

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA *Ass. 2*
(TRANSVAALSE PROVINSIALE AFDELING)

SAAKNOMMER: CC 482/85

DELMAS
1987-02-02

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21
ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN
ASSESSORE: MNR. W.F. KRUGEL
PROF. W.A. JOUBERT

NAMENS DIE STAAT:

ADV. P.B. JACOBS
ADV. P. FICK
ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON
ADV. G. BIZOS
ADV. K. TIP
ADV. Z.M. YACOOB
ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

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COURT RESUMES ON 2 FEBRUARY 1987.

MR BIZOS: My Lord Mr Molefe, accused no. 19, is not feeling well this morning. It arose on his trip here and Our Learned Friends were good enough to make an appointment with the District Surgeon for 11h00 if Your Lordship would allow him to leave the court at a time which is convenient to the escort to take him there to be there at 11h00.

COURT: Yes permission is granted. Are all the accused in court?

MR BIZOS: Yes My Lord.

BAVUMILE HERBERT VILAKAZI: d.s.s. (10)

FURTHER CROSS-EXAMINATION BY MR JACOBOS: Mr Vilakazi we ended up on Friday by referring to EXHIBIT C110. The heading of this document is "UDF and the Black Local Authorities, February 1985". And this is an evaluation of this campaign over the last five months by the UDF.

COURT: Just a moment Mr Jacobs. This document which is put to you was found in the UDF offices. Do you know of it? -- I do not know of this document.

MR JACOBS: I would like you to have a look at page 5 of this document and the second last paragraph starting with "The (20) Anti Community Council Campaign supported by all UDF affiliates aimed to", have you got the place? -- I can see that.

Do you agree that all affiliates of the UDF participated, supported this campaign of the UDF? -- I did not know if it was all the affiliates of the UDF who supported this campaign.

Would you accept what is stated here by the UDF as the truth? -- I cannot accept what is here because there is nothing that tells me that this is a document produced by the UDF.

I beg your pardon? -- I mean there is nothing in the document that indicates to me that this is a document produced (30)

by/....

by the UDF itself. So I cannot say that I will agree because it is the UDF that is saying so.

On the face of it it appears to be issued by the UDF, would you agree to that? -- Well I have problems with agreeing to that because it does not even bear anybody's signature here.

I put it to you that on the face of this document it was issued by the UDF and the planning done by the UDF, and an evaluation given by the UDF? -- To me it looks like a research paper on the UDF and the Black Local Authorities. That is what I read out of the heading there and it does not tell me that(10) this research could have been undertaken by the UDF itself.

Who otherwise would undertake research on behalf of the UDF and indicating what the UDF plans are and so on? -- I do not know and as it is here on the front page this paper is dated February 1985 at which time I was already in detention.

Now if that is a UDF document would you agree that all the affiliates aimed to support this campaign of the UDF, the Black Local Authorities? -- I will repeat I will not agree to that proposition without knowing who produced this paper, under what circumstances and who had commissioned the research and what(20) is it all about.

I am just going to put one thing more to you, that on page 6, "The gains of Election boycott of UDF", it is stated here under that, the second last paragraph under that heading:

"The campaign resulted in the creation of new civic organisations, for example Vaal Civic Association, Alexandra Civic Association and the strengthening of existing civics, for example Soweto Civic Association."

Would you accept that? -- In the first place I would like to make a correction at the heading, the first heading in (30)

page/.....

page 6. It says "The gains of the Election Boycott" and the advocate added "by the UDF", which is not there. And on the point that is put to me, whether I accept it that the campaign resulted in the creation of the new civic organisations, for example Vaal Civic Association, Alexandra Civic Association, and the strengthening of the existing civics, for example the Soweto Civic Association, I would say the Vaal Civic Association was born to my knowledge during such a campaign, was born during such a campaign by the UDF and other organisations. And I do not agree that Vaal Civic Association was born out of the (10) campaign by the UDF as such.

And do you agree that the Black Local Authorities, the campaign against Black Local Authorities is a UDF campaign? -- I do not agree to it as a UDF campaign.

You say it was not accepted by the UDF? -- The UDF accepted the campaign but I do not agree to the proposition that it was a UDF campaign because quite a number of organisations were involved in those organisations which were not affiliates or had anything to do with the United Democratic Front in that particular campaign. (20)

Would you say that the organisations that were affiliated to the UDF, they accept it as a UDF campaign as far as it was one of the campaigns adopted by the UDF? -- Well in the Vaal complex, being a member of the Vaal Civic Association the campaign that we had in the Vaal complex I saw as the Vaal Civic Associations' campaign which was also being campaigned by other affiliates of the UDF and other organisations which were not members of the UDF countrywide.

And in the Vaal did you take up the campaign as a UDF campaign or not or did you help the UDF in this campaign (30)

by/....

by distributing pamphlets and posters? -- We took it in the Vaal complex with my full understanding, it being the campaign by the Vaal Civic Association and the residents of the Vaal complex and I do agree that we did distribute pamphlets on the campaign produced by the UDF.

And although you do not know what happened before

-- Can I finish, I just wanted to finish.

COURT: Yes? -- And the distribution of UDF pamphlets I saw as an assistance to the campaign against the Black Local Authorities in the Vaal complex. (10)

MR JACOBS: And is it that it is the Vaal, VCA campaign and the people's campaign although you do not know what transpired before the launching of the UDF, between the Action Committee and members of the UDF? -- That is why I am talking about what I know.

And I put it to you that you in the Vaal Civic Association fully participated in the activities of the UDF as an organisation as an affiliate? -- I do not understand the meaning of the word "fully", to what extent does it go. I am not clear before I would be able to answer the question. (20)

What is it that you do not understand about "fully"? -- That we participated fully as affiliates.

Did you participate in the activities of the UDF as an affiliate? -- We participated through representation to the General Council, we participated in the deliberations of the United Democratic Front.

Do you know about the programme adopted by the General Council of the VCA in the Transvaal, of the UDF in the Transvaal before the launching of the VCA? -- Before the launching of the Vaal Civic Association and before the Vaal Civic (30)

Association/....

Association itself had affiliated in the United Democratic Front I did not know of the particular programme of the UDF in the Transvaal region.

Will you have a look at EXHIBIT K1. Have you got it in front of you? -- I have got this exhibit.

That is the Minutes of a General Council Meeting held on 17 September 1983 at the Central Methodist Church, Johannesburg, that is United Democratic Front, Transvaal. Do you agree? -- I can see that yes.

Now on page 2, paragraph 7 there it is stated: (10)

"That the programme of action was adopted".

Is that correct? -- I can see that.

Now will you have a look at EXHIBIT K2 then, that is the programme of action adopted at that meeting. Have you got it in front of you? -- That is so.

Now the aims are stated at the top. Is that correct? -- That is so.

Now one of the, aim no. 3 is to unite our people in action, do you in the Vaal adhere to this principle and aim? -- In the Vaal complex it was our policy to work together with other (20) organisations when the opportunity arose on issues of mutual interest, and this was born out of the, one of the resolutions at the launch of the Vaal Civic Association and not particularly out of this programme of action by the United Democratic Front.

Well Mr Vilakazi was it also one of the aims of the Vaal Civic Association to unite your people in action? -- That is so.

Was it one of your aims to counter the government's propaganda onslaught? -- Well I do not understand the, that particular aim. If I can get clarity there. (30)

COURT:/....

COURT: Well that is what the programme of action says. -- Well I cannot remember we in the Vaal complex adopting that particular aim other than what was reflected in the resolutions of the meeting of 9 October.

MR JACOBS: And then was it also one of your aims in the Vaal Civic Association to consolidate and strengthen the existing grass roots and other organisations of the people? -- Well our aim in the Vaal complex was to build strong membership within the Vaal Civic Association itself.

And other existing organisations, to work with them (10) and strengthen them? -- No we never reached that resolution whereby we are going to consolidate and strengthen other existing organisations of the people in the Vaal complex.

Was it not one of your resolutions to get the other organisations in the Vaal and elsewhere in the country to be part of the VCA or to be under the umbrella of the VCA? -- That was not.

That was not? -- That was not.

You are sure of that? -- I am sure of that.

Why do you say that? You are sure of that? -- Because that is not part of the resolutions taken at the meeting of 9 (20) October 1983.

Did you strive for co-operation with other organisations in the Vaal and elsewhere in the country? -- That is so.

Which organisations did you have in mind? -- Well those organisations whose, who were opposed to apartheid in the country and those organisations who were members of the United Democratic Front.

That means it will include all the organisations in the Vaal, like COSAS, VOW, Youth League, in the Vaal? -- I do not know of any organisation called the Youth League in the (30)

Vaal/....

Vaal and with COSAS we had not reached a stage where there was any formal link between COSAS in the Vaal and the Vaal Civic Association and affiliation to the UDF by COSAS I understood it to be on national basis.

Were there, do you know whether there were any people from COSAS who were present at the meeting of 9 October 1983 when VCA was launched? -- As that meeting was open to everybody there could have been the members of COSAS in the Vaal complex but those who were staying in Zone 3 that I knew at that time, were not at that meeting. (10)

And is it correct that some of the resolutions adopted at that meeting were directly related to the affairs of COSAS and what COSAS would be interested in? -- Like which resolution?

I will read one to you, "Condemn the present education system which domesticates Blacks and indoctrinates Whites and in its place we demand a democratic non-racial education system". -- When that resolution was discussed I did not understand it to be meant anyhow supportive of COSAS or of being direction to COSAS and its workings in the Vaal complex.

I saw that as part of the resolutions raised by residents (20) who were equally concerned with the educational situation and the problems within the educational system itself.

So is your evidence then to the effect that the VCA was going to take up the campaign against the education system of this country? -- What I understood the resolution to mean was that giving the directive by the people Vaal Civic Association will take up educational matters with the relevant authorities.

And was going to take up this campaign against the education system of the country? -- Well what I understood is that VCA was going to take up the grievances of the people with (30) regard/....

regard to education, with the education authorities.

Now how do you explain your answer now with this resolution:

"To condemn the present education system which domesticates Blacks and indoctrinates Whites and in its place we demand a democratic non-racial education system."

This is going against the system and not on complaints. This resolution adopted at that meeting, how do you explain your answer with that? -- Well the complaints of the people were with regard to the entire system as a whole but as to what (10) steps would be taken when it comes to dealing with the educational problems the people were to give the Vaal Civic Association directives.

I beg your pardon? -- What I said is ...

Will you speak a little louder, the noise behind me of this machine makes it very difficult to hear you, please speak louder. -- Oh I did not realise that. What I said is the Vaal Civic Association at its launch the people expressed their complaint against the system as it was, the educational system as it was now and when it comes to dealing with that it was (20) going to be against the people who would give directives and advice to the Vaal Civic Association on how to go about dealing with the educational problem.

But the mandate was already given in this particular meeting? -- Well what was there was the condemnation of the particular system. When it comes to dealing with the system itself the Vaal Civic Association could not and would not go on to embark on any deliberation to resolve the educational problems without getting directives and the mandate from the people in the Vaal triangle.

(30)

So/....

So if that was a resolution adopted here why did you not get that on this meeting so that you can carry out your instruction? -- Well I do not think the people were that much less concerned about the problems that they could in one day wish to have clear directive in dealing with the problems as would be satisfactory to the people and very much clear to them again in one day. It was practically impossible.

