responsible for the acquiring of fruit and vegetables that were to be sold. So everything that is sold on that week they are accountable for to VOW. Then the following week another area takes over the same responsibility for a week.

Did either Mrs Matshaneng or Mrs Olifant call for any violence against the person or property of any councillor? -- They did not. (30)

My/...

My Lord I am trying as much as possible to follow the order set out in the indictment and this is why sometimes I come back and forth but in the main I am trying to put it. Now although Mr Lazarus More, the erstwhile accused no. 4, was, is no longer before His Lordship and though no evidence was given what do you say to the allegation in paragraph 76.7 of the indictment to the effect that he spoke at this meeting, well first of all did he speak at this meeting? Was he there at all? -- Well I would say I did not see Mr Lazarus More at any point during the course of that meeting. (10)

And it follows from that that he did not speak? -- That is so.

And that nor did he incite the audience to destroy and stone everything which belonged to the Black Local Authorities, nothing like that happened? -- Nothing like that happened.

Yes. Do you know a Mr Khabi? -- Mr Khabi I know.

Was he at the meeting and did he speak there? -- Mr Khabi was at the meeting. He was not a scheduled speaker. He asked the Chairman to give him an opportunity to speak.

And do you recall in brief what he said? -- Yes. In (20) his speech Mr Khabi expressed his support for Vaal Civic Association as an organisation, and said that he hopes that the organisation will grow from strength to strength without experiencing the nasty experience that his organisation already had.

Which organisation was he referring to? -- Mr Khabi I know as the chairman of the Evaton Ratepayers Association.

COURT: That is ERPA? -- I beg your pardon?

Is it short ERPA? -- E-R-P-A.

ERPA, yes.

(30)

Did/....

Did he elaborate on what the nasty experience was? -- Yes. He spoke about the deliberations of Evaton Ratepayers Association to stop the expropriation of properties in Evaton and he said that whilst the whole organisation was doing everything it could, even engaging legal assistance, it was found out that some members within the organisation were working hand in hand with the authorities in expropriating people's properties. Mr Khabi said they were right to do so because they could not keep men who were dishonest in an organisation. He also referred to the Mayor of Evaton as also being in cahoots (10) with the Board in expropriating them.

MR BIZOS: Who was the mayor of Evaton at that time? -- At the time the mayor of Evaton was Mr Sam Rabotapi.

Rabo or mo? -- Rabotapi. Then Mr Khabi just rumbled off on his war experiences.

Now just before we get to his war experiences was it stated that there had in fact been expropriations or was it merely stated that it was in the air, it was being contemplated? -- There was, at that stage there was much talk about the implementation of this replanning in Evaton but the expro- (20) priation had long started, I think in the regions of 1967, 68, whilst the Board was still the Sebokeng Administration Board.

67? -- That is so My Lord.

Thank you.

MR BIZOS: Well I do not know that His Lordship is interested in Mr Khabi, Mr Khabi is he an elderly gentleman? -- He is an elderly gentleman.

About his war experiences but ...

COURT: We might raise a dispute and then he will have to come and show his medals. (30)

MR BIZOS:/....

MR BIZOS: So we can leave that out. Did he say anything about Mr Diphoko? -- No the only person or persons he mentioned was Mr Sam Rabotapi and the people he had said were expelled from the Evaton Ratepayers Association whom unfortunately he did not name at the meeting.

Well do you know whether Mr Diphoko was among those who was expelled or whether he was on the council? -- I only knew Mr Diphoko as having been in the council but I did not know his affiliation.

Did Mr Khabi say that he would be happy if someone burnt(10) down Mr Diphoko's shop? -- He definitely did not say that.

Right now would, was Ernest Nkabinde at the meeting? -- Yes as a newspaper reporter Mr Nkabinde was at the meeting.

Was he there as a resident or was he there in his capacity as a newspaperman? -- I am saying that he came as a newspaperman because Mr Nkabinde is a resident of Sharpeville.

What was he doing at the meeting? -- He was taking notes.

Did you see any other newspapermen around at this meeting? -- There was a gentleman in the company of Mr Nkabinde whose surname I did not know but I only know his first name, being(20) Thabo, and Thabo I know him to be a freelance photographer.

You have given His Lordship the names of the speakers and a brief account of what they said. Do you remember the order in which they spoke Mr Vilakazi? -- Right up to accused, from Mr Matlole, accused no. 17, to myself, Mrs Rina Mokoena and Mr Malindi, accused no. 5, I can clearly remember. Beyond I cannot remember exactly who came before who.

Yes.

ASSESSOR (MR KRÜGEL): The order then, is it accused no. 17 and then yourself and then Mrs Mokoena? -- That is so. (30)

And/....



And then accused no. 5? -- That is so.

MR BIZOS: Can you recall at what stage the idea of a march was mentioned at the meeting for the first time? -- Yes this idea came after Mr Malindi had spoken about the stay away on the 3rd and the holding of mass rallies. Remember a gentleman who I know to be Mr Maropeng(?) was part of the audience raised the question of the march.

What did he say? -- Mr Maropeng contended that if there was to be a stay away call and mass rallies are held that would add to nothing, there would be no gain out of that because (10) the people who have got to realise our plight will not be attending these rallies.

Which people was he referring to? -- He was referring to people in authority.

Yes, please go on. -- Then Mr Maropeng suggested that instead of rallies there should be a march to the Houtkop Administration complex where the grievances and the demands of the people would be handed over to the members of the Development Board as a basis for opening up negotiations between the Board and the community. (20)

When this was said what was the reaction of the people, some of the people at the meeting Mr Vilakazi? -- Some of the people cheered Mr Maropeng on this but again came the question from Mr Masinya, I believe we have handled that question earlier.

Is that the stage which Mr Masinya came into the picture? -- That is so.

COURT: What was the question? -- The question of what would happen if people are arrested, who would take care of their children. (30)

I/....

I would like to ask you something here. I understood your evidence previously to be that you did not in Zone 3 organise a mass rally because you could not get a venue, you could not get a hall? -- That is so.

Could you not have held that mass rally on the soccer field across you, across the road from your house, or anywhere else in the open? -- In, there were a number of problems there. Firstly that would be an open air gathering which was not permissible then.

Now on that point I thought that that would have been (10) the position, that is why you bothered to get halls, would a march not have been an open air gathering which was in contravention of the law? -- My understanding of an open air gathering I understood it to be people coming together at one point in open air.

Not moving from point to point? -- Not moving from point to point. That was my understanding.

Yes. So is it correct that at the time of the march there was a prohibition against open air gatherings in force in the whole of Sebokeng, Sharpeville, etcetera, in the whole of (20) the Vaal area? -- I do not know if it was limited to the Vaal area at that stage.

Well it may have been wider but the area where the marches took place? -- That is so, yes.

MR BIZOS: And you say that some of the people cheered, you say that some of the people cheered? -- That is so.

And Mr Masenya asked this question, and you have already told us that accused no. 17 and another person responded to that. -- That is so.

Did other people speak for or against the idea of (30)  
having/....

having a march? -- There were people who spoke thereafter. One person spoke for the march, said that supportive to the idea of the march because through a march the people will have the only means of attracting attention and the Development Board will have to sit up and take notice. If the march was successful in having big numbers of people involved it also meant that from the number of people the members of the Board will also realise the representativeness of those people who will be talking to them, and they will also realise that people are not happy with the increase in rentals. (10)

This march in order to show the strength of the feelings, you tell us was described as bringing to the attention of the Board. What about the Council, the Town Council, were they thought as people who had to be persuaded or shown what the feelings of the people were? -- Many people were against the idea of negotiating with the council then because of some of the experiences they have had with councillors and particularly at councillor's meetings and they felt that the best would be to go directly to the Board since the Board was the government structure most accessible to them. (20)

Did you yourself speak either for or against this proposal of the march Mr Vilakazi? -- As I was being one of the speakers there and I had introduced myself as an area representative for Zone 3 and at that stage I will still at the platform it was my feeling that I did not take part in these discussions so that the members of the audience, the community that was gathered there, could have free discussions, free speech in expressing their feelings. I did not want a situation where what I would have said would have had influence on the people's thinking. So that they could have taken (30)  
decisions/....

decisions which they initially did not want to take.

Did you on the 26th know whether you would be in the Vaal complex during the weekend of the 1st, the 2nd and the morning of the 3rd or not? -- Yes I was aware that I would not be at home or in the Vaal complex during the weekend of the 2nd.

COURT: So were you away for your work, the purpose of your work? -- That is so.

So you were not going to join the stay away? -- I was not going to join the stay away because I would not be in the Transvaal.

MR BIZOS: And what would you have been doing on Monday? (10)  
-- On Monday I would be only arriving, I mean I would be only coming back from Natal.

Yes, when would your work have been done? When would you have actually been working? -- My work was for the weekend of the 1st and the 2nd, in Botha's Hill, Natal.

And when were you planning to be travelling? -- As I had lots of plans to do both here in Johannesburg before leaving and with the group I was working with in Natal prior to the seminar I had to leave on the evening of the 29th. by train.

Yes. And you returned when? (20)

COURT: That is now 29 August? -- That is so.

Did you in fact leave on that evening? -- I left on that evening.

MR BIZOS: And when were you due to come back and how? -- I was due to be back on, back in Johannesburg on the morning of the 1st but the booking with Leslent(?) International came with, I had to book in in Natal on the evening of the 1st, of the 3rd I am sorry, the evening of the 3rd.

COURT: Were you due back on the morning of the 3rd? -- Yes.

That is now 3 September? -- Yes. (30)

Yes? -- Now the booking came that I would be starting off from Natal on the 3rd to arrive in Johannesburg on the 4th in the morning, early in the morning.

ASSESSOR (MR KRÜGEL): So did you in fact arrive in Johannesburg on the 4th? -- That is so.

MR BIZOS: Now were you, whilst these discussions were going on and different proposals were being made and they were being discussed were you doing anything at this meeting? -- Yes.

What was you doing? -- I was noting points from speakers which would later be presented to the audience for adoption (10) as resolutions.

Yes. Were your notes used as the basis of the resolutions that were passed at that meeting? -- That is so.

Whilst the resolutions were being put to the meeting was Esau Raditsela there? -- I saw Esau come into the hall immediately as I was through with the resolutions.

COURT: When the resolutions had been put? -- That is so.

And had been voted on or not? -- There was still some voting on.

MR BIZOS: Was it at the beginning when the resolutions were (20) about to put or had a substantial number of the resolutions already been put when Raditsela arrived there? -- It was still few debates, very small debates that were still going on at that stage.

COURT: But does one still debate it when the resolution is put to the meeting? When, I mean put to the meeting I mean put for the vote or do you mean put for the purpose of debate? -- When you put them you find that there is a situation where the Chairman would ask is this resolution acceptable, then we vote on it but if there is a person who has got some little bit (30)

of/....

of misunderstanding or still feels strongly against a resolution then that person would be given a chance to express himself. So you will find that now the voting becomes delayed.

MR BIZOS: Dealing with Mr Raditsela did he come there alone? -- Mr Raditsela entered the hall in the company of Miss Edith Lethlake and a number of persons I did not know.

Did this group of people have anything with them? -- Yes the people who accompanied Edith and Mr Raditsela had a banner with them.

Do you recall what sort of banner it was and what it (10) said? -- It was an old banner of UDF which was printed on it Vaal Civic Association.

Why do you call it an old vintage, what indicated that it was old? -- Because it has been used in the Vaal for a long time.

It has been used for a long time. The Vaal Civic Association, did it have anyone's logo on it? -- VCA at that stage we did not have a logo. The logo that was on the banner was still the UDF logo.

Did Mr Raditsela take over the meeting and did he address the meeting? -- No Mr Raditsela did not address the meeting. (20) But was approached by the Chairperson Mr Nkopane, accused no. 8, that Mr Raditsela to please act as an electoral officer.

Electoral officer of what? -- For the elections of the Zone 3 area committee.

Was the election for the Zone 3 area committee before or after the resolutions were adopted? -- After the resolutions were adopted.

COURT: Did Esau Raditsela and company come in singing or did they come in quietly? -- Outside the meeting they were singing but when they made an appearance at the door they were not (30) singing./....

singing.

MR BIZOS: When you were writing the, or formulating your notes into forms of resolutions did you ask for anyone's assistance?

-- Yes as I had expected Miss Edith Lethlake to be present who was a person to assist me and now that she was not there I then approached Mr Malindi, accused no. 5, to assist me with that task.

You, do you recall what the resolutions were that were passed at the meeting? -- Yes I remember.

Would you please tell His Lordship what the resolutions(10) were? -- The resolutions were that the R5,90 rent increase were not to be paid pending negotiations with the Development Board. Councillors to resign and their businesses to be boycotted until they resign. A stay away on 3 September and a protest march from Small Farms to Houtkop on the same day of September. The shops and other businesses to be closed on that day so that it should be possible for both the owners and the employees to participate. The buses and taxis not to run on that day only so that the employees should be able to participate as residents. (20)

Were there any queries by any member of the audience in relation to any of these resolutions before a vote was taken?

-- I cannot be clear, I cannot remember clearly whether there was any direct query at that point but as speakers were proposing these earlier on there were discussions and debates around them.

Yes. There were discussions and questions about them? .

-- Yes.

Well you told us ...

COURT: Well that is when they were proposed, initially when(30) they/....

they were proposed? -- Yes.

MR BIZOS: Do you recall whether there were any queries when they were put to the vote? -- When they were put to the vote there was only one query.

Yes, do you recall what that query was? -- The query was on th stay away as a whole, that this would affect services like hospitals and other essential services and the majority of the people in the hall felt that the stay away should not include people in hospitals and other essential services.

COURT: Police? -- Police are essential services I believe. (10)  
Participation on the stay away by police would have been voluntary.

MR BIZOS: And were these resolutions voted on or were they passed in some other way? -- The Chairman proposed that they be voted on.

One by one or en masse? -- One by one. And this was done.

Was there agreement or disagreement in relation to these resolutions? In the, at the meeting at the whole were they agreed upon, the resolutions.

COURT: Well were they adopted? (20)

MR BIZOS: Were they adopted.

COURT: It is different from agreed upon.

MR BIZOS: Were they adopted as resolutions? -- They were adopted as resolutions at the meeting.

They were adopted as resolutions. You told us then that there was an election of office bearers of Zone 3 representatives? -- That is so.

May I ask Your Lordship for a very short adjournment.

COURT: Yes certainly.

COURT ADJOURNS. COURT RESUMES. (30)

COURT: / . . . .



COURT: Yes in racing terms this interruption might be described as an unscheduled pit stop. We can now continued.

BAVUMILE HERBERT VILAKAZI: d.s.s.

FURTHER EXAMINATION BY MR BIZOS: You told us that an election of Zone 3 area committee was conducted? -- That is so.

To avoid His Lordship, I do not know if Your Lordship wants it by reference or what to write the names down. Perhaps it will be quicker to just, who was elected Chairman? -- There were three nominations for the chairman, despite the fact that I had mentioned to the meeting that I would like to be (10) relieved due to my other work commitments I was still nominated for the chairmanship and the other nomination was that of Reverend Mahlatsi and the third nomination was that of Mr Nkopane, accused no. 8. Then after elections the results came out that Mr Nkopane was the Chairman, then Reverend Mahlatsi was his assistant.

His Vice-Chairman? -- That is so.

COURT: Did you vote only once? You voted only once? -- That is so.

MR BIZOS: Was that the, was that an arrangement or how (20) did the voting go? Where did you come in the voting? -- The arrangement was that we would vote once and the person with the highest votes gets the position and the second highest would be the Vice.

And you were not elected as Chairman? -- That is so.

But you say that you had made it clear to the meeting that you were anxious not to stand? -- That is so.

Why did you not say well I am not prepared to stand, and refuse nomination altogether? -- Though I believe much in standing at any opportunity and putting my position clear (30)

but/...

but where you are mandated by a community to do a job it is a thing that becomes difficult for me to ignore, it is like leaving your community in the lurch.

Let us see if I really understand this correctly. In your community how is it considered to say when you are nominated "No I am not prepared to stand for election and withdraw altogether", how is that regarded in your communal affairs? -- Well it is regarded as rejection.

And were you nominated for any other position? -- That was so. (10)

For what position were you nominated? -- The position of the secretariat.

Were there any other nominations? -- There was one more nomination.

Who was that? -- That was Mr Ephraim Dibate.

COURT: Dibate? -- Dibate.

MR BIZOS: And how did the voting go on this election? -- We followed the same voting and Mr Dibate got the most votes.

And is that how you came to be Assistant Secretary? -- That is so. (20)

Were there any songs sang at this meeting?

COURT: Is it "songs sang" or "songs sung"? I was wondering the other day when you put it that way?

MR BIZOS: Well I would not put myself as an authority on the proper pronunciation of Anglo-Saxon words. I take Your Lordship's pronunciation. Was there any singing there? -- There was singing there.

Which songs? -- The first song that I sang there, Hlanganani Basibenzi.

COURT: That is the song you started? -- That is so. (30)

MR BIZOS:/.....

MR BIZOS: And you have described that song as a worker's song?

-- That is so.

For how long has this song been around? -- In its ...

To your knowledge? -- ... of Hlanganani Basibenzi it was sung that way from the late 70's, round 79, 78/79, but it is an old song, a church chorus which has been sung for a very long time as Hlanganani Bachristo.

In which church is that chorus sung? -- Well I have heard it in a number of churches including mine.

Is it a popular thing? -- Yes it is a popular chorus. (10) During certain functions of the church then we have quite a number of choruses coming up there.

Yes, is the tune well known then? -- Very much well known.

And was this song sung from the late 70's secretly, surreptitiously or openly at various meetings, the Hlanganani Basibenzi? -- It was being sung openly.

COURT: Do the words of Hlanganani Basibenzi differ materially from the words of Hlanganani Bachristo? -- I would not say differ materially.

Is Hlanganani Basibenzi still a religious song? -- Well (20) it, basically the message of the song it is on unity, that is now a particular group may in promoting unity amongst themselves refer to themselves then and say Hlanganani this way.

So in the original version it is unity in Christ? -- Yes.

And now you have made it unity of the workers? -- Of the workers, yes.

I see. -- The same as you have the song on the Forward Christian Soldiers.

Yes. -- It does not mean that every Christian to protect Christ has got to carry a gun, a machete and march in (30) protecting/...

protecting Christ but it means basically those who support Christ, who preach for Christ, who carry the Bible for Christ then refer themselves as soldiers for Christ.

MR BIZOS: Do you recall any other song? -- The other song was Sinzenina.

Do you know, can you tell His Lordship about the origins of that son and what does it mean and what its significance is? -- This song is sung at church, particularly where people are disturbed as they draw nearer to God. They will always chant this "Sinzenina, sinzenina." (10)

COURT: Now is this in the hymn book? -- It is not in a hymn book that I know.

Do they sing it when they are disturbed politically or do they also sing it for example in bereavement when they have lost a son or a daughter? -- That is so.

MR BIZOS: We have heard it on the tape I think Mr Vilakazi. Would it be correct to describe it as a lament? -- That is so.

For how long had that been sung around various meetings and churches before 26 August 1984 to your knowledge? -- Thereon I started hearing it sung in church by youth groups when I (20) was still the President of the youth in my church, in the years 1974 to 1979.

And did it continue after that? -- It is still continuing.

COURT: Is it always accompanied by a recital? I have heard here that it was used as background music for a recital? -- Not necessarily a recital but say somebody has got to pray.

Yes, maybe a prayer then? -- Yes.

Is it always used as background for a prayer or is it sung on its own without a prayer? -- It can be sung on its own, it can be sung with a prayer and where some drama is (30) played/...

played it can be sung with a recital.

MR BIZOS: Do you recall any other song that was sung at this meeting? -- Yes the other song that was sung there was Mandela Awetu Siyumlandela(?).

You told His Lordship you will recall Mr Vilakazi that Mr Mandela was considered the leader of the Black people and you told His Lordship that that was generally known and it was written about, you recall that? -- That is so.

And you have been shown a number of newspaper cuttings, ten in number, and I want to put copies of that before you (10) if I may. Let me make it quite clear at the outset that on my instructions the witness will not be able to identify each one of these but will say he remembers some, some are the sort of thing that he has been reading over the years and it is put in on the basis of a general acceptance of Mr Mandela as a leader of the Black people. I hand in three copies to Your Lordship. Have you got a copy Mr ...

COURT: This will be DA2 and the pages are numbered 1 to 10. I am sorry it does not seem to be that.

MR BIZOS: No it is documents 1 to 10. (20)

COURT: Documents 1 to 10 in DA2.

MR BIZOS: We have tried to keep them in chronological order up to the period of the, shortly before the accused's, the witness' detention in December 1984. DA2(1) has a heading "PHATUDO TO ASK PRIME MINISTER TO FREE NELSON MANDELA" and it reads:

"Dr Cedric Phatudi, Chief Minister of Lebowa, is to ask the Prime Minister Mr Botha to release Nelson Mandela who is serving a life sentence on Robben Island. Mr Phatudi is not connected with petitions being drawn up in (30)

South/...

South Africa and overseas for Mandela's release but is acting on his own initiative as a Black leader. Earlier this week he made an official visit to Robben Island where he was able to talk to some of the inmates. He said yesterday that he was arranging a joint meeting with the Minister of Co-Operation and Development Mr Piet Koornhof and the Prime Minister to plead for Mandela's release. It appears that Dr Phatudi feels it would be a good idea if all Black political prisoners are released. "I feel a joint meeting with the two Ministers will save time (10) and will enable us to have a broader exchange of views." Although Dr Phatudi is a homeland leader subscribing to a political philosophy political prisoners are opposed to he was well received by the prisoners on the Island. "They felt honoured that I had gone out of my way to visit them." He did not meet Mandela during the visit. He said he was told by the prison authorities that he need special permission to see him. Dr Phatudi said he was impressed by the intelligence shown by some of the prisoners who spoke to him. "Good brains are being (20) wasted by keeping some of these men on Robben Island for long periods" he said. "If released they could use their brains to contribute towards the development of the country". Dr Phatudi scored a political success by successfully persuading the South African government to allow Professor Ezekial Mahlele(?) then a prohibited person, back into the country."

Then it deals with Professor Mahlele's appointment at Wits University and then:

"The Prime Minister's office has announced in Pretoria (30) that/...

that Mr Botha will be meeting a delegation of the South African Council of Churches on August the 7th to discuss the situation in the country..."

And it goes on to identify what is going to happen there and the final paragraph - for the sake of completeness - is:

"The South African government's stand on the issue has been that Mandela cannot be released from prison because he has not changed his political views."

Can you recall whether you saw this particular publication or something like this report in another newspaper? -- I had (10) seen something like this in other newspapers.

Then if you have a look at document no. 2 with a heading "75 000 FOR MANDELA":

"More than 70 000 people signed petitions for the release of imprisoned African National Congress leader Nelson Mandela during the six month campaign organised by the Sunday Post Newspaper. However the former Minister of Justice Mr Alwyn Schlebusch has said Mandela would not be released because he was legally convicted in court."

Did you see that report? -- This I have seen. (20)

You remember seeing. Then The Star report, document no. 3:

"Striking tributes to Black consciousness leaders such as Nelson Mandela and Steve Biko have quietly arisen on an open piece of land on the outskirts of Port Elizabeth where a prestige township is to arise. They are names on the street signs recently erected in Bethelsdorp Extension 10 which is to be developed into a prestige Coloured housing area. Mandela, the banned leader of the African National Congress and Biko a leader who died (30)

in/....

in detention are being honoured by the Coloured Management Committee. Their names were suggested by the committee three years ago and at the time agreed to by the townplanning department and approved by the City council's works and traffic committee. At the time there was one voice of opposition from a city councillor who is no longer serving and who could not get a seconder. The new street names also include the slogan AMANDLA (power)..."

I am sorry My Lord I cannot read that, I do not know whether(10)  
it is ...

"Norman Middleton, the Deputy Leader of the Labour party. The CMC chairman Mr Laurence Erasmus said that the committee was honouring people whom he believed represented its principles. The committee had no opposition from any side he said. The Mayor, Mr Graham Young, said today he did not expect any problem and in any event the Council was unlikely to reverse its decision. It believed the naming of streets was the prerogative of the CMC."

Do you recall whether you saw this article in The Star? -- (20)  
This is the article I did see in The Star.

You did see. Then I would like you to please have a look at document no. 4. The Star of 23 September 1981, the question is posed "Who are the real leaders of Black South Africans, who are they political groups that they support" and it says that a survey was done. The headline "WHO ARE THE BLACK LEADERS" and a little headnote:

"The banned African National Congress (ANC) emerged from the poll as the most popular political movement amongst Africans in the three largest cities." (30)

And/....



And it says:

"The Star's poll revealed the broad popularity of the imprisoned ANC leader Mr Nelson Mandela. Some 40 percent of Africans polled in Johannesburg, Durban and Cape Town said that they would vote for the ANC in a Parliamentary election. This was almost as many as those who supported the rival Inkatha movement, AZAPO and the Pan Africanist Congress together, popular. Nevertheless in the three cities polled the ANC's Mr Mandela was clearly the most popular leader among Africans. Of (10) the whole sample ..."

COURT: How do you get that Mr Bizos, 766 percent?

MR BIZOS: Well it may be a misprint for 76,6.

COURT: Or it may be anything.

MR BIZOS: We will deal with it My Lord, it may be that it was referred to elsewhere and we will get it.

"Of the whole sample 766 percent said they like him, 59 percent strongly."

So it was more than 59 percent.