What did the VCA do to carry out this mandate? -- I know in January 1984 the Vaal Civic Association, particularly the Zone 7 people, the people in the Vaal Civic Association in (10) zone 7 who were not yet an area committee but people who made up what was called an Action Committee in Zone 7, that was people who were working towards the formation of an area committee, took up a particular educational problem at the beginning of 1984 with the authorities and through negotiations with the inspectorate that situation was resolved.

Was an area committee already established there? -- As I said an area committee had not yet been formally established there.

So it was not VCA who took up this but the people (20) themselves? -- It was the people who constituted an Action Committee of the Vaal Civic Association, area committee in the Zone 7 area.

But it was only constituted later, at that stage it was not the VCA according to your evidence? -- Well I think the role of the area representative in Zone 7 who was with these people and who handled this problem.

So it was not the VCA per se who took up this issue then? -- Well I see that as VCA.

Was that all that has been done?

(30)

COURT:/.....

COURT: Who was the area representative? -- Miss Edith Lethlake.

MR JACOBS: Did they take up any other UDF issues to carry out this mandate? -- I do not understand the question.

The VCA did it take up any other issues in order to carry out this mandate of the people. -- Well that is an example of what I know to have happened. I cannot remember any other time when this, when any other issue was taken.

Do you now say it is an only an example. If you say it is an example then there must have been more, otherwise it was the only isolated incident? -- Well like I am saying it is (10) an example and as it was I cannot say it was the only issue that was taken up by the VCA with regard to education.

But if that ... -- That is the only one I remember that I know of.

We carry on with the aims here, no. 6 here:

"To link the Koornhof and constitutional proposals to the day to day struggles of our people."

Was that also the aim of the VCA? -- Well I do not know, I do not understand how was this link up to be used, otherwise I would be in a position to say that this was agreeable with what VCA(20) opted for.

Let us get it like this, did you take up Koornhof and constitutional proposals in the VCA? -- We took up the Koornhof Bills in the Vaal Civic Association.

And the constitution? -- We did take it up also.

So it is correct And did you link it up with the day to day problems of the people? -- I cannot say we linked it up with the day to day problems of the people but what the people were expressing there was the kind of problems that they envisaged with regard to these Bills. So I cannot say it was linked (30)

up/....

up to the day to day issues.

Was the question of the dishonesty of the Councillors you told the Court about, was that linked up to the councillors being dishonest and they must resign? -- Well that was not linked up. That was one of the reasons why the people called upon them to resign.

But was it taken up by the VCA to find out the complaints of the people and then to use that in order to get the people to reject the Council system? -- Not at any moment would I know of such a situation because when the people met at mass (10) meetings it was the people themselves who expressed these problems, who addressed themselves to these problems they experienced in the townships and it was the people who decided on what action to take. I would not see the Vaal Civic Association being in the position to tell the people what to do with their problems or to tell them what in actual fact what their problems are.

Was it not by speaker after speaker said that they are dishonest people, the councillors, and they must be rejected on the different meetings? -- The meeting I attended, the (20) mass meeting, where these, the mass meetings where these complaints about councillors were raised these came up from both at the platform and from the audience.

Mr Vilakazi just answer my question. Was it said by speaker after speaker on quite different of these mass organisations, meetings, that the councillors are dishonest people and the people must reject them and ask them to resign? -- Well I cannot say speaker after speaker would address himself to that. But it depended on what the speaker himself wanted to say and this would come from both at the platform(30) and/....

and from the audience. There the people who expressed, or who related their experiences with councillors as residents in the Vaal complex and who would talk about these experiences very openly without really inhibiting anything, and also expressing their disappointment for having had that trust in the councillors but to be disappointed by such actions that they had experienced.

COURT: Well now let us talk about dishonesty. Did you at a general meeting or at any house meeting speak about the dishonesty of councillors? -- The question is addressed to myself personally or with ... (10)

You personally? -- Yes.

Where? -- I spoke about this at the meeting of the 26th.

And you said they must resign? -- I said it is only a democratic process to call upon them to resign if the community was convinced that the councillors had failed them.

How many councillors were there at the time? -- That I referred to?

No, no, how many councillors were there in total on the council, how big was the Council? -- Well I cannot remember (20) if it was 37, I cannot remember the exact figure.

Which of them were dishonest? -- I spoke of a particular experience I had had.

Well which of them were dishonest? I am asking you a direct question. -- I had an experience of one councillor who was dishonest.

Which one? -- Councillor Mokoena.

Yes? -- And many other people spoke about their experiences with different councillors in their areas.

Which? -- I remember reference to Councillor Munahutla. (30)

Yes?/....

Yes? -- And reference to Councillor Matjila.

Yes? -- There was a speaker from Evaton who referred to Councillor Rabotapi, who was the mayor of Evaton.

Yes? -- Those are examples that I can remember.

Those are the only ones that you can remember. Anybody else? -- That were referred to.

So because four councillors are dishonest 37 must resign, is that the idea? -- The basis of the dishonesty was on the question of what most of these councillors during their election campaigns made promises to the people and these promises (10) were not fulfilled and, like I said, the call was made not only by myself but by many other people because of experiences, differing experiences they had with councillors.

MR JACOBS: About the promises, to what promises are you referring? -- Well promises like the promise that I got personally from Councillor Mokoena that ...

So it is again only Councillor Mokoena who made a promise that you know of? -- The promise like that of Councillor Mokoena to me that if he found himself in the position not to handle this problem of rentals in the area he would resign (20) and this promise I had heard from many of these councillors at the time they were still candidates when they were campaigning for elections.

That they will resign? -- That they will resign.

Why did you not tell that to the Court in your evidence-in-chief, why is it the first time now that we hear about this many who promises to resign? -- I was not led on that part I believe if I did not say it, but that is a fact that has been there. I cannot remember if I did not say it in court here, that I am saying it for the first time but if I did not (30)

say/....

say it it means I was not led on it.

Who were they that made those promises that you heard?
-- Well I know, I have attended meetings that were called by the people campaigning for elections, like Mr Jerry Mokoena, Mr Steve Mkhathlu(?), Mr Sibebe, Mr Mofokeng, Mr Mosala.

Are you now saying that you attended all those peoples meetings before the election? -- I attended meetings that were addressed by these people I am referring to by name. They addressed these meetings which were in my area.

Was that before the election? -- That was before the (10) election.

Why did you attend those meetings? -- Why did I attend the meetings?

Yes. -- Because there had been a call for a meeting at a particular place and I went to that meeting when it was allowed ...

COURT: But you were going to boycott the elections. What were you doing at these meetings? -- If a meeting is not said what type of meeting it is then if there is a loudhailer inviting people to attend a meeting and I was available at that time (20) I attended that meeting.

Did you hear each and every one of these people you mentioned now say that if they could not handle the problems of the rentals they would resign? -- I am referring to them as people I heard at these meetings saying these things, that they will resign.

MR JACOBS: Did any of these councillors give evidence in this court? -- No.

Mr Mokoena who gave evidence here, is he not one of ...
-- No he is not the one who gave evidence here. That is (30)
the/....

the one who represented my ward. Mr Mokoena who gave evidence here represented another ward.

And Mahlatsi did he not say that, did he not make any promises? -- No I did not see him at any of the meetings in my area.

So because of these few that you can remember all the other must resign? -- Well this was the promise that was widespread by the councillors in the area and if that reference to councillors to resign because they fail to meet up with their promises, I did not see it as meaning that I had to call (10) upon individual councillors because they had made these promises frequently and at meetings we heard about other councillors making these promises in different other areas. So I did not find anything wrong and I still do not find anything wrong in calling upon them to resign.

COURT: It is not the question of resignation which is being debated. It is the question of the naming of 37 councillors as dishonest men from public platforms which is being debated. -- Well where I spoke I made reference and I mentioned the particular councillor by name and at all other instances (20) these councillors have been mentioned by name. Those were referred to at these meetings.

MR JACOBS: Now another day to day issue that was used by the VCA is that the oppression by the councillors by having people evicted or doors of house locked out and so on, is that correct? -- This was a thorny issue in the community and it is members of the community who expressed themselves with regard to that problem. That is why a resolution was reached to that effect.

My question is was this used as an issue, the oppression(30)
by/....

by the councillors? -- Well I have earlier said I do not know of any situation where the Vaal Civic Association used any issue against the people.

Was that not an issue, the oppression of the people being evicted when they cannot ... -- That was an issue that was there and the Vaal Civic Association was addressing itself to that issue, not using that issue.

Did you not use it in the speeches to bring it to the notice of the audience how the councillors evict people and locking doors and that they are the puppets of the govern- (10) ment by doing this and sell outs? -- I do not see that needed somebody to go up to the platform to talk about that. That is what the community knew, that is what the community experienced, that is what the people, the members of the audience were addressing themselves to at these meetings.

COURT: Well how did you, the VCA, address yourself to this issue, apart from talking about it? -- Well I know that the Chairman of the Vaal Civic Association intervened in a situation of lock outs in Bophelong during 1983 and 1984 and the area committee in Zone 7 from time to time took up the issue of (20) lock outs with the local superintendant's office

MR JACOBS: Was this issue used in any way by any of the speakers on any of the meetings, the official speakers? -- I do not understand the proposition of the using of issues. When a speaker addresses himself to a particular issue I understand him to be expressing his own personal concern and what he sees happening around himself.

Now answer my question. -- It becomes difficult for me to say yes or not to that question whereby I am asked if any speaker used anything. (30)

Did/....

Did any of the speakers in the mass meetings speak about this oppression by the councillors and that they must resign as a result of that? -- At what public meeting?

At any of them, I ask you? -- Any of the speakers?

Have you got difficulty to answer the question? -- There have been a number of speakers who spoke about this.

And that on meetings arranged by Vaal Civic Association or any of its area committees? -- There has been people who spoke about these problems by the councillors and there have been people who called upon councillors to resign at mass (10) meetings called by the Vaal Civic Association.

On mass meetings organised by Vaal Civic Association or its area committees? -- Well I can speak on terms of mass meetings organised by the Vaal Civic Association.

Did you yourself at any meeting speak about this? -- Like I said I spoke about Councillor Mokoena but I did not speak on him as an oppressor as such but I spoke on him of failing to meet up with his promises and I asked him to resign as such.

You are not answering my question. I asked you specifically about this let us call it an issue of oppression by (20) the councillors. -- Well my answer was I did not use that issue.

You did not speak about this at any public meeting? -- I did not speak about it at any public meeting.

Did you speak about this in any house meeting? -- I did not.

Did you speak about the promises of the councillors at any house meeting? -- Well I cannot remember if I particularly raised the promises of the councillors at any house meeting.

Did you speak about the dishonesty of the councillors (30)

at/...

at any house meeting? -- That I did yes.

For what purpose did you do that? -- Well I was talking about a particular councillor.

Yes? -- And what transpired between myself and that particular councillor, that was Councillor Mokoena.

So why was it necessary to convey that to the people at the meeting? -- I was not conveying to people at the meeting. We were discussing the problems as existing in the area there and I did not really refer to it in isolation, it was part and parcel of the problems that the people were addressing themselves to there. And there was nothing wrong with that. (10)

What problems are you referring to now? -- The problems that were caused by the rent increase and other problems.