"Only 5 percent disliked him." (20)

Then it gives some history of the ANC and the final paragraph:

"The ANC and Mr Mandela led the popularity stakes among members of every Black ethnic group, even among the Zulus, Inkatha's tribal stronghold, they were more popular than both the Inkatha movement and Chief Buthelezi."

Do you recall whether you read that article? -- Yes I remember reading it.

I show you document no. 5. This "STUDENTS BACK MANDELA" of 3 June 1982 in the Africa Edition of The Star. Do (30) you/...

you know what the Africa Edition of The Star is? -- That is so.

What is it? -- The Africa Edition of The Star, as opposed to other editions of The Star, is produced with much focus on the news around the townships and Africa in general. Whilst the other editions would be just general news.

Yes, and which edition is favoured by the Black people living in the townships? -- I personally not always easy to finding myself having missed the Africa edition and having to now read the Stop Press or Late Final because I know that (10) with Africa Edition I would be informed mostly about issues around me, around the townships, around Africa in general.

Looking at document no. 5 "WITS STUDENTS BACK MANDELA":

"The campaign to have imprisoned leader of the banned African National Congress Nelson Mandela elected Chancellor of the University of the Witwatersrand received a resounding boost when hundreds of students of all races endorsed it in the University Great Hall yesterday. The National Union of South African Students said in a statement read to the gathering that it (20) supported a call for Mandela's election to the University's Chancellorship because he is a democratic leader of the people and should be chancellor of a democratic university. The university's SRC, in a statement of support for Mandela's election, also pointed out that students should have a say in the election because they formed the majority of the University's population. The Chairman of the Committee of Ten, Dr Mthato Motlana paid tribute to Mandela as a man of total commitment. He told the cheering audience that the election of this distinguished(30) man/...

man would do incalculable credit to this university. He said Mandela's election would do a lot to enhance the world's thinking that academic discrimination in South Africa was being done away with, segregationist tendencies at the country's universities had not changed. Mandela's election would also help attract most overseas academics to Wits because "bush universities" did not attract any such people."

Do you recall whether you read this article? -- I did.

You did. You also mentioned earlier on that even (10) Inkatha was, had certain views on Mr Mandela. Would you please have a look at document no. 6 in this series DA2. From The Citizen:

"SET MANDELA FREE URGES INKATHA BODY.

The Inkatha movement for peaceful change has called for the release of Nelson Mandela, jailed leader of the African National Congress for the sake of his family.

A spokesman for the movement Mr Derek Mdluli said yesterday Mandela, who was jailed for 18 years for sabotage after the five year Rivonia treason trial, had been (20) punished enough."

I may say from personal experience that the period of the trial is not correctly stated.

COURT: Maybe it felt like that to the reporter.

MR BIZOS: "He said that although Mandela was sentenced to life imprisonment he still symbolised the struggle for freedom in South Africa. He has suffered enough, he is an old man now and his family needs him. Mr Mdluli pointed out that Mandela had more impact and influence on his people in jail than he would have out of jail. (30)

'We/...

'We realise that if somebody did something wrong in the eyes of the law he must be punished but there has to be an end to punishment.' The Inkatha movement for peaceful change also called for the ban and house arrest of Mandela's wife Winnie to be lifted."

Do you recall whether you saw that? -- I cannot recall seeing this exactly, exactly this print from the Citizen. It was most of the time I would not find The Citizen available in Vereeniging but I had seen other newspaper reports to this effect.

Have a look at document no. 7. "MANDELA'S FAME (10)  
GROWS AS THE LONG YEARS ROLL ON":

"Nelson Rolihlahla Mandela (64) South Africa's most celebrated Black prisoner and leader of the African national Congress (ANC), has had an impressive list of honours conferred on him since 1964. Mandela, a B.A. graduate of the University of South Africa, presently in Pollsmoor Prison in Cape Town, has not personally received the more than dozen honours because he has been in prison for nineteen years. He was sentenced to life imprisonment in 1964 for plotting the overthrow of the govern- (20)  
ment by revolutionary means. Topping the list is the Honorary Doctorate of Laws degree awarded to the ANC leader last week by the City College of New York for his unselfish commitment to the principle of freedom and justice. Other honours for Mandela include:

In February the city of Rome conferred Honorary citizenship for generous and fearless work in favour of equality among men and progress for African people.

In March he was declared Honorary citizen of the Greek village of ancient Olympia, original site of (30)

the/...

the Olympic Games.

In 1982 the Leeds City Council named the gardens in front of the City Hall after the ANC leader in tribute to a man who is paying the price for struggling for freedom.

In 1981 the Austrians conferred the Bruno Craeski(?) Foundation award for meritorious work in the field of human rights.

In the same year he was granted the freedom of the city of Glasgow, Glasgow's highest honour. He became (10) winner of the 1979 Jabularal(?) Nehru award for his support of African liberation struggles, an award to honour people who have made outstanding contributions to the promotion of international understanding.

Also in 1979 he was awarded an Honorary Doctorate of Laws by the National University of Lesotho. An honorary life membership was conferred on him by the University of London Union in 1979 in recognition of the historic role he has played in the worldwide fight against racism.

A nuclear particle discovered by Leed University (20) was named after him in 1973. In 1965 he was made Honorary President of the Leeds University Union and in 1964 he was made Honorary President of the University College of London.

Other honours include a street in Camden, North London, where the Anti-Apartheid movement has its headquarters to be renamed Mandela Street. The South African government has refused permission for some of the awards to be conferred on the ANC leader at Robben Island or Pollsmoor. The government has also refused to ease (30)

restrictions/...

restrictions on banned and banished Mrs Winnie Mandela, his wife, to travel outside the country to receive the awards on his behalf."

Do you recall whether you read this report? -- Yes I recall seeing this report.

I show you document no. 8. Also a report from The Rand Daily Mail "FREE MANDELA CAMPAIGN IS TO RELAUNCHED" by Mr Mauritz Moolman:

"The campaign to have Nelson Mandela released and all political prisoners with him is to be relaunched at (10) a meeting at Regina Mundi Church in Rockwell, Soweto on Sunday and the new Release Mandela Campaign is to be internationalised and reorganised on a national basis by the setting up of regional committees. This was announced by Mr Curtis Mkondo, Chairman of the Campaign's Transvaal committee at a press conference in Johannesburg yesterday. The campaign had also been taken on a broader context to be centred around Mandela's identifying figure and all he stands for, said the secretary of the committee Mr Aubrey Mokoena. The campaign would continue until (20) internal conflict has ceased in South Africa and as long as Mandela and his fellow prisoners were in jail. Mr Mkondo said new petitions would be drawn up demanding the release of Mandela and all political prisoners. This would be sent to the United Nations and overseas Anti-Apartheid movements would be drawn into the campaign. The petitions would be sent to the UN not because the committee expected the UN to take action on their behalf but to tell the World of their determination to have everything on record." (30)

And/...

And then it goes on to name the speakers, including Dr Motlana, Archie Gumedi, one of the three presidents of the United Democratic Front. Do you recall whether you saw that report? -- Yes I saw this report and many others around the campaign.

I show you document no. 9 ...

COURT: Before you start on document no. 9. Document 9 is a composite document. It is not date, the others appear to be photocopies of articles in newspapers. This is a composite one, there is no proper date on it and in this case I demand(10) that the original be produced.

MR BIZOS: As Your Lordship pleases.

COURT: We cannot on this way Mr Bizos.

MR BIZOS: As Your Lordship pleases. I do see Your Lordship's problem in that regard. I see that although the month is there the date is not put on. We want to apologise for that. I may say that these were going to be put in by other witnesses and there are a great number of them, this is why, in due course, but in view of Your Lordship's query.

COURT: It would be easier to put it in now of course because(20) it is now numbered as part of the exhibit but normally in my court I demand the original because of mistakes which have occurred in the past. I still require that there be agreement on the correctness of the copies between State and defence, but in this case I need the date.

MR BIZOS: As Your Lordship pleases, could we leave that out for the time being and leave the number there rather than, deal with the next one as no. 10 on an undertaking that this, if I understand it correctly the chart was on the same page but obviously it was cut and made into a composite document.(30)

We/....

We will see to it that it is done properly. And could ...

ASSESSOR (MR KRÜGEL): It is probably November 1. It is probably November 1/19 ....

C.483 MR BIZOS: Well it is not clear enough, we will, thank you My Lord. Then the final document that we want to show you is The Star of 21 November 1984,

"A call to lift the ban on the African National Congress and other Black political organisations has been made by the South African Institute of Race Relations. The call is contained in a council resolution of the South African(10) Institute of Race Relations taken in the September Annual General Meeting. A copy of the resolution was sent to the State President Mr P.W. Botha and the Minister of Law and Order Mr Louis Le Grange this week together with a background paper explaining the initiative. The South African Institute of Race Relations also calls for amnesty for leaders serving prison sentences for essentially political offences and freedom for political exiles to return home subject to their renunciation of violence. The resolution refers to the ANC and the Pan Aricanist(20) Congress which were banned in 1960 after the Sharpeville shootings. Seventeen black consciousness organisations were dealt a similar blow in 1977 following countrywide disturbances triggered in June 1976. The South African Institute of Race Relations said the lifting or organisational bans and the freeing of leaders would be a dramatic demonstration of good faith on the part of White people needed to arrest the deterioration in race relations. It says that revoking the bans will not in itself solve problems in education, local government (30) and/...



and other grievances. It is, however, an unavoidable pre-requisite for creating a climate in which it might be possible to talk about solutions. The Institute insists that the ultimate cause of the current unrest is the apartheid policy and that it is up to the government to make the first move to defuse the tensions."

Do you recall whether you saw that? -- I did see that document.

Right now ...

COURT: Just before you continue let me just place on record what these documents are. They all are portions of EXHIBIT (10) DA2. The first document is from The Citizen of 28 June 1980, the second is from The Star of 7 October 1980; the third from The Star of 22 June 1981; the fourth The Star of 23 September 1981; the fifth The Star of 3 June 1982; the sixth is from The Citizen of 29 July 1982; the seventh is from The Rand Daily Mail of 13 June 1983; the eighth is from The Rand Daily Mail of 31 August 1983; the ninth was not proved, and the tenth is from The Star of 21 November 1984. Where The Star is referred to it appears to be The Star's Africa Edition excepting the last, in the case of the last article. (20)

MR BIZOS: Now from these cuttings, well let me ask you this, were these the only articles that you read about Mr Mandela or were there other? -- There were many articles that I read of throughout the years that focussed on the release of Mr Mandela and other political prisoners.

Did these articles deal with his, the others that you read these speak for themselves, did they deal with the question of the standing of Mr Mandela in the eyes of a substantial portion of the community? -- Yes they did. Particularly, unfortunately you do not have the cutting here but they had (30) been/....

been reported extensively in the Press that the Mayors in the outside countries had grouped together to protest the continued imprisonment of a leader of the Black people in South Africa, this referring to Mr Nelson Mandela himself.

This, which mayors were these?

COURT: Are we now leading permissible evidence, the Mayors of people outside South Africa? On what point are you leading evidence?

MR BIZOS: No My Lord, this is why I was going to get clarity in relation to these mayors. I was not expecting the answer (10) that was given. Which mayors were these? -- This had been carried out in places like London and Glasgow.

Yes well let us leave the outside world out for a moment.

COURT: This is clear hearsay, I am striking this out.

MR BIZOS: As Your Lordship pleases. Have you read locally, locally, how Mr Mandela is referred to in relation, as a leader or a non-leader or is he referred to as a leader of the Black people? -- He is referred to as a leader of the Black people.

Only by ...

(20)

COURT: Is it as "a" leader or as "the" leader? -- As the leader of the Black people.

As "the" leader or "a" leader? -- Well in trade most of the time you find that some people would choose to use "a leader" but there will be others who choose to say "the leader".

MR BIZOS: How do you as a Black person feel about these honours that have been conferred upon Mr Mandela throughout the world Mr Vilakazi? -- I feel that my view is that the world is honouring Mr Nelson Mandela for his efforts in bringing into being a South Africa free of apartheid, racial discrimination, (30)

inequalities/....

inequalities, and oppressive laws.

In singing the song, well let us start off with did you sing the song in honour of Mr Mandela at the meeting of the 26th? - Yes I sang that song.

We have been told by a number of State witnesses that they too sang it although they have no connection at all with the African National Congress. In your singing it did you want to identify yourself in any way with the African National Congress Mr Vilakazi? -- No.

Whilst we are dealing with that a number of boxes full(10) of documents issued by the African National Congress have been produced by the State in this trial. Did you see any one of them before they were produced in this court? -- No.

Do you recall any other song that was sung at the meeting of the 26th Mr Vilakazi? -- At the meeting of the 26th, yes.

Which one? -- There was the song Siyaya e Petori(?).

And does that song mean that the people of Sebokeng were going to march to Pretoria to take the government over? -- No.

COURT: What does it mean? -- In this song the people express their aspiration to see people of their nationality taking (20) part in the governing and the administration of this country. Through this song people sort of try to shelve off the experiences of the past of hardships.

What did they do, they shelve it? What did you ... -- To shift off their minds.

To shed? -- Ja to shed off their minds at that moment the experiences of hardships, through discriminatory and oppressive laws but they sing now this time of their hope.

Have you finished? What is the wording of the song?  
-- Siyaya e Petori.

(30)

Yes./....

Yes. That is now the first line. Does it consist of only Siyaya e Petori. -- As I know it it is Siyaya e Petori, Siyaya et Petori. You can change ...

You go on and on Siyaya e Petori? -- That is so.

There are no other words? -- No other words.

MR BIZOS: Can you change the destination, instead of Pretoria? -- Depending on the aspirations there you change the destination. Say people staying outside, at Rietfontein outside Evaton who as you wake up every morning they see the bright colours of the roofs of Sebokeng and at a distance they see (10) what they see as something of an attraction and they are attracting to living inside a township. Such people would most certainly say Siyaya e Sebokeng, not necessarily meaning that they are going to burn their houses here and move to Sebokeng or they are going to resign their jobs here and move to Sebokeng. It is just an aspiration, an expression of a wish, as I see it.

COURT: Have you ever heard anybody singing Siyaya e skoli? Going to school? -- Yes.

Is it sung? -- There is. As I said it depends on how (20) you feel and you can change the destination to suit the particular feeling that you have at that point in time.

MR BIZOS: Just as a result of His Lordship's question has it always been pleasant for you to go to school Mr Vilakazi? Could you give us just very briefly...

COURT: Is this really necessary Mr Bizos?

MR BIZOS: No, I happen to know that part of this witness' education was conducted in a chicken run and it is not something that he would have wanted to aspire to at that time but if Your Lordship considers it irrelevant then of course I (30)

will/....

will not ask that question.

COURT: We were busy with the songs at the meeting.

MR BIZOS: Yes. The, this song Siyaya you say may be sung by people at Rietfontein? -- That is so.

What is Rietfontein? -- Rietfontein is the name of a farm.

A farm. Is there a housing estate there of some sort?  
-- There are houses on the plot.

And do people aspire to go away from there for certain reasons? -- That is so.

Can you recall any other song that was sung at the (10)  
meeting on the 26th? -- I cannot recall any other song for  
that meeting.

These songs that you have mentioned, you told us that some of them were sung for a long time. Did you know whether any steps were taken by anyone in authority to prevent people singing these songs? -- I know of no such instance.

Are you able to give His Lordship any indication as to whether these songs, to your knowledge, were sung in the presence of policemen who might have understood their words? -- The meeting that I have attended I have never been able to iden-(20)  
tify a particular person as a policeman but because of the nature of the meetings, always open, people not being searched at the door, not being asked to identify themselves as they enter and the large number that attend the meeting one can guarantee that the presence of the police has always been there.

COURT ADJOURNS FOR TEA. COURT RESUMES.

BAVUMILE HERBERT VILAKAZI: d.s.s.

FURTHER EXAMINATION BY MR BIZOS: Do you recall whether any other song or songs were sung before the meeting of the (30)

26th/....

26th came to an end there Mr Vilakazi? -- I cannot remember any other songs other than the ones I have dealt with.

Do you recall whether there was a song to close the meeting or not? -- Yes at the closure of the meeting we chanted the National Anthem.

Nkosi Sikelele e Africa? -- That is so.

ASSESSOR (MR KRÜGEL): Well it cannot be the national anthem.

MR BIZOS: Well it is a question ...

ASSESSOR (MR KRÜGEL): Unofficial national anthem, the unofficial national anthem. (10)

MR BIZOS: The unofficial, we can take it on that basis. I know that I myself unwittingly very early on said it but if you consult long enough you, that is how people refer to it, it is perhaps, it is how the witness, the accused, and other people refer to it. Would you say that there was a feeling of great excitement to go out onto the streets and do harm after the meeting of the 26th? What was the spirit of the people there present at the end of the meeting of the 26th? -- As I stood outside the hall watching the people moving away from the hall, away from the premises, people were moving (20) casually, just as normal as you would have a gathering and friends meet after a very very long time and you find that there are quite some delays in actually moving away from the meeting itself, that was the situation that I observed there.

The newly elected committee did it get together either on that day or on any subsequent day, the Zone 3 committee or anyone else get together? -- Yes the Zone 3 committee came together for a small caucus after the meeting. These were all the members of the Zone 3 area committee elected that day, other than Reverend Mahlatsi who had to rush off to his (30) church/....

church commitments because he had not been at the church for the rest of the morning and the early afternoon. We met together with members of the Zone 7 area committee who came to congratulate these new people who have been elected into an area committee and also to discuss how the resolutions of the meeting could be carried out.

Was there any detailed discussion at this, what you have referred to as a caucus meeting, was it a long meeting? What decisions, if any, were made at this short meeting? -- There were no details discussed but the feeling was that it will (10) be necessary for the two area committees at that meeting, together with the members of the Vaal Civic Association executive to meet at a date before the 3 September. The intention of this meeting before 3 September was to prepare for that day, particularly the march as the feeling of the people in the hall had indicated that participation in the march would be very good. The question of discipline and conduct and the memorandum to be presented to the Development Board were to be discussed on this day.

COURT: On the proposed, the day proposed for the meeting (20) of the executive and area committees? -- That is so.

Was a certain date fixed? -- Yes.

Yes, when? -- A date was fixed for Sunday the 2nd, in the morning.

MR BIZOS: Place? -- At the Roman Catholic Church, Small Farms, Sebokeng.

Did you know at that stage that you would not be there on the 2nd for the reasons that you have already indicated? -- Yes for a very long time in actual fact I had known that on the weekend of the 2nd I would be out in Natal. (30)

COURT: /....

COURT: Now at this stage, I know you were not there on the 2nd of September, was it discussed amongst the executive and the areas, well amongst these representatives of the two area committees whether the march would be legal or not? -- At that stage on the 26th?

Yes on the 26th? -- No on the 26th it was not discussed.

In your presence it was never discussed? -- It was not discussed in my presence.

MR BIZOS: Was a treasurer elected to the Zone 3 committee?

-- That is so. (10)

Who was it? -- The person who was elected, who actually gained the only nomination and ...

Was unopposed? -- Yes, was co-opted unopposed on that basis, was Mr Jacob Hlanyane.

That is accused no. 15? -- No. 15.

There are certain details that I want to come back to before dealing with the events after that meeting, but did you have any formal meeting of the Zone 3 committee during the week 27 to the 31st, that would be the Friday? During that week did you have any formal meeting of the Zone 3 committee?(20)

-- Yes I did. As I was due to leave before the weekend I decided to go around and greet the people who have been elected into the committee and if possible to be together with them before I left. I found Mr Maropeng, who was elected as an additional member to the committee, and also Mr Enos Olifant who also had been elected as an additional member to the committee. I could not find the Reverend Mahlatsi. Mr Jacob Hlanyane was working at a site in the Northern Transvaal and he always arrived late home. So myself, together with Mr Maropeng and Mr Olifant went to Mr Nkopane's house. (30)

That/....



That is accused no. 8? -- That is so.

And what was discussed, if anything, there?

COURT: Was accused no. 8 at home? -- Accused no. 8 was at home.

Yes? -- What was discussed was that I proposed that we look into the meeting of the 26th, let us do a short evaluation of that particular meeting and I realised that people were satisfied generally with the conduct of the meeting and the spirit in which the meeting had been handled, and we also looked at what Zone 3 proposals would be at the joint meet-(10) ing of the 2nd. It was agreed that Zone 3's proposals would be (1) discipline during the march to be given priority, and also emphasise the need for marshalls during the march. The second point was with the referendum, the memorandum drawn then they should propose that this be handed over to the care of people in the Executive who shared this responsibility with people in the area committees.

MR BIZOS: The executive of the VCA I presume? -- That is so.

What was the idea, what was to be this memorandum? Very briefly, His Lordship will hear evidence about it in relation(20) to the meeting of the 2nd but very briefly what was to be in this memorandum to your understanding of it at the meeting of the, before you left for Natal? -- The points that were to be in the memorandum, at that stage I know them to be the points that were to be based on the resolutions with regard to rent and the councillors, including the grievances that needed direct attention at that point.

You do not have to enumerate the grievances but are they the grievances that you have spoken about? -- That is so.

There are a number of details that I want to deal with(30) you/....

you that I have omitted, going through my notes, before we go over to the events after the 3rd Mr Vilakazi. Firstly did IC8 attend meetings of the VCA committee regularly at the end of 1983, beginning of 1984? -- All in all I remember IC8 having attended a number of meetings that I can count up to three only. Ever since I have been with the Vaal Civic Association. Now in that I am including, I am talking about the meeting that I personally was able to attend but being a regular attender I have always heard complaints that IC8 has never been seen to meetings. (10)

Were you at any meetings, were you at the meetings of the VCA in January 1984? -- Yes I have been.

Do you recall Esau Raditsela saying at any meeting in January 1984, or at any other time at any meeting of the VCA or at all that all hell would break loose? -- Not at all.

Did you know IC8 to be a member of AZAPO? -- He never mentioned it once to me.

COURT: Well did you know it? -- I never got to know of it until he took the witness stand here.

MR BIZOS: Did he take any, or did he play any role in the (20) affairs of the executive committee of the VCA that you know of? -- Except to coming to the three meetings that I have mentioned, I do not know of any other thing that he took part in.

Do you know whether he took any steps to hold any house meetings or take any preparatory or other steps to form an area committee in Sharpeville? -- No, and with the enquiries from people who stayed in Sharpeville during that period it was clear that they had heard nothing of the VCA's existence or attempts at establishing a committee in Sharpeville. (30)

Was/....

Was there any VCA presence in Sharpeville during August 1984 that you know of? -- No.

I do not want you to say where IC8 lived. Did he live in Sharpeville? -- No.

When was the last time that you saw him at any VCA meeting? -- It was around May or June when he arrived towards the end of the meeting that we had held at REverend Lord McCamel's house.

Yes, was that before or after the indications became clear that there would be a rent increase? -- That was (10) before such a rumour came out.

Whilst you were involved in the work of the VCA did you ever come across a gentleman called Stompie? -- I know a Stompie in Residencia.

COURT: What is Stompie's surname? -- Maduna. But the Stompie that ...

There may be many Stompies. -- The Stompie on whom evidence was led here I do not know.

Stompie Mokele? -- Yes I do not know him.

MR BIZOS: Do you know of a person who was, the person or of (20) the person who was referred to in this evidence as Vix? -- No.

Of the person who was referred to in evidence, I am not sure My Lord is it Wilberfor or Wilberforce.

COURT: Wilberforce.

MR BIZOS: Is it Wilberforce. Of Wilberforce, do you know that person? -- I do not know that person.

And do you know of, or did you know of any person who was referred to in this trial as the old man? -- I also do not know this person called "Old Man".

Yes, for the sake of completeness I ask you whether (30) you/...

you had seen any of the ANC documents before this trial started, perhaps for the sake of completeness you could tell His Lordship whether you had seen any of the documents emanating from the South African Communist Party Mr Vilakazi? Had you seen any of them before they were produced in this case? -- No.

Now just one detail in relation to the meeting of the 26th. Do you remember ...

COURT: 26 August 1984.

MR BIZOS: My Lord I am sorry, I was not concentrating. On 26 August 1984, do you remember whether accused no. 7 was (10) at that meeting of 26 August 1984 or not Mr Vilakazi? -- Yes accused no. 7 was at that meeting.

There has been no evidence of it up to now My Lord. Do you recall whether he was there just passive or whether he contributed in any way to the discussions? -- I know him to be a member of the Zone 7 area committee but I do not remember him speaking there.

You do not. -- No.

Did you in fact go to Natal as arranged Mr Vilakazi? -- I did go to Natal as arranged. (20)

When did you for the first time hear of the unfortunate events of 3 September? -- Not the full details but on the 3rd before I was to entrain from Durban in the evening when I phoned my wife I heard for the first time of the events in the Vaal.

What work was your wife doing at the time? -- My wife was working at Sebokeng Hospital as a nursing sister.

Did you hear that people had died and had been injured on 3 September? -- Yes, she spoke of people being taken into hospital, others being dead on arrival and others being (30) injured./....

injured.

I want you in your own words to please describe to His Lordship how you felt when you heard about these events, as a result of the report that was made to you by your wife from the hospital? -- Well this tragedy shocked me.

Did you expect any people to lose their lives or to be injured?

COURT: When?

MR BIZOS: Prior to you hearing from your wife did you expect anything like that happening? -- As I described it I saw (10) it both as a tragedy and it came as a shock to me.

Yes. You, during the period the beginning of September 1984 to 12 December 1984 were you living in Sebokeng? -- I was still living in Sebokeng.

You were not questioned before your detention on 12 December were you? -- No.

Did anyone prior to 12 December, that is some three months after the events, did anyone accused you to be either directly or indirectly responsible for any of these events that occurred on the morning of the 3rd or during the day of the 3rd? -- (20) No one delivered such an accusation to me.