And the purpose of this, when you discussed this and conveyed it to the people was because you wanted them to form the same opinion as you? -- I did not. That was not my proposition.

So why did you then tell them about this, what is the use of it? -- What was the use of having people together, meeting with people and people discussing the problems and I still become dishonest and not express my opinion with regard to (20) the problems.

Was the rent increases a day to day issue of the problems of the people? -- I do not know what problem is now referred to.

Was not the rent increase a problem of the people? -- Oh I thought I heard a "programme". The rent increase was a problem to the people. Like I said in my evidence this had been raised at the very first meeting in January with Councillor Mokoena and at all the mass meetings that I have attended I have heard people talking about the problems caused by rent (30)

increases./....

increases.

So that was an issue that was taken up to convey to the people at the mass meetings? Is that correct? -- I do not agree to that proposition.

Nobody ever spoke about the rent increases at the mass meetings? -- People spoke about rent increases at the mass meetings.

The speakers? -- The speakers, yes.

Yes, why? -- Because those are problems that people were addressing themselves to at that time, at that particular (10) meeting.

Why was it necessary? The people knew the problems, why was it necessary to convey it on a meeting again to people? -- Well it was not being conveyed again to the meeting. Like I said each speaker when he speaks there the speaker speaks about what he knows, what problems he experiences, what he sees around him.

Tell me while we are on the subject now, did you attend any of the meetings of the councillors before the rents were increased? -- The meeting I attended of the councillors that (20) I knew of was the meeting that was called in January at a school opposite my home.

Is that the only one I attended? -- That is the only one I knew of that I attended.

You heard the councillors giving evidence in this court and explaining that they held meetings in the Vaal to ask the people what they want from them before it is included or was to be included in the budget? -- That is not what I understood that evidence to be and I understood that evidence to be referring to the meeting like the one that I had attended (30)

in/....

in January.

Did you hear them giving evidence to the effect that they held meetings to approach the people and ask the people what they want to be included in the budget for their areas? Some of them mentioning better roads, the other electricity or... -- The evidence I heard was with regard to the meetings in the Vaal complex at different times, at the end of the year and the beginning of 1984 where the people raised problems they experienced and these councillors were there to introduce themselves to the people and to pick up these problems as (10) experienced by the people in order to deal with them.

Mr Vilakazi my question was a simple one. Do you want to answer it or not? -- I have answered the question.

I asked you did you hear the evidence of the councillors conducting those different meetings, did you hear it or not? -- I heard the evidence on the meetings that I have described now.

And did it happen like that, like the councillors said, or were they telling lies to the Court? -- In January I attended a similar meeting. (20)

Did they tell lies to the Court when they said they held meetings in their wards? -- Well I do not know about those who gave evidence here, they were not councillors to my ward.

I beg your pardon? -- They were not councillors in my ward.

Yes but ... -- I do not know about they having held such meetings in their wards and I cannot query their evidence as such.

Yes. So you cannot dispute that they explained to the people of the Vaal in the different wards that any (30)

improvements/....

improvements they required will cost money? -- I did not attend those meetings by those councillors who gave evidence and at the meeting which I attended there was no such promise or such explanation.

So you cannot dispute the evidence of the councillors to that effect, the other? -- Well I did not attend their meetings.

And you cannot dispute their evidence? -- And I do not know if they ever held those meetings.

And you cannot dispute that the people were satisfied (10) after their explaining and they said that they wanted the improvements and they are willing to pay a rent increase, we call it a rent increase, an increase of charges if it is not too big? -- I do not know of such a situation. The meeting I attended people expressed themselves with regard to the already high rentals and there were promises made to the people to look into the possibility of even lowering those rentals as they were at that time.

So you did not investigate and the people, I put it to you that the people became dissatisfied with these rent increases only when you people in the Vaal Civic Association and the UDF started agitating against rent increases? -- That is a false accusation.

Well how do you explain then the people, according to the evidence in this court, being satisfied and all of a sudden you people start ...

MR BIZOS: My Learned Friend ignores, with respect, the concessions made by these councillors in cross-examination, the dispute that was raised on it, the comments of Professor Van der Walt, the general perception of the people that was (30)

conceded/....

conceded. This may have been the original statements of some of the councillors that were called but the issue was squarely raised and I submit that there is enough, there are enough concessions in other evidence not to entitle the Prosecutor it as baldly as he does.

MRN JACBOS: Edele met respek dis vir die getuie om te sê. Met respek is dit ook dat die getuienis ...

HOF: U kan die getuie vra na aanleiding van h instelling wat u maak. Moet asseblief nie vir hom vertel wat die getuies gesê het nie want dit sal my h week vat om dit uit te (10) sorteer wat al die getuies oor alles gesê het.

MR JACOBS: Is it correct that the councillors were generally called puppets of the government and sell outs on the meetings, on the mass meetings they were depicted as such? -- I have heard councillors being called puppets and I cannot remember hearing them being referred to as sell outs at any meeting.

COURT: You never heard them being called sell outs? -- I cannot remember.

MR JACOBS: So why were they called puppets? -- Well I understood the meaning of the word "puppet" to be referring to them(20) to be not being in the position to make any decisions on matters affecting the people.

Yes? -- And what they did was to carry out major decisions not taken by they themselves. Some of the councillors at resigning they themselves referred to themselves as puppets when they gave reasons that they found the structures not to be in the interests of the people. That is why they resigned, because they found themselves at positions of puppets.

Do you agree that is also an issue taken up and conveyed to the people that the councillors cannot take decisions and(30)

the/...

the councillors cannot carry out their decisions? -- I do not agree that it was an issue taken up and conveyed to the people but I understand it as one of the problems that the people would speak about whenever they came together.

So would you not agree the taking of this question about the councillors being puppets who cannot take decisions and cannot carry out the decision is linking up of this issue with the Koornhof Bill or the Black Local Authorities Act? -- Well I do not see it as linking up but I think the problems were discussed as they were, as the people saw them. (10)

So what was the message conveyed to the people, why were they not in a position or able to make decisions and why were they not able to carry out their decisions? -- I do not know of any message that was carried out to the people.

You explained to the Court why they were called puppets, is that correct? -- By people in the townships?

By the speakers. -- Not only in isolation, that is what I am saying that these problems as they are I cannot attribute them to speakers at the platforms of the meetings called by the Vaal Civic Association but these are problems that (20) the people from time to time would address themselves to, would speak about and this even at the meetings would come both from the platform and from the audience. So I cannot restrict myself to the platform only.

No I am asking you did speakers from the platform use this argument as an argument by calling them puppets, meaning that they cannot make decisions, they cannot carry out the decisions, did you convey that to the audience in the meeting? Did it happen at the meetings or not? -- Well it did not happen where some argument was put up at the meetings and in support(30)

of/....

of an argument that such a message was carried out to the people. But from time to time there would be a speaker who would make reference to councillors as being puppets at the meetings.

Did any of the speakers on the meeting of 9 October 1983 refer to the councillors as puppets? -- Well I remember Dr Motlana said that.

I beg your pardon? -- Dr Motlana said that.

Yes, anybody else? -- Well I do not know other people from the audience.

No I am speaking about the speakers Mr Vilakazi. You (10) are side stepping me every time. You are not trying to answer my questions. -- No, I think it has to be clear because members of the audience who asked to speak I referred to them also as speakers and if the question is not clear that a speaker from the platform I would not know that this is now with particular reference to the speakers from the platform. If he comes as a speaker only then it becomes open to me that it is a speaker either in the audience or on the platform.

ASSESSOR (MR KRÜGEL): Well you say Dr Motlana did? -- That is so. (20)

MR JACOBS: Mr Vilakazi let us deal with the speakers from the platform first. - Well that was only Dr Motlana from the platform.

The only one. Did any of the other speakers from the platform urge the people not to vote in the coming election? To boycott the coming election? -- Well Mr Curtis Mkondo.

Yes, for what reasons must they not, did he tell them not to vote in the coming election? -- Well when he expressed his opinion Mr Mkondo saw the voting in the coming election as not going to be of assistance to the people themselves because (30)

these/....

these councillors also still had constraints to work under.

Did he say so to the audience? -- He used words to that effect.

Yes, and did he give as his reason why he is saying that? And to what restraints was he referring to? -- Well constraints like decision making that has got to be done at the approval of the Minister.

Did he explain that to the meeting? -- And also the Development Board.

And did he tell that to the meeting, to the audience? (10) -- That is what he said yes.

So he took up that and he called it, and he took up that issue that they cannot make decisions and they cannot carry out their decisions? -- Well I cannot say that he took up that issue but he was expressing his opinion with regard to the forthcoming elections, that is how I saw it.

And he was from the UDF and a speaker from the UDF? -- Well I did not understand him to be a speaker from the UDF at that meeting because I did not know ...

Was it not so that Frank Chikane should have come to (20) that meeting, also from UDF? -- Well I cannot remember if it was Reverend Chikane or Mr Aubrey Mokoena who was supposed to be at that meeting but one of the two.

Yes, did any of the audience on that meeting take up this matter of the councillors being puppets and the councillors not being able to take decisions and they must ... -- There were speakers who spoke about that.

Who were they? -- Well I did not know their names.

Were there any of the other official speakers who took up that? -- Well like I said it was Mr Mkondo and Dr (30)

Motlana./....

Motlana.

Anybody else? -- That I can remember.

Of the other speakers from the Vaal itself? -- I cannot remember hearing a speaker from the Vaal itself at the platform.

Can you tell us on the meeting of 27 November 1983, on that meeting, did you attend that meeting? -- On the 27th?

Yes. -- Yes I attended that meeting.

Did any of the speakers on that meeting take up this question or issue, or programme, whatever you want to call it, about the councillors being puppets of the government, not (10) being able to take decisions and carry out the decisions? -- Well people were addressing themselves to general problems as they envisaged them, with the coming elections and the decision making of the councillors was one of the issues that people were addressing themselves to.

Now did the people, the speakers on that meeting from the platform, on that let us get it clear, on that meeting did you have speakers from the platform? -- There were speakers from the platform.

Did you have speakers from the audience? -- There were (20) speakers from the audience.

So let us get on with the speakers from the platform first. Did any of them take up this issue?

COURT: The issue being?

MR JACOBS: Of councillors being puppets not able to make decisions and carry out their decisions? -- Well I remember Reverend McCamel talking to that effect.

Yes McCamel, who else? -- I think again Mr Mkondo was the other person.

And then Mr Mkondo. Yes? -- Those are the two that I (30) remember/....

remember from the platform.

Can you remember from the audience who took up this issue?
-- Well a number of people from the audience took up this
issue.

And a number of people are they from the Vaal? -- The
meeting was called for the people of the Vaal complex and I
took people to be there being people from the Vaal complex.

Did you speak on this meeting? -- I did not speak.

Can you tell us was the issue of the rent increases, or
any rent increases, was such an issue taken up on this (10)
meeting? -- As I said problems in general were discussed at
that meeting and people did talk about the burdens brought about
by the rent increases.

Which of the speakers from the platform did take up this
issue? -- I cannot remember if a speaker from the platform did
but a number of people in the audience did speak about that.