You do not have to give His Lordship the details as to how you came back into Sebokeng. Was there free access into and out of Sebokeng on the 4th when you came back? -- On the morning of the 4th when I approached Sebokeng from the outskirts of Evaton I could see heavy presence of police and the army and I had to go through three roadblocks to reach home.

Yes. What time did you reach home on the 4th? -- I reached home at about 10h00 in the morning.

Did you get any report as to how many people had died? (30)

COURT:/.....

COURT: Is this relevant?

MR BIZOS: Yes My Lord because, we can explain the actions that he took thereafter.

COURT: Well would it make a difference whether there were 1000 or 1003?

MR BIZOS: As Your Lordship pleases. Did you hear that people had lost their lives and people were injured? -- That is so.

Had things quietened down completely or was there still trouble in the area in which you were living? -- There was still trouble. (10)

COURT: When you say "trouble" does that mean stone throwing and that sort of thing or does it mean something more serious? What do you mean by "trouble"? Or do you regard police presence as trouble? -- I was about to explain the trouble I am talking of.

Yes? -- I saw a group of people walking in the main road and police coming and dispersing them by means of spraying teargas.

ASSESSOR (MR KRÜGEL): People walking or working, I could not hear that. -- Walking. (20)

COURT: Walking. -- That was not enough but police jumped off the Casspirs and followed these fleeing people with sjamboks. I later saw smoke rising from the direction of a shopping complex which was fresh smoke. From time to time one would see a group going this way or that way, and one was not in a position to see what was the aim.

MR BIZOS: Well did you or anyone else who had been connected with community affairs take any steps to do anything as a result of what you saw, what was happening in the Vaal Triangle? -- Yes I went to see Reverend Mahlatsi and I (30)

found/....

found that he was not in. Then when I was moving to the direction of my home Mr Nkopane, accused no. 8, came to me driving together with Mr Sam Matlole, accused no. 17 and Miss Edith Lethlake.

COURT: Were you walking? -- I was walking.

And they were in a car? -- They were in a car.

Yes? -- So I got into the car and invited them to my home so that I could hear the purpose of their visit. On arriving home ...

Were they in fact on their way to you? -- That is so. (10)

Yes? -- When we arrived home they told me that an urgent meeting had been arranged for the area committee members and the executive members of Vaal Civic Association to come together with the Transvaal, one of the Transvaal Vice-Presidents of the UDF, the Reverend Frank Chikane, with the purpose of seeing what could be done to bring relief to the situation in the Vaal.

MR BIZOS: Now His Lordship has heard detailed evidence about the four councillors and the one bodyguard that were, that were killed. Were they the only people to your knowledge (20) who had been killed or were there any others? -- There were many more people killed other than the four gentlemen.

And the number of wounded, was any indication given as to whether this was a small number or a large number? -- At that time it was clear that it was a big number of people who were wounded because of the events of the 3rd.

COURT: Because of the? -- Events of the 3rd.

MR BIZOS: You told us that they had been to the Reverend Frank Chikane. Were you told whether they had gone to see anyone else? -- What I heard was that they had gone to see the (30)

lawyer/....

lawyer, that is Miss Lethlake, Mr Matlole and Mr Raditsela, and the late Mr Joseph Sithole had gone to see the lawyers in Johannesburg and they had met with the Reverend Frank Chikane and a decision was taken that if anything has got to be discussed about the Vaal then it must be in the Vaal together with members of the organisations in the Vaal.

COURT: Now just a moment. Did they in fact go to the lawyers, or did they go as far as the Reverend Chikane and then it was decided not to go to the lawyers? -- As I put it they went to the lawyers first. (10)

First to the lawyers and then to Mr Chikane? -- Then to Reverend Chikane.

MR BIZOS: What sort of assistance were they seeking? For the people of the Vaal? -- This issue of assistance sought is what we discussed at great length when we came together.

Yes, well perhaps we will leave it there. Did you join it and did you attend a meeting? -- Yes.

Where was the meeting and who was present? -- We met at Mr Petrus Mokoena's house, that is accused no. 6 in this matter. (20)

COURT: On what day? -- That was the afternoon of the 4th September 1984. At Mr Mokoena's house was myself, Mr Nkopane, accused no. 8, Mr Mokoena himself, accused no. 6, Mr Sam Matlole, accused no. 17, Mr Ramagula, accused no. 9, Mr Mphuthi, accused no. 7, and Mr Sephako Mokoena, a member of the Zone 7 area committee, Miss Edith Lethlake, the chairperson of the Zone 7 area committee, and a person called Joseph Sithole who is now deceased. We met there together with the Reverend Frank Chikane.

MR BIZOS: What position or positions did the Reverend (30)  
Frank/....



Frank Chikane hold at that time in any organisation or organisations? -- I knew him to be the Vice-President of the Transvall UDF.

Was he a member of associated with any other organisation? -- Yes. He held an executive position at a theological institution in Johannesburg. The name I am not really familiar with but it is something like the Centre for Contextual Theology.

Was he in any way connected with the South African Council of Churches? -- Well I do not know whether this theological (10) concern he was connected with had links with the South African Council of Churches.

Now what was, why had he come there? Why had the Reverend Frank Chikane come there? -- Reverend Frank Chikane said that when he met the people from the Vaal in Johannesburg he suggested that they all come back to Evaton so that he himself should be on the spot and be able to see the situation for himself as everybody had been shocked by what happened on 3 September.

In your view was any assistance needed by your community? -- Yes. (20)

What sort of assistance? -- Firstly because of the damage that was caused on business premises there there was food shortage. As it was not easy for many people to reach the hospital for a number of reasons medical attention was needed as the number of doctors in the Vaal was not enough to cope with the situation.

And was there any decision made at that meeting in relation to the holding of any other meeting? -- Yes we were concerned with the prolonged stay away and it was our wish to see things going back to normal and as such we felt that what (30) was/....

was necessary was to issue out a pamphlet calling on people to come down, expressing the sympathy of the organisation to those who lost property and to those homes where death struck. In this pamphlet also we thought, as we were discussing it, that it would be necessary to call out a meeting where the organisations could go back to the community in appealing to the community to be calm.

Be calm. Yes?

COURT: You mean to call on the community to be calm? -- That is so. (10)

MR BIZOS: Which organisations or organisation were to issue that pamphlet? -- The organisations that met or that were represented at that meeting were the Vaal Civic Association and the Evaton Ratepayers Association.

And was it agreed that such a pamphlet should be issued? -- That was agreed.

Was Mr Raditsela at that meeting? -- Yes Mr Raditsela was at this meeting.

When did you last see Mr Raditsela? -- The last time I saw Mr Raditsela was at the end of that meeting. (20)

On the 4th? -- On the 4th.

Do you know what happened to Mr Raditsela's house on the night of 4/5 September 1984? -- His house was attacked.

Successfully? -- Yes, it was burnt out.

It was burnt out. Did you ever see him after that? -- I have never seen him.

COURT: Did he not go and stay with friends, your committee members? -- As it was we saw him for the last time on the 4th and all the time our impression was that he might have been detained because there were a number of people who were (30)  
missing/....

missing then. Either they were dead, they were injured and not really being able, were not being able to trace them, or they were arrested. That was the situation then.

Did you make enquiries from your friends? -- Yes we did.

And they all thought he had been detained? -- The thought of detention was at their unsuccessfulness of enquiries with hospitals and mortuaries.

MR BIZOS: Was anyone to assist you with the production of the pamphlet that you had agreed to distribute? -- Anyone agreeable to assist? (10)

Yes anyone, was anyone to assist you with the production of the pamphlet?

COURT: Well were you to produce the pamphlet, or somebody else? -- We asked for the assistance of Reverend Frank Chikane in that regard.

Financial or that he organise it? -- We asked for assistance to have the pamphlet produced completely, that will be with material and financing of it.

MR BIZOS: When you talk about material what do you mean? -- I mean the buying of the sheets and the buying of the ink (20) and the hiring out of the machine to print.

Did anyone undertake to see the printing of this pamphlet through? -- As we heard that Mr Matlole, Miss Lethlake and Mr Raditsela had gone in the morning to see the lawyers they were still to go back for further consultations and we asked them to be of assistance to Reverend Chikane so that as we were expecting them to come back to the Vaal complex later that evening to bring the pamphlet with as this was a matter of urgency.

Was the date when you hoped that that meeting would (30)

be/....

be called agreed upon? -- Yes.

Which was it? -- This was to be on Sunday the 9th.

And the venue, did you fix it or did you only hope to get it or ... -- The venue was to be the Roman Catholic, Small Farms.

Well that was on the afternoon of the 4th. Did the pamphlet come back on the 4th or the 5th? -- The pamphlet never came to the Vaal on the evening of the 4th or the morning of the 5th or any time during the 5th. That is when we started making enquiries, to drive out to town so that we can be (10) able from there to phone Johannesburg. As the phones in the townships were blocked out since the weekend prior to the 3rd, as I was made to understand.

And did you telephone the Reverend Frank Chikane? -- Yes we telephoned the Reverend Chikane. He told us that the people from the Vaal had left him going back to the lawyers, no after coming back from the lawyers they came to him but only to find that they could not print then. Then they left him, going back to the Vaal, in the early hours of the morning of the 5th. He personally said he had not heard from them because (20) he had asked them to call him during the day.

Did he know anything about the proposed pamphlet that was to be printed and published, did he know what the fate was? Did the Reverend Frank Chikane know? -- At this stage he said the pamphlet was not yet ready.

That the pamphlet was not yet ready.

ASSESSOR (MR KRÜGEL): Did you speak to him? -- No, we spoke to him, Mr Mokoena spoke to him on the telephone and on the following day, on the 6th, we drove out to Johannesburg.

COURT: What is Mr Mokoena's number? -- No. 6. (30)

MR BIZOS: /.....

MR BIZOS: Did you go to Johannesburg on the 6th? -- Yes on the 6th we drove out to Johannesburg.

Who did that? -- Myself, Mr Nkopane, accused no. 8, Mr Mokoena, accused no. 6, and Reverend Mahlatsi.

Where did you go? -- We went to the UDF head office hoping to find Reverend Frank Chikane there. On our arrival there we did not find him but we found a pamphlet that was packed in boxes and was to be taken to the Vaal complex. On taking this pamphlet we realised that this pamphlet was just written out under one name, that is the Vaal Civic Association, and (10) it did not call for a meeting. We took the pamphlet with to the Reverend Frank Chikane's offices in Braamfontein where a certain gentleman called Mandla had taken us to direct us to the place.

COURT: Had to direct you to? -- Had to accompany us to show us the way to the Reverend Frank Chikane's offices in Braamfontein.

ASSESSOR (MR KRÜGEL): Are we now talking about this AN15(3)?

MR BIZOS: Yes, I was about to identify it. Is that the document that you were, is AN15(3) the document that you found (20) there already printed? -- This is the document.

Yes, just keep it with you Mr Vilakazi, I am going to ask you a number of questions about it. Did you go up to the Reverend Chikane's office yourself? -- No, my Chairman Mr Nkopane, his Vice-Chairman Reverend Mahlatsi and Mr Mokoena from the Ratepayers Association went up to see the Reverend Chikane. I remained in the car.

Was there any reason for that? -- Yes.

What was it? -- Reverend Mahlatsi's car had faulty locks so we had to avoid a situation where we would find ourselves (30) walking/...

walking all the way from Johannesburg to Evaton.

I see. In Johannesburg even locks do not help sometimes, but anyway you looked after the car. Was a report made about this pamphlet when the three returned? -- Yes.

What was that report? -- The report was Reverend Chikane did not know who had printed this particular pamphlet and he said at that moment the pamphlet we had discussed was busy being printed so it can only be available later.

Did you have a good look at AN15(3), this pamphlet that the Reverend Frank Chikane ... (10)

COURT: Before we get to that how many boxes were there of this pamphlet? This pamphlet being AN15(3)? -- There were two small boxes.

Containing how many pamphlets? -- It would be a bit difficult for me to estimate the contents.

Were they stacks of pamphlets? -- Stacks.

Yes, how high was the stack? -- Well in a normal box that can carry A4 size papers, about this height, two boxes.

MR BIZOS: Ten to twelve inches high.

COURT: Yes. (20)

MR BIZOS: Now ...

ASSESSOR (MR KRÜGEL): Like that one there?

MR BIZOS: Well there are a number of boxes here. Were they boxes like this? -- Yes this is the A4 size but from Your Lordship's side you can see where the tape(?) ends at the top, they were that size. Where you have got the sellotape running, holding the tape on, on this very first box this end, that was the size.

Did you have a look at this pamphlet Mr Vilakazi? -- We had a look at it and thought now that it is also referring(30)

to/....

to the situation in the Vaal we might as well take it with, and we can spread the one that will be calling for a meeting when that one was ready. But when we came to Evaton to accused no. 6's house we sat down to discuss this pamphlet, because we were thinking if this will not just be enough, and probably we could just add the meeting here by means of a pencil, instead of asking people to go and into pay again to print more and more pamphlets. It was during our discussions where we found a number of problems with this pamphlet.

Yes, what were the problems that were found? -- Firstly(10) the intention for this pamphlet was to call a meeting where we could appeal directly as organisations to the community for calm. This pamphlet does not address itself to that point. Secondly the pamphlet was produced under the name of the Vaal Civic Association when we had asked for a pamphlet that would reflect the views and the feelings of both the Vaal Civic Association and the Evaton Ratepayers Association. Thirdly the pamphlet was misleading because it was directing people to phone for assistance to particular telephone numbers and as we looked at these telephone numbers we realised that these(20) were telephone numbers belonging to Esau Raditsela, Edith Lethlake and Mr Sam Matlole and all three of them we had not seen since the 3rd. On top of that on the evening of the 4th and 5th the house of Raditsela had been burned down.

You say all of them had not been seen since the 3rd? -- Yes.

Did that apply to Mr Raditsela as well? -- That is so.

Had you not seen .... -- Since the 4th I mean, sorry since the 4th. The day after the 3rd. So it was on those bases that we found the pamphlet not going to be any use (30)

for/....

for the purpose it was supposed to have been printed for.

COURT: Were the three numbers the numbers of Esau first, Edith second and no. 17 third, in that sequence? -- No the middle one was Mr Matlole's.

No. 17. -- Esau first and then if I remember the middle one was Mr Matlole's and then Edith first.

Edith first? -- Edith third I mean. But that is subject to correction as the information I am using is what I used to know in 1984 and not now.

MR BIZOS: Well having decided that this pamphlet was not (10) what you had asked for was it distributed Mr Vilakazi? -- Because of those problems distributing this pamphlet would have merely been an increase to these problems. We then decided that we should ask Mr Mokoena to follow up the pamphlet, whenever he has got a chance to try and phone and see what was happening with the pamphlet.

COURT: That is accused no. 6? -- No. 6.

MR BIZOS: And what happened to this pamphlet which was unsatisfactory from your point of view? -- We left it with Mr Mokoena for destruction. (20)

As far as you know was any one of those pamphlets distributed in the Vaal Triangle or elsewhere? -- No one of the pamphlets that we had brought to the Vaal complex on the 6th was distributed.

Did another pamphlet which was to your satisfaction, was that produced? -- Yes.

You have got the AN series there, would you please have a look and tell us which one was produced? -- The pamphlet was produced which, when we looked at it, we found to be the pamphlet we had discussed on the 4th and the pamphlet that (30)

really/....



really satisfied our needs. I was able to identify it as I was the first among the people who had discussed it to see it.

Does that call for a meeting?

COURT: What is the number? -- AN 15(7).

MR BIZOS: Do you recall how many copies of AN15(7) were in fact distributed? -- Thousands were distributed.

And the Reverend Lord McCamel who gave evidence for the State indicated that approximately 10 000 of these pamphlets were distributed. Are you able to either confirm or give some idea to His Lordship whether it is more or less correct? (10)  
-- I cannot dispute that 10 000 figure but it could have been well in the region of 10 000.

Did you have anything to do with the distribution of AN15(7)? -- Yes I had. I distributed AN15(7), not only distributed it but even before distribution I worked on the pamphlet to change the venue there which appears on the left-hand side of the pamphlet, in brackets Small Farms. I had to delete Small Farms and write in pen "Zone 12".

How did that come about that there had to be that change Mr Vilakazi? -- This change came to be due to the fact that (20) I have known Reverend McCamel to have been part of a delegation that had met with the members of the Development Board on the morning of the 8th and as he was the person who ultimately came around with Mr Mefferson(?) Marobe to deliver these pamphlets to my house Reverend McCamel suggested that we use this very same meeting for the purpose of the report back on the discussion of the delegation together with the Development Board. Seeing that the pamphlet were made and such a report back would have to involve as many of the residents as possible, so that the residents should be informed and if any decision is (30)  
taken/...

taken that it must be justifiably said that this was a decision of the residents there was need for a bigger hall for such a meeting. That is why I had to change the Small Farms where we have a small hall to Zone 11 where ...

COURT: 12 or 11? -- Zone 12, Zone 12 where the hall is much bigger. Reverend McCamel indicated to me that he had already spoken to people in charge of that parish in getting permission to use the church hall.

So you had got permission? -- That is so.

MR BIZOS: Did you have the assistance of any of your fellow(10) accused here in distributing AN15(7) Mr Vilakazi? -- Yes as I was moving around Zone 3 distributing these pamphlets I dropped some at Accused no. 8's home and I also came across accused no. 7 and no. 9 who was cycling into Zone 3 from the direction of Evaton, having gone to see Reverend McCamel. Then I gave them some of the pamphlets to distribute in their area, that is Zone 7.

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Would you please have a look at AN15(7) and, you told us that you decided at the meeting of the 4th to express your condolences and your regret to people who had suffered. Does (20) AN15(7) correctly convey this feeling of sympathy and concern for members of your community? -- It does.

You told His Lordship and the Learned Assessors that you found difficulty with some of the things that were contained in AN15(3), about not being issued by the Ratepayers Association....

COURT: That were not contained in AN15(3).

MR BIZOS: That were not contained. Did you at the time notice anything which was wrong or not properly expressed, at the time, at the time that you saw it, in AN15(3)? -- Well (30)

another/....

another issue that was there was our organisation, the Vaal Civic Association's box number was put as 1980.

COURT: 1980? -- 1980.

MR BIZOS: Did the Vaal Civic Association have the number 1980? -- No, the 1980 is supposed to be the postal code for Residencia.

Now ...

COURT: Did you have a post box? -- We used Reverend McCamel's post box.

What was his number? -- His number was Box 78, Residencia. (10)

MR BIZOS: Now until the Learned Assessor in this court asked certain questions of the Reverend McCamel in relation to a sentence in AN15(3) of apparently a limited regret for those who had suffered, whatever the interpretation may be, was it something that was spotted by you at the time or not? -- No.

By way of contrast to the possible interpretation that this expressed concern for the deaths and destruction of only one side would you read out condolences and concern for everybody in AN15(7)? -- The transcribed ... (20)

Transcribed or translated? -- Yes, its translation deals with the condolence offered by the Vaal Civic Association, it comes immediately after where we find the name Vaal Civic Association.

Yes just read it into the record please? -- Then it says "The association consoles people who were injured ..."

COURT: Well is that correct, is that the correct translation? Because I was informed in this court that the word is "the organisations console all those who were injured"?

ASSESSOR (MR KRÜGEL): Were the corrections done? (30)

MR BIZOS:/.....

MR BIZOS: Yes well perhaps we should show the witness the correct copy.

COURT: I think so.

MR BIZOS: May we borrow Your Lordship's copy because I did not remember that there was a correction. Please have a look at the corrected copy of the translation Mr Vilakazi and read that? AN15(7). -- The organisations console all those people who were injured, those who lost their property and those whose relatives lost their lives during the time when the residents and the workers fought against the increase of rent, water, (10) electricity and permits and who were deprived of their stands in Evaton. The organisations would like to emphasise ...

COURT: That they support. -- The organisations would like to emphasise that they support community struggles in general, especially in decreasing in rent, abolishing of permits, to stop Lekoa Town Council to function in the Vaal Triangle, to request the government not to interfere in Evaton's affairs.

MR BIZOS: Now let us deal with only the first portion where the concern is extended to all. Did you intend that to mean only the one side or to everyone who was injured and who (20) lost life and property there? Would you give the Learned Assessor's copy back? -- As it is there it shows exactly what the intention of producing the pamphlet was, and that was to console all those families who lost either their property or members of their families, who lost their lives through the events of 3 December 1983.

COURT: 1984. -- 1984, thank you.

MR BIZOS: Was any other body that emerged during the very troubled days after the 3rd to try and be of assistance to the community? -- That is so. (30)

Do/....

Do you know what that body was called? -- This was called the Vaal Minister's Solidarity Group.

Do you know whether the REverend Lord McCamel played any part in that? -- Yes. Reverend McCamel was a founder member of the Vaal Minister's Solidarity Group and he was elected to be its chairman.

Did he cease being the chairman of the VCA or did he hold both capacities? -- I knew him to be holding both capacities.

Were you aware of any meeting that had been held between community representatives in a broad sense and the authori- (10) ties before 9 Septebmer? -- That is so.

Did you know whether any negotiations had taken ...

COURT: Now when was this meeting? -- The meeting was for the morning of the 8th.

8 September? -- September.

Between whom and who? -- Between the members of the community organisations and the members of the Development Board and the councillors.

Did you attend? -- No, this culminated out of a meeting of the 5th of September in Zone 14, a meeting on which (20) both the Reverend McCamel and Mr Louw, the Town Clerk, gave evidence on. So at the meeting of the 8th the Board had made up a list of names of people who could come, that meant if your name did not appear on that list then you could not attend that meeting.

MR BIZOS: Are we to assume that your name was not on that list? -- That is so.

Was any report made to you and other members of the VCA in relation to the proposals that had been made at the meeting of the 5th in order to try and achieve some normality (30) for/....

for the lives of the people in the Vaal Triangle? -- About the meeting of the 5th I knew of a proposal for a meeting where broadly the community leaders could address the question of grievances and also to evaluate the situation as it was then together with the members of the Board.

COURT: Just a moment now. I have not got clarity. I understood you to say that on the 5th there had been some sort of a meeting where it was arranged that at a later date, which happened to be the 8th, there would be a meeting between the community organisations, the Development Board and the (10) councillors? -- That is so.

Are you now talking of a different meeting? -- I am asking the question as it was put. I understood it to mean that was I told about the proposal with regard to the meeting of the 5th.

MR BIZOS: I am sorry, I am responsible for the confusion. I am sorry, were you informed about the proposals that were made at the meeting of the 8th to the people who had been invited as delegates? -- That is so.

That is the question I ought to have asked. (20)

COURT: Yes? -- That is so.

MR BIZOS: Were those proposals, as far as the delegates were concerned, to be discussed at any place? -- To be discussed?

To be discussed, the proposals that were made on the 8th?

COURT: Well was there to be a report back anywhere on the discussion at the meeting of 8 September? -- Yes.

Where was that report back to be? -- The report back was to be in the Vaal complex at a venue that would be available, that is when Reverend McCamel came to my house on the evening of the 8th we discussed this question of the venue and he (30)

told/....

told me that he had acquired the Zone 12 Roman Catholic Church and as we had this pamphlet that was calling for the meeting and the issues that they had to discuss with the community and the issues that we were to discuss with the community were not crossing one another we were to have it as one meeting.

So was the idea then to use this particular meeting which was advertised for 9 September at the Roman Catholic Church, Small Farms, to use this advertisement for that meetin? -- That is so.

For the report back meeting? -- Yes. (10)

In EXHIBIT AN15(7). -- That is so.

ASSESSOR (MR KRÜGEL): But on the basis that the hall in Zone 12 would be used? -- On the basis that the hall at Zone 12 is much bigger than this at Small Farms.

COURT: So you had to change the pamphlet? -- That is so.

The date remained the same? -- The date, everything remained the same.

By this time, now this discussion took place on the evening of the 8th, by this time had these pamphlets not been distributed yet? -- They were arriving from Johannesburg (20) then.

MR BIZOS: What did you hope to achieve by having this mass meeting on the 9th Mr Vilakazi? -- The aim of this meeting was to appeal to people to assist every way they could in bringing back normal life in the area. And also to advise people on problems that they might have been experiencing because of 3 September 1984.

What, did that meeting take place?

COURT: The meeting advertised for 9 September?

MR BIZOS: For the 9th. -- For the 9th. Myself and Mr (30)

Nkopane/....

Nkopane started off for the Roman Catholic Small Farms.

COURT: Nkopane being 8. -- Accused no. 8, yes. We intended starting at Small Farms and walking through to Zone 12 and notifying the people at the Small Farms Church to be on the lookout for people who might be coming to that venue for that meeting and to warn them of the change of venue. Because this had been done by pencil, people might just think that somebody is playing a prank and, or somebody is trying to misinform them, so they can be lost by going to Zone 12 whilst the meeting was supposed to be in Small Farms, just to confirm that there. (10) And we realised that it was paying off because many people were coming there and we were talking to people directing them to Zone 12. Accused no. 6 arrived in his van and he said he was also on his way to Zone 12 and we asked him to rush up to Zone 12 to find out what is happening and if he found Reverend Lord McCamel there to inform him that we were on our way to Zone 12 and he, accused no. 6, could come back to pick us up from Small Farms as he was travelling in a van now. Meanwhile we were busy directing people to Zone 12. On his return accused no. 6 arrived back with what to me looked like a (20) pamphlet and he explained it to be a banning order banning the meeting of the 12th, anywhere in the Vaal complex.

MR BIZOS: The meeting of what date? -- The meeting of the 9th.