Did any of the speakers on this meeting take up the issue
of oppression by the councillors? -- Well I cannot remember
that coming up, people talking about the oppression of the
councillors. (20)

And did any of them take up the issue of the promises
of the councillors? -- Well a number of people from the
audience spoke about it.

From the official speakers from the platform? -- No I
cannot remember any from the platform talking about that.

So what did the people say at this stage from the audience
about this promises? -- Well they were talking about the
councillors using the promises to get the votes while it was
as known fact that once they were in the Council then they
would not carry out any of these promises, like for instance (30)
the/....

the promise that there would not be rent increases if they were elected into the Council but if they are elected into the Council they would see to it that rents are even reduced.

Did you attend any other mass meetings during the period from the end of October to November, over this period? That is in 1983 before the elections? -- Yes I attended a meeting.

So we had the one of the 27th that you indicated now. Where was that meeting held that you ... -- It was in Sebokeng.

This one was in Sebokeng? -- That is so.

What other meetings were held, mass meetings? -- Well (10) I attended a mass meeting in Bophelong.

In Bophelong. Who organised this one? -- It was the area representative in Bophelong.

What is his name? -- Mr Bonani Maafa.

Did you have ...

COURT: When was this meeting? -- It was some time in November. 1983? -- 1983.

MR JACOBS: Did you have official speakers there, a panel of speakers at the platform? -- Well at the platform there was Mr Johnny Motete and Mr Maafa and the Reverend Lord McCamel, (20) the Chairman of the Vaal Civic Association.

Did you have a panel of speakers at that meeting and speakers to speak from the platform? -- Well two people spoke from the platform and others spoke from the audience.

Who were they? -- Reverend McCamel and Mr Johnny Motete spoke from the platform.

And you yourself? -- I spoke from the audience.

Were any arrangements made before the meeting that you will be a speaker there? -- It was when I arrived in Bophelong when I was asked to speak. (30)

Before/....

BEfore the meeting started? -- Before the meeting started.

So then you must also be an official speaker there because they specially asked you to speak? -- Well the advocate spoke about the panel from the platform and I was not seated at the platform. I spoke about two people speaking from the platform and others from the audience.

Mr Vilakazi was there a panel of official speakers, people asked before that to be speakers and not people from the audience asking permission to speak? -- Well I was asked by the area representative to speak, yes. And I think the (10) Reverend McCamel was also asked by the area representative.

Anybody else? -- Well I knew myself and Reverend McCamel. I do not know about other people who spoke, whether they were official speakers.

Johnny Motete? -- He was also there.

Did he ask permission to speak? -- No Mr Motete did not ask for permission to speak.

Who were the other speakers? -- Well it was the two at the platform, Mr Motete and Reverend McCamel, and myself who were called upon to speak and a number of other people who (20) were given the chance to speak.

Did you know any of them? -- No I did not know the people from Bophelong.

So according to your evidence then there were only three people that we can call people that were officially speakers, not asking permission at that meeting to speak, only three? -- Well there were others who were called upon to speak but I did not know whether they had asked for permission to speak or what happened but I saw them being called up as speakers.

Who called them up as speakers? -- Well it was either (30)

Mr Motete/...

Mr Motete or Mr Borani Maafa, who was chairing because Mr Motete assisted Mr Maafa in chairing.

So they called up certain people. How many other speakers did they call up? -- They called up about another three or four speakers.

Who were they? -- Well I did not know their names.

Not any of them? -- And I cannot say if they asked for permission to speak or they were approached to speak.

Now in this meeting did you use any of the issues so far mentioned, dishonesty of the councillors or oppression by (10) councillors, rent increases or this question about them not being able to make decisions, carry out their decisions and being puppets of the government? -- I did not refer to them at that meeting as puppets but I spoke about the rent increases and I spoke about the decision making power of the Council.

What did you convey to your audience about the rent increases? -- My opinion as I put to the audience there was I felt that with the launching of an area committee the people would be in a position to mandate the area committee in dealing with the rent problems in Bophelong. Because it had come up (20) in the meeting that people in Bophelong from time to time did not know how much rent to pay as they always had to go to the office to enquire and be told this month you must pay so much, this month you must pay so much, which was quite a unique situation.

Yes? -- And I felt that the people could mandate the area committee to deal with these problems with those in authority.

Whom did you blame for this situation about the accounts? -- I blamed nobody.

Did you not blame the councillors for that, the Council (30) system?/....

system? -- As I said I blamed nobody.

Yes? What else about the rent increases? -- Then I said I was of the opinion and the Vaal Civic Association was of the opinion that the people should boycott the elections, the forthcoming elections of the Town Councils, because I saw the boycott of the elections as the best way through which the government would realise that the people were not for their Council structure as it were.

What did you tell them, why were the people not for the Council structure as it was? -- Well I said to people if the(10) people also do not agree with the present, the structure as it were, that of the local Town Council, the Town Council structure as it were going to be at the end of the month it was for them to boycott the system peacefully so that with the boycott and the low poll the government would realise that the people were not for that structure.

Well what did you explain to your audience, what was wrong with the system, the Council system? -- Well I spoke about what I saw as wrong.

What did you explain to the people what was wrong with(20) the system and why they must then boycott it? -- I spoke of the structure as not offering the councillors any power in decision making and I said I saw the offer of the Town Council system to the Black people in the country as a substitute to meaningful political power.

What did you explain to the people at that audience, what was meaningful political power? -- Well I explained to the effect that we were offered the vote in the Council system and not a vote in the government.

So in actual fact is it correct then to say that you (30)

linked/....

linked up the situation of the councillors not being able to making their own decisions and carry them out with the Koornhof Bills and the constitution? -- Well I did not link them up but the two themselves are linked up.

And so is it correct then that also this sixth aim was then also your personal aim ... -- That was not my personal aim.

So why did you link it up then with the constitution and the general right to vote? -- That was not my linking, the two are linked up. (10)

And you explained that to the people? -- I did not explain that the two were linked up.

COURT: You mean they are linked up? -- I spoke about the, My Lord?

You mean they are linked up, you did not link them up they are linked up? -- That is so.

MR JACOBS: Now Mr Johnny Motete what did he say on this meeting? -- Well Mr Johnny Motete invited, in his speech invited people of Bophelong to elect the area committee there and to participate in the activities of the area structure of the Vaal (20) Civic Association so that the area committee that they elect themselves would be able to act according to the mandate of the people in Bophelong.

And that was on the area committee, but what did he say about the coming elections? -- Well I cannot remember him talking about the coming elections.

Or about any other issue, the rent issue or dishonesty of councillors or ... -- Well he only spoke about the rent issue in Bophelong as it were, the rent problem as it were that the people of Bophelong had to go to the offices each month(30)

to/...

to learn how much they had to pay rent.

The same as you? -- But he said, that I did not say it because I did not know about it until it was raised by Mr Motete and other speakers. So he said through the establishment of the area committee problems like the rent problem as it were in Bophelong the people could mandate the area committee there on how to deal with it.

Did he say anything about the high rents? -- He spoke about the rents which were high and at times higher and at times much much higher. (10)

Yes what did he say about that? -- Well he said people had to go to the office to enquire about the rentals first in order to know how much they have to pay because there was no stable rental in Bophelong.

But about the high rent? -- Well that to the extent that every month you find out that this month it is higher, the other month it is higher, the other month it is much higher.

Nothing about the increases? -- Well as I understood it apparently Bophelong was experiencing monthly increases. But Mr Motete himself did not refer to it as increases. (20)

And Mr McCamel, did he say anything about the coming elections or the boycott of the coming elections? -- Well I remember Reverend McCamel talking much also about the need to establish an area committee in Bophelong so that the people can be in the position to direct the workings of that particular area committee. Also that the people in Bophelong should C.502 able to direct the area committee on how to handle the forthcoming elections, which we in the Vaal Civic Association were of the opinion that they be boycotted.

So did he give reasons why it must be boycotted? -- I (30)
cannot/....

cannot remember if he gave other reasons, other than those that I have given myself.

Did he not say anything about the councillors and why they must be boycotted? -- I think he gave the same reasons as I have given this Court.

I beg your pardon? -- If I remember well he gave the same reasons as I have given to this Court.

Now I do not know what reasons you have given to this Court. I am asking you about what McCamel said? -- Well he spoke about ... (10)

Why they must boycott the elections? -- Well he spoke about the little power that was given to the Town Council itself.

Yes? -- That was his reasons.

What did he say about that? -- Well he spoke about them still being going to be controlled by the Minister.

Still being controlled by the Minister? -- That is so.

That is, does that mean that they cannot take decisions? -- That is so.

So he also took up this issue then of the councillors (20) not being able to make decisions and carry them out? -- He spoke about the problem where councillors would not be able to take up decisions with the approval of the Minister.

And because they cannot do that they are puppets of the government? -- Well he did not refer to them as puppets of the government.

Did anybody else on that meeting refer to the councillors then as puppets of the government? -- I did not hear anybody refer to them as puppets of the government at that meeting.

Did you attend any other meetings except the two (30) mentioned/....

mentioned now before the election on 30 November 1983? -- No.

Do you know of any other meetings held in that area during that time, mass, I am referring to mass meetings? -- Well if I remember well there were no other meetings in the area.

Now after the elections ...

COURT: The area being? -- In the Vaal Triangle.

MR JACOBS: Were there any other mass meetings arranged by the Vaal Civic Association after 30 November 1983? Up till the time of, except the one of the 26th, say before August?

COURT: Before August? (10)

MR JACOBS: Before August 1984? -- There was a meeting to launch the area committee for Zone 7.

When was that one? -- It was in February.

In February. Where was this meeting held? -- At the Roman Catholic Church in Small Farms, Evaton.

Who arranged that meeting? -- The area representative for Zone 7.

That is Edith Lethlake? -- That is so.

Did you attend that meeting? -- No I did not attend that meeting. (20)

And after that one? -- I do not know of any other.

In July were there any meetings in July, mass meetings? -- I do not know of any if there were.

Now how many mass meetings did you attend in August 1984? -- I attended one.

That is the one on the 26th? -- That is so.

Do you know of any other meetings being arranged for the 26th in any other areas? -- No I did not know of any others.

Did you not in the area committees report back to the VCA when you arranged other meetings in the area? -- Since (30)

July/....

July I had not been able to attend any executive meeting.

Since July, when in July? -- July 1984.

When in July? -- I think it was the first week when I attended a meeting, an executive meeting.

So you attended the executive meeting in the first week in July and then thereafter you did not attend any executive meetings again? -- That is so.

As an area representative did ... -- As an area representative when I arranged for the meeting of the 26th I mentioned this meeting to other members of the executive committee, (10) including the Chairman the Reverend Lord McCamel.

You mentined which meeting to Lord McCamel? -- The meeting of the 26th.

COURT: Of August 1984? -- That is so.

MR JACOBS: When did you mention it to Mr McCamel? -- I mentioned it to Reverend McCamel during the week prior to the 26th. I cannot remember what date it was.

Where did you see him? -- When I went to his home he was not there and I left a message with his wife.

No but did you speak to McCamel himself? -- Not directly, (20) I did not speak to him directly.

So you never saw McCamel again after July, the first week in July 1984 till after the 26th of August 1984? -- No I had seen him.

When did you see him and where? -- It could have been towards the end of July.