Did you go to the Zone 12 venue of this meeting at all on the 9th yourself? -- Now we were bound to Small Farms, Evaton because now we had the banning order, now we had to explain to people now that the meeting had been banned and people should go home. What was interesting was that some people were not clear about this banning order, they came down from Zone 12 thinking that the meeting in Zone 12 was (30)

banned/....



banned now the meeting would continue at the initial venue, that is Small Farms.

COURT ADJOURNS FOR LUNCH. COURT RESUMES.

C.485 BAVUMILE HERBERT VILAKAZI: d.s.s.

FURTHER EXAMINATION BY MR BIZOS: Mr Vilakazi after the unfortunate events of 3 September and days thereafter did you see Mr Tom Manthata, accused no. 16, in the Vaal? -- That is so.

When and where and for what reason? -- Well I first saw accused no. 16 on 6 September 1984 it was ...

COURT: Had you known him before, was this the first time (10) in your life that you saw him? -- I had only seen his picture in the Press.

I see, yes? -- It was in the afternoon at Mr Mokoena, accused no. 6's house, whereby Mr Manthata mentioned that he had been sent out by the SACC on a fact finding mission. Also to evaluate, to hear from us what kind of assistance was necessary for the Vaal. We decided that we could not discuss anything at that stage because much as we were representative of both the Vaal Civic Association and the Evaton Ratepayers Association there was also a service group that was busy in (20) the Vaal complex. This was called the Minister's, Vaal Minister's Solidarity Group. It was then decided that we were to meet at Reverend Phatulo's house later than day, now that Reverend Phatulo was a member of the Vaal Minister's Solidarity Group and that way the delegation meeting Mr Tom Mathata would be representative enough.

MR BIZOS: Other than this meeting with Mr Manthata did you ever see him again in the Vaal Triangle or did you have any dealings with him? -- No it was only that evening when we met at Reverend Phatulo's house to discuss the issues that Mr (30) Manthata/....

Manthata had said he had come in the Vaal for that I saw him.

Did you know Mr Patrick Baleka, accused no. 1, at all before your arrest? -- No Mr Baleka I got to know for the first time when we were travelling together to make our first appearance in court in June 1985.

Yes. Had you had any dealings, I am not talking about seeing their pictures in the newspaper or saying hello to them but had you had any dealings with Mr Popo Molefe, accused no. 19, about the affairs of the Civic Association?

COURT: Only about the affairs of the Civic Association or (10) at all?

MR BIZOS: Any dealings at all? -- Inasfar as the dealings would be connecting the Vaal Civic Association and the UDF that is the only time I would be in contact with the gentleman mentioned.

When did you see no. 19, Mr Molefe, when did you see him for the first time? -- For the first time I saw him during December 1983 at the UDF offices.

Yes. Did you have any discussions with him? -- Besides greeting him and being introduced to him, no. (20)

Did you have any discussions with him after December 1983 about any of the affairs of the VCA or its relationship with the UDF? -- Whenever I went to the UDF office, if I would be working in Johannesburg probably on a mission to deliver a letter there I would go to the Transvaal office and I would be in touch with their Transvaal Secretariat.

Who was that? -- That was in 1984 that was Mr Mohammed Vally.

Yes, did you have any dealings with accused no. 19? Other than possibly greeting him in the passage? -- No. (30)

Mr Lekota, /....

Mr Lekota, accused no. 20, did you have any dealings with him? -- No.

Did you know him at all before you found yourself as co-accused? -- I never knew him at all, I only heard of him through his brother who I knew in the Vaal complex.

Did you know Mr Moses Chikane, accused no. 21? -- After having seen his picture in the Press, that this was Mr Moses Chikane, I only saw him once at the offices. Even on this occasion I did not have an opportunity to even greet him.

COURT: The offices being the UDF? -- That is so. (10)

MR BIZOS: Yes. Now I want to return on just one point in relation to one of the decisions taken at the meeting of 26 August 1984. Was there any discussion or any thought in relation to the role of students as clarified - we speak of students- but as clarified by His Lordship, "scholars". Was there any decision about that or any thought about that? -- It was decided that scholars should not be attending school on that day because their teachers as residents were also included in the call for the stay away.

This ... (20)

COURT: So whether a teacher would like to do his work or not your intention was to make it impossible for him to do so? -- The participation in the stay away was voluntary.

Well if you remove the children the teacher cannot work, voluntary or involuntary. -- It was a situation that we had to choose whether we put the stay away as general and have the teachers away with the children at school, then one cannot doubt what would be the situation in school with the students being there and the teachers not being there. That would be tantamount to a very chaotic situation itself. The (30)  
children/....

children were to say away and stay home because the teachers were invited to participate in the protest march.

Was it intended that school children should take part in the march itself? -- There was no invitation for the school children to participate in the march itself but I can understand why school children would have been not stopped in participating in the march.

Now when you speak about school children perhaps we should place before His Lordship some of the, this is in 1984, what would you say the average age of a matric class would have (10) been in Sebokeng in 1984? -- The average age in a matric class in Sebokeng in the year 1984 would be between the ages of 17 and 20.

You yourself told us that you wrote your matriculation examination. What age were you when you wrote your matriculation examination? -- I wrote privately, but I was in a matric class...

Or when you were in the matric class? -- I was 20.

Yes I am sorry I remember that you did not write but when you were in the matric class you were 20. -- That is so. (20)

And are there scholars of 17, 18 and 19 in classes such as 7, 8 and 9? -- That is so.

And I promise it is the last thing that I want to go back to, and that is the meeting of 27 November 1983. We skimmed over that but I just want to ask you for a couple of, not in great detail but just a couple of the salient points in regard to that. Do you remember who the speakers were at that meeting? -- The meeting of 27 November 1983?

1983. That is shortly before the Council elections for the Lekoa Town Council? -- Yes, the meeting was chaired by (30) the/....

the Reverend Lord MacCamel, then amongst the speakers we had Mr Curtis Mkondo, Mrs Tebogo Masiyaleng(?).

COURT: Mrs? -- Mrs. Mr Thabiso Ratsomo, accused no. 22 in this matter, Mr Phatang and a number of other people.

MR BIZOS: Yes. I am not going to ask you what each one of them said at this stage. Did any one of them advocate the use of violence against councillors or the forthcoming elections that were about to take place? -- None of the speakers advocated violence at any level during the course of that meeting.

Or any intimidation? Did anyone suggest any unlawful (10) means to keep the people away from the polls? -- That is not so.

I want to ask you whether there were any UDF posters inside the hall at this meeting? -- There were no UDF posters inside the hall. The posters I saw were outside the hall and on the fence, the wall fence, was hung up a UDF banner.

Yes. Do you recall whether the Reverend Moselane, accused no. 3, was at that meeting or not? -- I never saw him at that meeting.

Did you know him before this and would you recognise (20) him if he was there in any sort of prominent place? -- That is so.

Do you recall whether accused no. 5, Mr Malindi was there or not? -- I did not see Mr Malindi inside the hall itself but it was during the course of the meeting when I saw him at the door indicating to people inside the hall to press up against one another to allow more space for people from outside to be able to come into the hall.

Thank you My Lord, I have no further questions.

CROSS-EXAMINATION BY MR JACOBS: I just want to make sure (30)

of/....

of the first question. You indicated here to Mr Bizos a few minutes ago that the school children were not invited to that meeting, to the march and the stay away? -- That is so.

Why do you say "invited". I did not hear anybody else being invited? -- Because I take a call as an invitation. Because if a call is made then voluntary participation is expected.

Was it explained as such? -- It was explained as such during the questions. (10)

Who explained it? -- During the questions there was a question where a member of the audience wanted to know what would happen to people who went to work and the answer was a person who goes to work we cannot be responsible for because that will be his own decision, that is to say what we are hoping for is maximum participation, even if it is sixty percent of the people staying away we would see the stay away as a success in itself. Not necessarily on that everybody else in the township participated.

But that does not answer my question. I asked you (20) whether it was explained to them that the school children must not go to that march? -- There was no moment where school children were told not to participate in the march because at this meeting it was mostly the youth of high school going age who were present and not school children of primary school going age that I saw in this hall.

So there were scholars of high school age present at that meeting and it was not explained to them that they must not attend the march or the stay away? -- To those it would have been difficult for anybody to have made such a suggestion (30)

because/....

because most of them at that age have taken up much more responsibilities towards their families. When one travels around the township at street corners you can note the risk of having to illegally vendor just to make sure that the family has something to eat tonight or ...

COURT: Mr Vilakazi we will be ages in this court if you do not answer the questions shortly. The question was merely it was not explained to them that they were not to participate in the march and the answer is no? -- That is so.

MR JACOBS: So then you were wrong when you told Mr Bizos (10) here that there was no invitation to them? Because you said because of your long explanation here? -- My explanation to His Lordship is that no invitation was extended. The answer is no.

But you said, when I asked you whether any other invitations were made to the other people you said no it is generally included when there is a call and all the people in the hall are called up for the 3rd for a stay away and a march? -- My understanding was directly to school children as a separate entity. (20)

Do you not see people in high school, of high school age as school children? -- I do see them.

So? -- But if the advocate so wishes that I explain then I would go back to my explanation that in my community it is difficult to treat school children of high school going age as those at lower primary going, school going age.

Must I understand from your answer then that school children of high school age were welcome to the stay away and the march? -- That is so.

Just before I go on with something else I want to refer(30) you/....

you back to that exhibit that you had this morning, EXHIBIT AN15(7). If I understood your evidence correctly that you were satisfied that the translation of this is correct, this new one that the Court ...

COURT: Just a moment, the document which this witness has is only the translation. He has not got the original. I thought I would speed up matters because the translation originally handed him was not correct. You must hand that back please.

MR JACOBS: You read the translation this morning, is that correct? -- That is so. (10)

When the Court handed you the Court's copy? -- That is so.

And I understood it to be correctly translated as you have got it before you? -- That is so.

Now who produced this pamphlet? -- I do not know who did the actual producing of the pamphlet but what I know, like I stated to the Court earlier, that we had asked Reverend Chikane to produce a pamphlet with this message and this was the pamphlet that was dropped at my house by the Reverend McCamel.

And one of the reasons why you were not satisfied (20) with the other one because it mentioned that it was the Vaal Civic Association that issued it and it does not mention anything about the Evaton Ratepayers Association?

COURT: The other one being EXHIBIT AN15(3)?

MR JACOBS: EXHIBIT AN15(3). -- That is correct.

But this one, I am referring now to AN15(7) does not mention anything about the Vaal as far as I can see it, the Vaal Civic Association?

COURT: Well it does so at the top, but not at the bottom.

MR JACOBS: I mean at the bottom. (30)

COURT:/....



COURT: Yes what is the point Mr Jacobs?

MR JACOBS: It does not mention that it was produced by the Vaal Civic Association in conjunction with ERPA. -- At the bottom it said it was issued by Evaton Ratepayers Association and at the top it deals with the message from Vaal Civic Association.

Okay. -- Both these issues I would regard as proof of product, for if one doubts the product one can get in touch with either Evaton Ratepayers Association for enquiry or the Vaal Civic Association. (10)

So the wording is correct here that, when it says here "The organisations console all those who were injured, those who lost their property and those whose relatives lost their lives during the time" - and this is the important part - "when the residents or workers fought against increases of rents"? Is it correct, it is the workers and the residents who fought against the increases of rents? -- Yes.

And if you have a look further on at page 3, at point 3, and it was to stop the Lekoa Town Council to function in the Vaal Triangle, is that correct? -- That is correct. (20)

So it was to make it unworkable, to stop it to function? -- Can I explain that first one first then I will come to the second one?

COURT: Yes? -- The wording there it says when the residents and the workers fought against the increase of rent. That word "fought" cannot be literally taken for fighting, being at arms, being at war.

Why can it not be literally taken? -- Because in the context it is used, this is a translation from a Sotho word Hluluana(?). (30)

Let/...

Let us just get the word on the other side. Where is the word? -- Here it is used in the context bayeteka.

Well where is the word Hluluana? -- Because what I am saying that the word "fought" to fight, is literally taken from the word, literally taken from the use of the word Hluluana.

Hlowana? -- Yes.

Well where do I find that word in the original? -- Now in the original it is spoken in terms of Huyiteka, it was on the basis of the ...

Where is it in the original, paragraph 3? -- The (10)  
first paragraph My Lord, the third line, right at the end of the third line.

Itseka? -- Yes. So in the language that the pamphlet was produced and distributed, and not the translation, the work Huyiteka cannot be literally taken as Hluluana, which is what the translation says at the back here.

You mean itseka does not mean fight? -- Itseka does not mean fighting as at war. But it can mean protest, if one says "I am going to fight him" but when you find you arrive you are not practically embarking a fighting exercise but you (20)  
protest verbally.

So are you saying now that the translation is wrong? -- If it is to be literally taken that way it is wrong.