Where did you see him? -- Well he was from the school somewhere in Zone 3 and driving back to his home and he drove past my house.

From the school in Zone 3, is that the school where (30)
he/....

he was teaching? -- No. He was not teaching at that time.

So you only saw him driving past your house? -- No he was driving past my house and then he stopped and then he came in and I was going out to work so I met him there.

And after that when did you meet him again? -- Well I met him again after some time in September.

ASSESSOR (MR KRÜGEL): Is that after the riots started? -- That is so.

MR JACOBS: Yes. I just want to get something clear now. If I understand it correctly you were mandated to look for a (10) venue and to approach Mr McCamel or Lord McCamel to be the chairman of that meeting that you planned ... -- Yes through writing to him, writing a note to him and leaving it with his wife.

Yes. And that you did when you were passing his house after work, after you came back from work? -- No when I saw him, when he drove and I was going out to work was long before I even decided on a meeting.

No when you left the note with him that is what I am referring to? -- My note to him I left much much later, after (20) I had met him outside my house.

Yes, and you were the person to contact him to be chairman? -- That is so.

And that is when you left the note to him? -- That is not. When I left the note with him it was much much later, after I had met him outside my house.

No but I am not referring to the time when you met him outside your house. I am referring when you were looking for him to be chairman it was then that you left a note at his house? -- That is so.

(30)

And/....

And you left a note, if I understand your evidence correctly, your evidence-in-chief, on some day when you were coming back from your work and you passed his house on the way to your house? -- That is so.

At what time was it more or less? -- From work I always arrive in Evaton between 18h30 and 19h00 in the evening.

And what time more or less did you pass his house? -- Between that time, between 18h30 and 19h00. Because from the bus stop it is about ten to fifteen minutes walk to Reverend McCamel's house. (10)

Can you tell the Court about when was it more or less in August? Was it in the beginning of August, middle of August? -- No, it was during the week of the 13th to the 19th of August.

When you passed his house was it on a week day or a working day? -- It was a working day.

A weekday? -- Weekday.

Not over a weekend? -- No.

And from that date did you go back to his house at all? -- I did on a number of occasions. (20)

When was that? -- To be precise I went to his house for the first time on the 15th and again on the 16th and the 17th.

Only as you went past his house from work? -- I would get off the bus at the bus stop nearest to his home in order to start there before continuing to my home. It is not that his house lies between me and the bus stop as such.

But it always happened after you arrived with the bus from your work, you got off the bus, you just went past his house then and enquired about him and then you went home? -- Not just past his house but get off the bus at the bus stop closest (30)

to/....

to him with the aim of getting to his house and meeting him.

And that was always between the hours, what time was that? -- That is so.

Six and ...

COURT: 18h30 and 19h00. -- And 19h00.

MR JACOBS: You never went there specially later in the night to try and find him and to see if you can find him? -- It has never been safe to walk late in the night.

When you attended meetings did you, the house meetings, did you walk late at night? -- I did not walk late at night. (10)

Your house meetings at your place when did they start?

-- Round about 19h30.

19h30 till? -- To round about 20h30.

And the other house meetings that you conducted as an area representative that you told the Court about before this..

-- Those are the meetings I am referring to.

... four, when you attended house meetings at other places when were they? -- Well on the days that I am off from duty then I would start earlier in the evening.

You did not even try over the weekend to get Mr (20) McCamel? -- Well I was not able to get him at that weekend that I had needed him, that is the weekend of the 19th, I was not able to get him because I got word from his wife that he would not be available.

But when you, you did not try to contact him over the weekends to carry out your mandate? -- The mandate was clear that he was not going to be available on the 19th and I had reported to the people that he was not available for the 19th.

Did you speak to him personally? -- I got it from his wife. I could not speak to him personally when he was not there. (30)

But/....

But you did not try anything specially to get him, to contact him and to speak to him personally? -- Well I knew that his wife had told me that he would not be available during the hours that I could manage to go to his house.

And it was possible to get a motor car to go to his house later at night, say 20h00, 21h30? Nothing to prevent you from doing that? -- What his wife told me was that he arrives home between 23h00 and 24h00 and at times during the early hours of the morning because of that work that he was doing. So it would not be easy for me to get anybody to drive me out (10) that time of the night. So I depended on his wife to convey my message to him and also for me to get the messages from his wife.

Yes, let us carry on to the meeting of the 26th and this question, the speakers from the floor ...

COURT: 26 August 1984?

MR JACOBS: 26 August 1984. Were you one of the speakers?

COURT: Where was this held? -- At the Roman Catholic Church, Small Farms, Evaton.

Thank you, was it a morning or an afternoon meeting? (20)
Mr Jacobs you are referring to?

MR JACOBS: The afternoon meeting that you attended. Is it correct you attended, you only attended the afternoon meeting, is that correct? -- That is so.

The combined meeting between Zones 3 and 7? -- That is so.

COURT: Maybe we can start on this after the tea adjournment.

COURT ADJOURNS FOR TEA. COURT RESUMES.

MR BIZOS: My Lord there is just one aspect that I would like to bring to Your Lordship and the Learned Assessors' attention, we are informed that the probabilities are that there will (30)

be/....

be another witness tomorrow and I have already informed My Learned Friends for the State and I want to inform the Court that it is going to be Mr Nkopane, accused no. 8.

COURT: Thank you.

BAVUMILE HERBERT VILAKAZI: d.s.s.

FURTHER CROSS-EXAMINATION BY MR JACBOS: Mr Vilakazi on the meeting of 26 August 1984, that afternoon meeting, were you a speaker at that meeting? -- Before I answer to that question may I indicate that I am still under oath.

COURT: You are yes, I had forgotten to ask you. -- I was (10) a speaker at this meeting, yes.

MR JACOBS: At this meeting did you refer to any of the issues? Is it correct? -- Which issues?

Well we have discussed a lot of issues at this moment. The first one was dishonesty of the councillors? The other one is the oppression by the councillors, the other one was the rent increases, another one was the inability of the councillors as puppets to take decisions and carry out those decisions. -- In my speech at the meeting of the 26th I spoke about the problems as faced by my people in my community (20) and also the problems that I personally had with carrying out my mandate as an area representative in the absence of an area committee.

So can you elaborate and tell us which programmes did you make use of? -- I did not make use of any particular programme but I mentioned the problems that people had approached me.

People? -- That people had approached me with these particular problems. Particularly the hardships that they would face in the light of the rent increase and seeking advice from me on how to handle this issue whereby others were also (30)

of/....

of the opinion that perhaps trade unions could play a role in resolving the rent issue in the area, where from time to time I had to explain the area where the trade unions could be of assistance to people as opposed to areas where community organisations could be of assistance to people and my suggestion that with the people electing people of their choice in the area committee would bring a relief to the situation in that they themselves will mandate the committee on how to deal with these problems.

I will ask you again did you refer in your speech to (10) any issues or hardships as you call it now, specifically? -- I referred to problems.

Oh problems. What problems did you refer to?

COURT: Well he has explained to you that the people had a problem in the light of the rent increase and that trade unions were not the answer because that was not actually their field.

MR JACOBS: What other problems did you refer to? -- The other problem I referred to was where the people were not consulted in the light of the rent increase even before the Council took a decision on this particular rent increase. (20)

Was that the problem that you identified by yourself? -- That was identified in the township.

How can a, how do you know what a township as a whole identifies? -- Well I live amongst these people and whenever these people are together, not necessarily in a meeting situation, but they will always speak about these problems that they are faced up with in the community.

To shorten this I would like to put it to you directly that this question about consulting before the rent increases is not altogether correct because the councillors did hold (30) meetings/....

meetings in their wards and explained to the people that their demands will require an increase of rent? -- But there was no consultation before the decision to increase the money was reached.

What consultation do you refer to now, so that we can understand it clearly? -- The need for the Council, in the light of the demands, in the light of projects that they have got to embark on, the need for them to go back to the community and say now we have this and we have no source of income to meet up with these projects whereby from such a meeting the (10) people can discuss the problem outright and only when there is an agreement, a particular source of income could be sought failing which an agreement on an increase in rentals could then be reached.

So I will put it to you further that you are incorrect in your approach and incorrect when you told this to the audience there because the councillors did go back to the people afterwards and explain to them the need for rent increases in order to carry out their demands and they were satisfied? -- That was after an increase, as evidence has been led here, that (20) was after an increase had been decided on and I do not know if people were satisfied because people I met, people who live around me, were not satisfied with the rent increase.

And they did hold a series of meetings on 5 August for instance to explain to the people? -- That I do not know.

Did you try anything to find out what the Council did in order to consult with the people before you embarked on such a statement in a public meeting? -- Yes I approached Councillor Mokoena who did not have time to sit down and discuss this and who promised that he will come back to me and he never did. (30)

When/....

When was that? -- That was some time in August, early August.

So you were prepared to make a bald statement to the people in the audience on what you heard from Mokoena, out of 37 councillors?

MR BIZOS: My Lord it is not in accordance with the evidence. He did not speak to Mokoena.

COURT: The point is he approached Mokoena and Mokoena said he has not got the time now and we must make an appointment and discuss it and Mokoena did not come back to him to (10) discuss the matter with him.

MR JACOBS: You did not, I will withdraw the question and ask it otherwise. You did not, except for this incident, try to find out the proper, what was the proper situation?

COURT: Well is your question limited to what happened in his ward or in general right throughout the township?

MR JACOBS: Throughout the township, throughout the Vaal? -- I never got any information that anything had been done throughout the Vaal complex and the person I could consult with was a person who was elected in my ward and a person I knew (20) and a person I was on speaking terms with that was Councillor Mokoena.

So why did you not approach the other councillors, or the Mayor of Lekoa, or the offices, to find out what was being done? -- I said the convenient person for me to meet was Councillor Mokoena.

Did you know anything about the meetings of the councillors held in August 1984? -- I never had any information about such meetings.

Were any such meetings held in your ward? -- I did not (30) know/.....

know of any of such meetings held in my ward.

If it is a fact that they did approach the people on 5 August and they did explain to the people why the rents are increased and they did explain to the people why, they even subsidised the increase of the rent to lower the amount that the people had to pay would you agree then that your information given to the audience was totally wrong?

MR BIZOS: My Lord with respect, the information given was that the rent was increased before any consultation. The evidence is that the increase was at the end of June and the meetings were held on 5 August. (10)

COURT: The notification was given the next day, not before 5 August.

MR BIZOS: No but with respect there is evidence and newspaper cuttings that the Mayor himself at the end of, in the beginning of July had announced that there would be increases because of the additional employees and other matters. The only matter that I am putting is that what was said at the meeting of the 26th was that the rent was increased before there was consultation. That is in accordance with the State's evidence. (20)

MR JACOBS: Well I will put my question again like this, that on the meeting of the 26th of August your information that the people did not know and the councillors did not consult with the people about the increases of the rent, that was wrong? -- My conviction was that was right.

Because in fact the councillors did consult with the people, did explain to them why the rents were increased, and therefore your information must be wrong. -- My information is right because the advocate puts it now that consultation with the people, as he claims, were after the rents were increased (30) and/....

and I have based my speech on consultation before increase.

And I put it to you that even before that some of the councillors did go back to their wards to explain to the people what of their demands were put on the budget and that it will cost money and to that extent your evidence is also wrong? -- Well I do not know of any instance and I cannot remember if the State led any evidence to the effect that, even the councillors who gave evidence here that after the budget they went back to the people, other than the meeting that the advocate has been speaking of during the first week of August. I (10) do not know of any other meeting other than that one where the budget was discussed with the people that this is the budget and it requires so much and it will need money.

Did you handle any other issues at that meeting, you mentioned now the problems with the rent increases, no consultation before the increases, what other problems did you use in your speech to the people? -- I did not use problems in my speech but I explained that one of the problems that the people came with, expecting that the VCA would be of assistance to them with, was with regard to the explanation of (20) the new taxation system on which I referred the said people to their trade unions who would, if there were problems, would then discuss these with the employers since the employers were expected to deduct these taxes and so that people should be explained to how this system works.

Did you explain to that meeting as well that the workers, the employers will be approached and asked not to deduct the rent increase from their salaries? -- That I did not speak about.

Did anybody else speak about that? -- I do not know of (30)
anybody/....

anybody else who spoke about that.

Did you ask the people to support the call for the boycott of the councillors and that they must resign? -- I did not ask the people to boycott the councillors, I asked, I said to people that it is only democratic for the people, if they feel that the councillors have failed them, for them to ask the councillors to resign and I have made an example of this councillor who has spoken to me that if he fails to be of assistance in solving the financial problems of the Council and not being able to deal with the problem of the rent (10) increase then he will resign as a councillor.

You said when he failed then in what way did they fail them? Did you explain that to your audience? -- I cannot remember if I explained to them.

And did you explain to your audience that what will happen to the councillors if they do not resign? -- No my speech was limited to calling on the councillors to resign.

And what was your aim, what would you try to achieve when they do not resign? -- I do not understand the question.

What will happen if they do not resign? -- During the (20) course of the meeting this was discussed and it came from the audience that if the councillors did not resign those councillors who have businesses in the township would have their businesses being boycotted. And secondly the resignation of the councillors would be discussed with the representative of the Development Board in the area.

When? -- On the morning of 3 September.

You said that came from the audience? -- That was from the audience.

Not from a speaker? -- No.

(30)

What/.....

What else, do you know anything else? That will happen to the councillors if they do not resign? -- Well that is how far the issue was discussed in the meeting, that is how far it was acceptable.

Did you at any stage make out the councillors to be puppets of the government or sell outs? -- I did not make any reference to that effect and during the course of this meeting nobody made reference to them as puppets and sell outs.

If I remember correctly the first speaker, official speaker, was accused no. 17? -- That is so. (10)

17, is that correct? -- That is so.

Now did he in his speech refer to any of the issues?
-- Can I have clarity on issues again?

COURT: You and the witness have now differed from each other for the last how many hours on whether one should use the word "issue" or whether one should use the word "problem". Why do you not use the word problem and then you will get along a bit faster.

MR JACOBS: Of the problems. -- Mr Matlole, accused no. 17, in his speech he spoke about the Vaal Civic Association and (20) I remember he spoke particularly about the involvement of the Zone 7 Action Committee in solving the school problem at two particular schools. He mentioned one school in particular, Sokwase, where the problem at that stage was the age limit restrictions on scholars and because of these restrictions many scholars would find themselves out in the streets. The Action Committee and the parents took up this problem..

COURT: Was that Action Committee Zone 7? -- That is so. Took up this problem with the schools concerned and the inspectorate in the Vaal complex and thereafter the said scholars were (30)

returned/....

returned back to school . The situation was solved that way.

MR JACOBS: Did he say that the Action Committee of Zone 7 took up this? -- That is so.

Was he correct in that? -- Yes he was correct.

Did you not tell us in your evidence this morning that this question of the school problem in Zone 7 was taken up by the people before an Action Committee was formed? -- Before the area committee was formed.

I mean before an area committee was formed. -- And that was the Action Committee that was there. (10)

So it was not taken up by VCA? -- It was taken up by VCA because this action committee was working towards the launching of the Vaal Civic Association's area committee there. These are the people who were assisting the area representative.

Did he refer to any other problems except the school problem? -- That is what he referred to, the school problem.

The only one that he referred to? -- The only one I remember him referring to.

Did he say anything about the councillors, them to resign? -- No. (20)

He did not say anything at all about that? -- Not.

Did he say anything about boycotting the councillors? -- He did not.

Nothing at all? -- He did not.

Did he say anything about the march or the stay away on the 3rd? -- In his first speech he did not.

Did he later on say anything on that? -- Yes.

What did he say? -- Later on he asked people to behave responsibly now.

To? I am sorry I did not hear it? -- To behave responsibly/.... (30)

responsibly enough by discussing issues with the aim of reaching an agreement and when reaching an agreement for people to respect such an agreement.

Yes. -- And he said those people who felt that they cannot align themselves with this agreement were free to do so and he quoted a verse from the Bible where Gideon was in consultation with God where God gave Gideon guidance on how to choose people who were not prepared to follow God's instruction and those who follow God's instruction and accompany Gideon to defend God's land. (10)

Yes. And does this mean that there is a selection between cowards and other people? -- Well I cannot remember what it says in the Bible.

Did he call anybody to be cowards if they not, what is the meaning of this in relation to what he said in his speech, this about Gideon? In what respect does it relate to his speech? -- Well I understood him to be meaning that people were free to keep to the agreement of that meeting in participating in the march and those who were not agreeable but were not saying it were free to stay at home. (20)

Is that what he said? -- That is what he said.

Now you said he said something about discussing the issues to reach an agreement. What issues are you referring to here? What did accused no. 17 say in this line? -- That when the problems and the suggestions were brought up in the meeting that people should be open minded when discussing these problems for the success of the meeting in reaching agreement on the said issues that arise there.

Do you know what issues were in fact in issue there, in issue here? When he spoke to what issues did he refer? (30)

Can/....

Can you name some of them, did he name them? -- Well he was speaking referring to points that were raised by people during discussions.

Yes, but I ask you specifically to elaborate on that and to tell us precisely what points ... -- There were a number of points that were raised.

What issues were raised? -- There were a number of points that were raised at that meeting.

So tell the Court? -- The first point that was raised, that I can remember, was the call on the resignation of the (10) councillors.

Did he mention that? -- And in any case, he did not mention that but I am referring now, the advocate asked me about what are these points that came up in the meeting.

COURT: Well the points that were raised by people which he referred to. You said he referred to points raised by people during the discussions. -- The question was what was he referring to by that and I said now he was referring to points, not that he made these points.

No which points did he refer to, referring to no. 17? (20) -- That is so.

Yes? -- And the points that were raised by people, although he did not name each and every one of the points.

MR JACOBS: Although he did not mention each and every one. Did he mention any of them? -- He did not.

Not at all? -- He did not.

COURT: How can you refer to points when you do not mention them? -- Well in Sotho he put it that "re dumelani gaditaba tsraona" (?) That is now to be agreed on things that we say.

MR JACOBS: Was it put in the abstract then? -- That is so. (30)

COURT: /....

COURT: Did he refer to cowards? -- He quoted from the Bible.

Did he refer to cowards? -- I cannot remember if he particularly referred to cowards, mentioned the word "cowards".

MR JACOBS: Did he refer to any other problems or was it only the one problem, the school problem, and except for this other abstract situation? -- I remember him referring particularly to the school problem. I cannot remember any other problem being referred to.

And did he call for the resignations of councillors? -- I cannot remember him calling for the resignation of coun- (10) cillors.

If I remember correctly the speaker after him was you? -- That is so.

And after you it was Rina Mokoena? -- That is so.

Did she deal with any of the problems in the Vaal complex in her speech? -- Yes she dealt with problems.

Which problems did she mention in her speech? -- The problems brought about by the rent increase.

The first one is the rent increase. Yes? What did she say about that? -- She spoke about here being already in (20) arrears with rentals and she mentioned that the increase would bring more hardships as she had a number of children at school and she was at loss on how to deal with this problem since she also has to pay for the schooling, pay fully for the schooling of the children.

And did she blame the councillors or the Council system for her problem on the rent and the schooling? -- Well I cannot say she blamed them but she mentioned that before being elected the councillors had made promises to look particularly into the rent problem. But now the situation was that the (30)

very/....

very same councillors were coming now announcing a rent increase.

Did she then call on the women to participate in the fight to fight the rent increase and fight the councillors? -- She never called upon any section of the community to participate in fighting against the councillors. And I want to make it very clear that nobody called upon any section of the community to fight the councillors at that meeting.

Was ... -- Secondly when she invited women to participate she was referring to the Vaal Organisation of Women. (10)

To do what? -- Which she said was an organisation formed by the women in the Vaal complex to assist one another during these times of inflation and she also mentioned that one of the projects by the Vaal organisation of Women was for the women members to pool resources together and buy in bulk.

Did she call for the resignation of councillors or the boycott of councillors or participating in the march, or ... -- She called for the resignation of councillors.

I beg your pardon? -- She only called for the resignation of councillors. (20)

Why did she call for that, what did she say? -- It was when she was speaking about the councillors having made promises to the people to look into the rent increase but coming back with a rent increase that would cause further burdens on the people.

Did she refer to any specific councillor making promises? -- She did not.

Did she say anything about the boycotting of the councillors? -- No.

Did she refer to the stay away on 3 September? -- She (30)
did/....

did not.

Or the march to Houtkop? -- She did not.

Yes and then who spoke after her? -- The person who spoke after Mrs Mokoena was Mr Gcinumuzi Malindi.

Who is that, is he one of the accused? -- That is so.

Which one? -- Accused no. 5.

Yes, who introduced him? -- He was called upon to speak by the chairman.

And did the chairman elaborate that he was a speaker on behalf of the youth? -- I cannot remember the chairman (10) elaborating.

And that he is a speaker from COSAS? -- That did not happen.

Why are you so sure of that? -- Because there was no speaker from COSAS at that meeting.

Only a speaker for the youth? -- Well I had learned at an earlier meeting that there would be a speaker for the youth.

Yes. In his speech did he refer to any of the problems? -- Well Mr Malindi in his speech he referred to the problems of land in Evaton as he had learned them at an earlier meeting that same day. (20)

The problems of land in Evaton? -- That is so.

What did he say about this problem of land in Evaton? -- Well he said he had attended a meeting earlier in the morning where the people of Evaton had come together in trying to solve their problems in Evaton where expropriation was still threatening their land.

And who did he blame for that? -- I cannot remember him blaming anybody for that.

Not the government, the central government? -- Well I know him to have spoken about the problems of land as he had (30)

heard/...

heard about at that particular meeting in the morning. I cannot remember if he made any reference to any particular group of people being to blame for that.

Did he blame anybody from the Vaal Civic Association, the Vaal Council or the Board? -- Well I cannot remember him specifically blaming any person for the problem.

Not even sell outs? -- He did not use that expression.

Or people in, did he say anything about people in the Evaton Ratepayers Association going behind the backs and working with the establishment against the people? -- That (10) was not said by Mr Malindi.

He did not refer to the Evaton Ratepayers Association? -- Well he referred to the Ratepayers Association by saying that the meeting in the morning had been called by the Evaton Ratepayers Association.