No, no, whether you take it literally or not is the word "protest" different from the word "fight"? -- As I see it.

Well then according to you the translation is wrong, then we should read "protest" instead of "fight". -- I concede to that.

But this translation was twice corrected, or at least once corrected by your side. There was a debate about this (30)

translation./...

translation. Yes go ahead.

MR JACOBS: Have you got no explanation for that? Why it is still wrong? -- I have given my explanation.

But did you not see that and did you not bring it to the attention of your attorney, because you had it corrected at the first instance? -- Well I may not have been the only one who has been working on this translation.

Well I asked you here a few minutes ago were you satisfied when you told the Court this morning that it is correct and you said yes. Why did you not draw the Court's attention (10) to that? -- At the time when we did it here in court I handled the part of the translated part, I did not go into the original part.

But you immediatley knew ... -- Because I took it on the basis of the word from the Learned Assessor that here is a corrected version with the additions there on top. So I took it in good faith to deal with it on that basis.

No it was corrected as corrected by you, you people from the defence. Not by the Learned Assessor. But you immediately knew about another word so why did you not correct it this (20) morning? No explanaiton? -- Well I have given my explanation in as far as I can.

I beg your pardon? -- I have given His Lordship my explanation in as far as I could.

You cannot give an explanation why you did not correct it this morning when you saw it for the first time, in court here this morning? -- Well I explained that I took it in good faith that this correct, very correct, script on the basis of the Learned Assessor there giving me a script because the other script was incorrect with his addition and I worked (30)

on/....

on that basis in truth faith that I am working on a true script.

COURT: Let us just get it correct, when you speak of a script you mean translation? -- Translation My Lord.

Yes, this morning that is correct, because at first by the defence the old translation was placed before you and I pointed out to the defence that the translation had been amended. But the point I raised to you is not that aspect. The point I raised with you is that previously when this document was handed in there was a debate about the correctness of the translation and this matter was referred to (10) the defence, that is to the accused, and the accused came up with a different version and I wrote the corrections on my copy here and that was agreed upon to be the correct translation of this document. Quite a number of aspects were amended and corrected but the word "fought" was not touched upon and the question is why? -- Well I can only say that the word "fought" was taken not in the context of fighting, being at war, but at other ways of lodging protest, disagreement, which in spoken language when I was explaining that in a spoken language you have it as hluluana, now hluluana can be explained in (20) many different forms, it comes up in many different forms. You stand up in a corner with a placard protesting against a certain issue that affects you in your life, you would say I am fighting this issue but it does not mean necessarily that you are taking up arms against anybody to fight that issue. That is what I was trying to explain further when ...

But just a moment now when you say hluluana, hluluana is not what is used as far as I can see it in the Sotho, in the original Sotho. Have a look at the Sotho, where is the word Hluluana you used? -- I have used it, I am trying to link (30) up/....

up what is on the back with what is in the front.

Well if you attempt to link it up with what is in the front then you must at least use words which are used in the front, not words which are not used in the front. -- I am saying Huyeteka(?) is a form of Hluluana, to stand up for something, that is huyeteka when you do that, a standing up against something. One could see it just merely as fighting against that particular issue but not meaning that you are at war with that particular issue but as an issue that you need to remove from you from affecting your life. (10)

Yes. -- That is how I understand it to mean.

MR JACOBS: Was EXHIBIT AN15(7) shown to you in consultations and was it discussed before your evidence was led by Mr Bizos? -- AN15(7)?

Yes this same document, AN15(7). -- Every document we discussed with our counsel.

Why did you not draw his attention to it then? -- Because I was still under the very same impression that I am under now.

Did you not read it when it was handed over to you? -- I did read it. (20)

Did you check on the translation? -- We did check on the translation.

And you were satisfied then that it was correct, the translation? -- We were satisfied that it was correct.

So the word must be then, if you were satisfied the word must be then "fight"? -- It depends on, like I say that what do you mean by fight because here in the Sotho, not the translation, what reached, if I may explain to Your Lordship?

COURT: Yes. -- The advocate's argument is based on the translation but what reached the masses, what reached the (30) people, /....

people, what reached the community, is not the blind way that we accept it in the translation to mean what this means.

Yes but now I still do not have clarity as to what exactly you want to tell me. The word "fight" can have at least two meanings the one being physically antagonistic towards somebody and attacking him and the other can be struggle in general. Now the word which was translated as "fought" in this translation seems to be itseka, is that correct? -- That is so.

Does the word itseka also have two meanings or does (10) it only have one meaning meaning protest? -- It means protest.

Only protest? -- It means protest and protest meaning fighting. Not fighting in the context of being at war.

Well if it means protest then one can make one's own conclusions from what other words you can use for that concept but is its normal use, its normal translation into English protest? -- That is so.

Nothing physical? -- Nothing physical.

Yes thank you.

MR JACOBS: Now the second part of the question, will you (20) answer it now, to stop the Lekoa Town Council to function in Vaal Triangle, which I said means to make it unworkable? -- In that sentence we talk of to stop Lekoa Town Council to function in the Vaal Triangle because this is derived out of the resolutions for the councillors to resign. And it is drawn in that context that the resignation of the Councillors in the Council with the invitation of the Board to take over then there will not be any need for a Town Council for the time being whilst negotiations are taking place. That was the basis of that resolution on which this line was drawn. (30)

COURT:/....

COURT: Well I have a bit of difficulty with this paragraph. It reads "The organisation would like to emphasise that they support the community struggles in general, especially in" and then I read "to stop the Lekoa Town Council to function in the Vaal Triangle". Now in the context of what happened in the Vaal Triangle, that the councillors houses were burnt down and some councillors were murdered could not one say that the organisation emphasises that they support that type of action? -- It cannot be taken in that context when we talk of organisations again consoling those who lost their lives and their(10) property. We cannot be supportive of an act of violence and support another act of violence. You cannot be supportive of people who suffer because of violence and be supportive of those who perpetrate violence. That is what I am trying to say.

Well the question then arises whether the first paragraph in fact consoles the bereaved of the councillors because the organisations consoles - it must be console I am sure - all those who were injured, those who lost their property and those whose relatives lost their lives during the time when the residents or workers fought against the increases of rent, (20) water, electricity and permits and were deprived of their stands in Evaton." Now all these things, the deprivation of the stands in Evaton and the increases of rent, water, electricity and permits were laid at the door of the councillors. Can one really say then that this paragraph is intended to console the bereaved of the councillors? -- We were concerned with a community and as councillors were members of our community we would have no reason to exclude them where this tragedy has befallen everybody, to jump a councillor's house and console the next house. The grievances we had against (30) councillors/....

councillors are clear as they are put there and the manner in which the people at the meeting of the 26th had decided to deal with these grievances was not to attack the councillors, as I have put in my earlier evidence, it was not to endanger life or property of anybody or any structure but to embark on a peaceful march to meet with the Administration Board, the Development Board, as the governing structure most accessible to the people. I would find it difficult for a community which was still very much willing to negotiate on all their problems and their grievances, for them to embark on a violent act (10) on the other hand and on the other hand to engage in negotiations as a means of solving their problems. In any event where thousands of people met the weekend of the 26th at the Roman Catholic Small Farms the resolutions that were taken there were barely for councillors to resign and if the councillors do not resign their businesses to be boycotted as a means of showing them that people were really concerned about them heeding their call. Secondly was for the stay away, not the stay away for a rally only because rally would mean nothing as I led in my evidence. That was the people's contention. (20) But because the people wanted to be noticed, the people wanted their grievances, their sufferings to come into the focus of the authorities and they were prepared to sacrifice a day's work to come together to march peacefully to the Development Board's offices where because of the numbers of people gathered there, because of the memorandum that would have been drawn, a basis for negotiations would have been achieved.

MR JACOBS: Do I understand you correctly then that it was your aim to stop the councillors from functioning, that is clear, is it correct? -- That is so. Through asking them to (30)  
resign/...



resign and through negotiations....

I did not ask you how, I asked you what was your aim. Is that to stop the Lekoa Town Council from functioning the Vaal Triangle? Is that correct? -- The aim was not really to stop the Lekoa Town Council from working, the aim was solving the problems and one of the ways of solving the problems would have been to ask the councillors to resign and to have a direct negotiations, direct dealings with the Development Board in the area.

So you now alter your evidence of a few minutes ago (10) in saying that it was your aim to stop them from functioning? You are saying now it is not your aim? To stop them? -- The aim was to solve the problems and one of the ways of solving the problems would be to ask them to resign.

COURT: But now are you saying yes or no to the question was your aim to stop the Lekoa Town Council from functioning in the Vaal Triangle? -- If this would open up negotiations and direct dealing with the Development Board, yes.

Well you could not foresee what the end result would be? So is the answer an unqualified yes? -- No My Lord, inasfar(20) as calling the councillors to resign I could see what the end result would be because by law the Development Board was in the position where the Town Councils failed to resume the duties of the town councils. At least that is how I understood the Black Local Authorities Act.

MR JACOBS: So this is another mistake in this document then?

COURT: Well just refer the witness exactly to which portion of the document are you referring?

MR JACOBS: To paragraph 3 where you say "To stop the Lekoa Town Council in functioning the Vaal Triangle". So this (30)

is/...

is also a mistake then? That is in EXHIBIT AN15(7)? -- In as far as solving the grievances of the people and involving the government, yes.

COURT: So are you saying that this is incorrectly stated in this document? -- I would say it is incomplete.

MR JACOBS: So if I understand you correctly now you are saying you would have been satisfied with the councillors if they solved your problems? -- I would have been satisfied with the councillors for many reasons, solving my problems would not have been enough. (10)

ASSESSOR (MR KRÜGEL): Did you say you were dissatisfied with the councillors or satisfied with the councillors for many reasons? -- I would have been satisfied with the councillors for many reasons.

COURT: You mean you would have been satisfied had many things happened? -- That is so.

Yes, what being those things? -- As I said in my evidence-in-chief that I recognise the fact that local authority is a necessity. I would have been satisfied with a councillor structure that was fully autonomous, a council structure that (20) had no financial constraint, a council structure that would not have been imposed on my people but the kind of structure that would have been discussed and accepted by my people. The members thereof would be as such democratically elected into the council and the people would be in the position to monitor the council and to mandate the council on issues affecting their lives.

MR JACOBS: Does the Lekoa Town Council fulfil these requirements of yours? -- Lekoa Town Council does not fulfil these requirements. (30)

Not/...

Not by far? -- Not by far. By far.

COURT: Well you both mean the same I take it, not by a long shot. Yes.

MR JACOBS: Just tell me what do you mean by fully autonomous? -- Fully autonomous, I mean that the council should have full decision making powers on its projects and also have no constraints that would, financial constraints that would have it dependent on one structure or the other.

COURT: What do you mean by dependent on one structure or another? You mean no control at all? -- No control at all (10) but control of financial matters as affecting the council, should should be in a position to take full decision on those financial matters.

MR JACOBS: Do you say that the Lekoa Town Council did not have such authority to take full decisions there on matters, on the budget? -- No.

In what way not? -- Sorry?

Why not? -- If you can repeat that please.

Why do you say no? -- Well I say no in answer to the advocate's questions. (20)

But the reasons? -- For the reasons, my reasons are the Lekoa Town Council did not have any property where they could get rateable earnings.

COURT: No, no that is a different aspect you are dealing with now. The question is whether they had any financial constraints. It is not a question of their income now. It is a question of whether they were entitled to do with their money what they liked. -- Yes, the thing is what I am trying to say is that Lekoa Town Council and I believe some kind of evidence was even led in this court, members thereof were (30)

not/...

not in a position to draw the budget. So the council itself was not in a position on what was to be used of the finances that we had. And if there were need in the township they were not in a position to decide how to budget for this. That is where now the Development Board had a direct role to play.

Where did you get this from that they have not got the right to draw up the budget? -- I have spoken to a number of councillors.

What do you mean by draw up the budget, let us get it clear before we cross swords on this? -- Well drawing up the budget (10) is looking at what is ...

MR BIZOS: My Learned Friend must not advocate violence in court My Lord. -- Drawing up the budget I would said it is to looking at what the needs are and at what projects are to be dealt with and how much each of the projects would cost and if the project is taken at a particular period how much financing would be needed to carry it up to that particular period.

COURT: Are you now speaking of a constraint induced by necessities, being the limited income, or are you speaking of a legal constraint in the sense that they had no right to (20) draw a budget? -- Unfortunately at the point of my arrest and my understanding even now would encompass both. But more so the constraints because of the needs that were there.

Yes but now let us get clarity here Mr Vilakazi. Is it possible that you had an entire misconception of the powers of this council? And that you did not clearly distinguish between the previous Community Council and the new Town Council system as far as this aspect is concerned? -- As far as that aspect is concerned.

As far as the question of budgeting is concerned? -- (30)

As/....

485.43

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VILAKAZI

As far as budgeting is concerned I did not see much difference there.

Yes?

COURT ADJOURNS UNTIL 27 JANUARY 1987.