What else? That is one problem, the land in Evaton. What other problem did he touch on? -- He said he was thankful that the people in Sebokeng were equally meeting to discuss their problems and more particularly now that the parents were coming together to elect a parents body. (20)

Yes? -- Which in itself was quite helpful in that this community organisation could be of assistance to those at school who have problems with their schooling and he saw these community organisations being in a position to intervene between those in authority and the students with regard to the problems experienced at schools.

Yes. What ... -- He said if we have such a situation we would not have the school crises as experienced even by people in Pretoria, in Atridgeville.

COURT: Now was the purpose this meeting then to elect a (30) parents/...

parents body? -- An area committee. He referred to parents being that the members of the community who were forming an organisation so he preferred to refer to them as the parents.

Were there at the time in existence parents bodies, parents organisations? Parents committees, or not? -- There were, there was a situation where each school would have a school committee comprising of parents, that I knew of.

Was that ... -- For a particular school.

Was that what he referred to or not that? -- No, he was not referring to that. (10)

So when he referred to the Area Committee he referred to parents? -- That is so. I take it it was out of his respect for the elderly people who were there.

MR JACOBS: Mr Vilakazi this answer that you have given is that he is happy because of the area committee and what they can do. I asked you specifically did he discuss any specific problem in his speech further. You mentioned on problem and that was the land in Evaton. Can you answer my question now? -- I think I have answered that question. The next problem he referred to was the school problem. (20)

Did he refer to any, what did he specifically say about the school problem? Did he elaborate and point out a certain problem that was in the schools? -- Well I cannot remember him isolating a particular problem.

So that is only a general statement of possible problems. But did he elaborate on any specific problem? -- He did not elaborate on specific problems as far as I remember.

In regard to the schools. Did he refer to any other problem experienced by the people in the Vaal? -- When he spoke about the other problem he spoke about the problem of rent(30) increase./....

increase.

What did he say what is the problem on the rent, what was his words? -- He spoke, I cannot remember his exact words but I remember him speaking about how the members of the community felt that the rent increase would affect them and that people had met at an earlier meeting the previous day at Zone 13 where the rent problem was discussed.

Did he say or did he tell the audience ...

MR BIZOS: My Lord I am sorry to interrupt. Could I place on record that Accused no. 19, Mr Molefe, left shortly before (10) 11h00 and is now back in court.

COURT: Thank you.

MR JACOBS: Did he elaborate and tell, did he tell his audience how the rent increase will affect them? -- I cannot remember him going into that.

What did he say about the rent increases affecting the people? -- He merely said that, what I remember him saying is that he referred to people in Zone 13 meeting the previous day to discuss this rent increase and how it will affect them.

But he did not tell the audience how it will affect (20) them? -- Well it was to the extent that they had come together because they felt the rent increase would be heavy on them.

And whom did he blame for the rent increase? -- He did not blame anybody on the rent increase but he mentioned that the meeting at Zone 13 decided on calling the councillors to resign if they cannot solve the rent problem as it was going to be heavy on the people.

Now if the councillors must resign because of the rent problem then the blame was put on the councillors, is that not so? -- He was referring to what happened at that meeting (30)

and/....

and the question was whom did Mr Malindi blame.

I beg your pardon? -- Mr Malindi was referring to what took place at an earlier meeting and I did not understand him to be expressing his own personal opinion.

How can you explain what opinion he is expressing? -- Well that is the question that on whom did he blame the rent increase.

Yes but I asked you what did he say in that regard and if he asked councillors to resign is it not clear then that they are to be blamed for the rent increase? -- He did not (10) ask the council to resign.

Did he say anything about the councillors to resign? -- He mentioned that at a meeting he attended the previous day there was a call on councillors to resign.

Did he repeat the same call at this meeting and ask that the councillors must resign? -- I cannot remember him repeating that. Other than mentioning to the meeting what happened the previous day.

Did he say anything about the boycott of the councillors? -- He said one of the resolutions at that meeting was that (20) in case councillors do not resign the people then decided that they will boycott the businesses of the councillors.

Did he ask the people at this meeting also if the councillors do not resign they must boycott the councillors, the businesses of the councillors? -- He did not.

Did he say anything about the stay away? -- Yes he said that one of the resolutions at that meeting of the 25th was for a stay away in protest against the rent increase, on Monday 3 September 1984.

Did he say anything about this meeting also adopting (30)

a/....

a similar resolution of staying away on the Monday? -- He did not.

Did he say anything on the march to Houtkop? -- He did not.

Did he say anything about the parents must pay the rent and that will also influence the youth and it will touch on the youth as well? -- I do not understand the question.

When he spoke against the rent increases did he link the hardships that the parents would suffer as a result of this rent increase will also link up with the children or the scholars and they will suffer hardships as well because (10) their fathers will have less money? -- I cannot remember him making such a reference.

Did he say anything about any other problem? -- No.

So why would, he was an invited speaker at that meeting, is that correct? -- He was what?

An invited speaker? -- As far as I know the question of how Mr Malindi came to be a speaker there was after a request from the Zone 7 Area Committee that there, that they had made arrangements for somebody to speak on behalf of the youth, to be at this meeting. (20)

COURT: Now let us get some clarity on this. Would one grab anyone on the street and say "You speak on behalf of the youth" or would one get somebody from a recognised organisation to come and speak on behalf of the youth? -- I think it will basically depend on the convenor of the meeting.

Well practically speaking what would you do, would you not contact an existing organisation with which you are either affiliated or on friendly terms and ask them to send a representative? -- That is if there is an existence of a youth organisation then I would see if ... (30)

Well/....

Well were there not any youth organisations in Sebokeng?
-- I did not know of any existence of such an organisation.

None at all? -- Other than the church youth groups,
different denominations.

MR JACOBS: Who spoke after accused no. 5? -- I cannot remember
clearly but there were two other speakers from VOW, that is
Mrs Matsaneng(?) and Mrs Olifant.

Mrs Olifant, do you know whether she was ...

COURT: Sorry I am interrupting you, is it Mr Motang?

-- Matsaneng.

(10)

Matsaneng? -- That is so.

MR JACOBS: Mrs Matsaneng was she -- And Mrs Olifant.

Mrs Matsaneng and Mrs Olifant. Did they represent any
organisation?-- Yes they said they were speaking on behalf of
the Vaal Organisation of Women.

Were any of them members of any of the area committees?
-- Well I do not know if Mrs Matsaneng was a member of any
area committee but Mrs Olifant had been of assistance in es-
tablishing the Zone 3 Area Committee but she was not elected
to the committee at the meeting of the 26th so I cannot (20)
say she was a member of the Area Committee.

Did you have a working group, or a steering committee for
this area committee? -- That is so.

What did you call it? -- Well we did not have a specific
name for it but I would normally refer to it as an Action
committee.

The Action Committee, so you got an Action Committee? --
That is what I would refer to it as.

Who were members of that Action Committee? -- Mrs Olifant
herself and her husband Mr Ernest Olifant, Mr Nkopane. (30)

What/....

What accused is that, refer to him as his number as an accused? -- Sorry?

Refer to him as an accused and what number? -- Accused no. 8 he is.

Yes? -- And Reverend Mahlatsi, and myself.

Is that all? -- And Mr Maropedi(?) .

When was this Action Committee formed? -- At one of the house meetings prior to the meeting of the 26th.

You must be more specific about that Mr Vilakazi, when, at which house meeting? -- I think it was at the second (10) house meeting which was on the 16th.

Not the first one? -- Of August 1984.

Was it not the first one when you started with this? -- No at the first meeting there were only people who were asked to look for the venue and some of them were elected into the Action Committee at the next date.

Some of them were elected into the election committee on the next date. So you are sure it was on the next date? -- Yes I am sure it was on the next date.

Now Mrs Matsaneng, did she call for the resignation of (20) councillors? -- No she did not speak about the resignation of councillors.

Did she say anything about the boycott of the council? -- No.

Did she say anything about the stay away on the 3rd? -- Yes.

What did she say about that? -- Well she said she was supporting the stay away and the march as she saw this as the peaceful way of making the Development Board to take notice of the people's grievances and the problems. (30)

Did/....

Did she elaborate on that, what problems? -- Well she was referring to the problems already mentioned and she did not elaborate on the problems themselves.

I beg your pardon?-- She did not elaborate on the problems.

Did she say she was speaking on her own behalf or on behalf of VOW? -- She said she spoke as a member of VOW. And I take it she was speaking, I cannot form an opinion that she was speaking on her personal capacity or on representative capacity.

And Mrs Olifant? -- Herself also, she spoke as a member(10) of VOW.

Not as a member of the Action Committee? -- Well what was important to me and how I saw them I saw them speaking as residents. Only mentioning that they themselves on introducing themselves said they speak as members of VOW.

Was she not also, did you not decide on her being one of the speakers? -- She was supposed to have been one of the speakers as we had agreed but when she spoke she introduced herself as a member of VOW.

Did she touch on any of the problems? -- Yes she spoke(20) on the problems of rentals.

What did she say? -- On how the rent increase does affect the mothers in the community as those who are the people who are responsible for the budget of the families. And she spoke about the benefits of being in organisations, with particular reference to VOW and she spoke about the projects in VOW and the need for more people to join VOW so that new ideas could come up within that organisation.

Did she say anything about boycotting councillors? -- No.

Did she say anything about them resigning? -- Well I (30)

cannot/....

cannot remember if she mentioned resigning, the resignation of councillors.

And did she say anything about participating in the stay away and the march? -- I cannot remember if she did make reference to the stay away and the march.

And who else spoke on that meeting as a guest speaker? -- The only guest I remember who was there, and I do not know if one can safely say he was a guest speaker because I even realised his presence when he was called upon to speak, was Mr Kabi from Evaton. (10)

COURT: What is his first name? -- I have forgotten his first name. Caswell My Lord.

Caswell? -- Caswell Kabi, subject to correction or I may be mentioning his son's first name.

Not Ephraim? -- No.

MR JACOBS: Did you decide on the previous joint house meeting between Zones 3 and 7 that he must be a speaker? -- As I said I did not know how Mr Kabi came to the meeting, I even became aware of his presence when he was called upon to speak. Whether he asked to be given a chance to speak or the chairman saw (20) him as a member of Evaton Ratepayers Association, as the chairman and called upon him to speak or whether he was invited.

Did he attend your joint meeting on the, I think it was the previous, the 24th. I am not sure of it, the 24th or, when was your joint meeting when you arranged the speakers for this meeting of the 26th? -- That was on the evening of 24 August.

Yes. 24 August, and did Mr ... -- 1984.

And did Mr Kabi attend that joint meeting? -- The meeting was between the people from Zone 3 and the area committee in Zone 7. (30)

COURT:/.....

COURT: Is the answer yes or no? -- Mr Kabi did not attend.

MR JACOBS: Did anybody from the Evaton Ratepayers Association attend that meeting? -- Nobody from the Evaton Ratepayers Association attended that meeting.

MR BIZOS: For clarity My Lord, is this the meeting of the 24th?

COURT: Yes.

MR JACOBS: Did Mr Kabi attend any of the other meetings of area, of Zone 3 Action Committee meetings? I suppose there were four of them? -- No he did not. (10)

Any other member of the Evaton Ratepayers Association attend any other of your house meetings? -- There was none.

Now Mr Kabi, on this meeting of the 26th, did he speak as a representative of Evaton Ratepayers Association? -- I am not in a position to say.

COURT: Well did he, was he referred to by the chairman as the Chairman of the Evaton Ratepayers Association? -- I cannot remember if the chairman introduced him to the effect of he being the chairman of the Evaton Ratepayers Association. But I remember Mr Kabi himself mentioning that he was the chair-(20) man of the Evaton Ratepayers Association.

MR JACOBS: Did he say anything of the problems of the people in the Vaal? -- Well what he said he said he was glad to see that the people in the Vaal were coming together into organisations in trying to solve their problems. Then he referred to the people of Evaton having themselves come together in the Evaton Ratepayers Association to solve their problems in Evaton, and he also mentioned some of the problems the Evaton Ratepayers was faced up with in Evaton.

What problems did he mention? -- Well he mentioned (30)

the/....

the problem of having some members of the Evaton Ratepayers Association being disloyal to the organisation and whilst they were still members of that organisation that was opposed to expropriation of land in Evaton these people were moving along with the Board in its plan to expropriate more land in Evaton.

Did he call them sell outs or puppets of the Board or government? -- He did not use those terms.

Yes, what else what other problems did he refer to? -- Well he referred also to the problem of people losing their land in Evaton due to expropriation. He also mentioned (10) that the Mayor of Evaton, Mr Rabotapi was in cahoots with the Board in expropriating people's land.

In what way, did he explain that? -- Well I heard him referring to the replanning but he did not explain further than that.

He did not explain. So did he blame the ex-Mayor, Mr Rabotapi and the Board for the expropriation? -- I do not know if Mr Rabotapi is no longer the Mayor but at the time he was referring to him as the Mayor of Evaton.

Well at the time, I am referring to at the time. -- (20) And he was saying the Board was expropriating land and Mr Rabotapi was in cahoots with the Board in expropriating land.

Yes. So why did he refer to the fact that Mr Rabotapi was in cahoots with the Board? What did he say about that? -- Well he said it was one of the problems in Evaton.

Yes, and what did he say about that, what did he say about a councillor being part of working with the Board. Did he blame the council system for that? Did he blame anybody for that? -- Well my understanding was that he was blaming Mr Rabotapi and the Board. (30)

For/....

For this? -- For that yes.

What other problems did he refer to? -- Well he referred to the two problems.

Any other problems? -- I cannot remember him referring to any other problems.

Did he ask the people to boycott the councillors? -- No he did not mention people boycotting the councillors.

Did he ask the people to join the stay away? -- He did not.

Did he ask the people to participate in the march? -- (10)
He did not.

Did he call for the resignation of councillors? -- He did not.

NOthing else? -- He did not.

You are sure of that? -- Well as far as my recollection is, of the events of that day.

Yes, who else spoke at that meeting as an invited speaker? -- I cannot remember anybody else who spoke as an invited speaker at that meeting.

Rina Mokoena? -- We have dealt with her. (20)

Do you know any of the other accused here before the Court being invited as speakers? -- No.

You are sure of that? I am asking you are you sure of that? -- I cannot remember any of the other accused speaking.

C.503 So would you agree with me then that on a lot of meetings you did make use of day to day issues, of problems as you called it, of the struggle of the people and linked them to the Koornhof Bills and the constitutional proposals? -- I disagree with that proposition.

I put it to you that you did adhere to the aim as put, (30)
aim/...

aim no. 6 here of the UDF? -- I disagree with that.

COURT: As put where?

MR JACOBS: In EXHIBIT K2.

COURT: The reader of this record may be forgiven to have forgotten that we are still busy with K2.

MR JACOBS: As the Court pleases. Another aim, and an important aim on this EXHIBIT K2, is to defeat the government's attempts to impose the Koornhof and the constitutional proposals. Have you got it in front of you? -- I have got it in front of me. (10)

And do you in the Vaal adhere to this aim of the UDF? -- Which one is it?

No. 1. -- No. 1.

To defeat the government's attempts to impose the Koornhof and constitutional proposals? -- I would say we in the Vaal complex, the Vaal Civic Association was launched to, for the residents themselves to be able to give the association a mandate on the problems that they were faced up with and with regard to the Koornhof proposals and the constitutional proposals the mandate was that that was rejected. So I (20) would not say that the aim was to defeat it but the aim was to reject it even before it was put into Act. Because the people were not agreeable.

COURT: So the aim was if you use the word "reject" instead of the word "defeat", identical to paragraph A1 of this programme of action? -- I would say that.

MR JACOBS: And I put it to you that the aim of the Vaal did go further than only reject it because the calling for the councillors to resign is an endeavour to defeat the Black Local Authorities? -- We are not contesting with the Black Local (30) Authorities/....

Authorities to mean that we were defeating it, we had rejected it and we were still prepared to negotiate a local authority that would be agreed upon between the Development Board as the level of government most accessible to the people and the people of the Vaal complex.

But Mr Vilakazi I was referring specifically to the Black Local Authorities. You were not accepting that in the Vaal? -- That is so, we were rejecting it.

And you were trying to defeat it after the election of 30 October 1983 when the Council system came into, the (10) Black Local Authorities came into effect. Thereafter you tried to defeat it by getting the people to force the councillors to resign? -- It has never been our intention in the Vaal Civic Association, it has never been the mandate to the Vaal Civic Association by the people of the Vaal complex to force the councillors to resign.

If you boycott the councillors because they would not resign is that force or not? -- Well that is refusal to buy at councillors shops.

But you force them to resign otherwise you will not (20) buy at their places? Is that not so? -- We did not force them. We asked them to resign.

And if they ... -- And this boycott was to be used to signify the popularity of the call.

But if you boycott somebody if he does not listen to you then you are using force for him to resign? -- I do not see it that way.

And I put it to you that you tried to defeat the Black Local Authorities by rejecting them? -- Well we rejected the Black Local Authorities and we were still prepared to (30) negotiate/....

negotiate with the government for a structure that would be agreeable between the government and the people.

And the second aim there, that to strive for the maximum possible unity of worker, community, political, student, women's, youth and religious organisations for this purpose. Is that also one of the aims of the VCA and did you adhere to this one? -- I cannot remember us in the Vaal Civic Association striving for the unity of the organisations in opposition to the Koornhof Bills in the Vaal complex but to look up at all the problems of which the Koornhof Bills, not in isolation, (10) were part of the problems as we saw them in the Vaal complex.

Did you strive for the maximum possible unity of workers, community and all the other organisations or not? -- We did.

Yes. And the purpose was to oppose the government's attempts in the Koornhof Bills and the constitutional Bill? -- Opposition of the Koornhof Bills was one of the aims at uniting these but others were to have a situation whereby the problems of the people in the community as arising could be shared amongst the organisations.

And the programme of action, in part B of this document, (20) you also adopted, I put it to you that you adopted in the Vaal the same, and you did use the same programme, the same programme of action? You did, point 3, door to door campaigns in all areas. You did that, is that not so? -- I know of house meetings and mass meetings and I do not know of a situation where there was door to door campaigns in the Vaal.

And an interesting point, just see there point 5, Provincial rally for the people of the Transvaal. The rally would take place at the end of October. Does this refer to the Lenasia Rally about which you gave evidence? -- Well (30)

I/....

I do not know if this is specifically with reference to that particular Rally as this document I see for the first time as an exhibit in this court and I would not say specifically that was the rally or the only rally that the UDF held in October.

COURT: Well it was the main rally was it not, at the end of October? -- Well I know that I attended a Rally which was referred to as the People's Rally in October at Lenasia that was hosted by the TIC but I cannot say if point no. 5 refers to that particular rally.

MR JACOBS: Mr Vilakazi I put to you that this was applied (10) on the next, after this meeting when the next meeting of the UDF took place in October 1983, copies of these were sent to the VCA in the Transvaal? -- To the VCA in the Transvaal.

The VCA in the Vaal? -- Well I do not know if VCA...

COURT: Copies of what?

MR JACOBS: EXHIBIT K1, 2 and 3. All the documents related to this. -- I do not know of this document being sent to VCA.

You did, the VCA did attend the meeting of 12 November 1983, is that correct? Will you have a look at EXHIBIT M2.

COURT: What is the date? (20)

MR JACOBS: 12 November 1983. That is the Minutes of a General Council Meeting held on 12 November 1983, that is UDF, Transvaal? -- I have the said document in front of me.

ASSESSOR (MR KRÜGEL): I cannot hear you. -- I have the said document in front of me.

COURT: Well did you attend it? -- I did not attend.

MR JACOBS: Did the VCA attend this meeting? -- The VCA was represented at this meeting.

I beg your pardon? -- The VCA was represented at this meeting. (30)

And/...

And is it correct that notice of such meeting was given to the VCA, to the executive of the VCA? It is always done, is it not? -- Yes we did receive notice of this meeting.

Yes. And the notice is in a roneoed form as you will have a look at EXHIBIT M1. That is the notice that has been given to all affiliates in the Transvaal? -- Well I cannot say that this notice particularly did reach the Vaal Civic Association as we were not affiliated then but I know that the know-how, the knowledge of this particular meeting came to the VCA through the people we had delegated to enquire on how (10) membership could be attained with United Democratic Front.

I put it to you when this meeting was held on 12 November 1983 you were already affiliated to UDF? -- Well I would not remember the date of our affiliation.

Yes. Because what I am, if you will have a look at paragraph 2,

"Present: Inter alia Vaal Civic Association".

Do you agree to that? -- I agree to that.

And will you have a look under "Corresponkdence", 3.1:

"The Vaal Civic Association applied for membership of (20) the UDF. The application was accepted by the Council."

-- That is so, I see it.

So you were already affiliated to the UDF? -- Our affiliation, at this meeting affiliation was accepted, was announced that affiliation was accepted.

And I put it to you that the notice M1 was sent to you in the VCA? -- Well I do not know if VCA did receive M1.

COURT: Well M1 itself could not have been received by the VCA because it is not addressed to the VCA.

MR JACOBS: A similar one to M1 was sent to you in the VCA?(30)

-- Well/....

-- Well I do not know about that.

If you can read through M1 please, paragraph 2:

"Please ensure that the two delegates from your organisation is present as the General Council is an important decision making and co-ordinating structure."

Do you accept that the General Council is an important decision making and co-ordinating structure? -- That is how I would see it.

And it is co-ordinating the implementation of all the national campaigns of the UDF? -- Well I did not know it to (10) be co-ordinating as such but I knew it to be of decision making.

And co-ordinating structure or do you say it is a wrong statement in this UDF docuemnt? -- Well I cannot say it is a wrong statement but I am saying with regard to my understanding all this time.

So did you not discuss this because the next paragraph, 4:

"If your organisation has not as yet made its financial contribution kindly attend to this matter as soon as possible as the need for funds cannot be over- (20) emphasised."

I suppose you must have discussed this and made arrangements thereafter with UDF about the payment of your affiliation fees? -- Well I have already said I cannot remember M1 being discussed at any of the Vaal Civic Association meetings or it being received by the Vaal Civic Association.

NOw was it not an important question, your affiliation to UDF and to see that your affiliation fees are paid and to make arrangement for that? -- Well I cannot remember if that was made at this meeting which is reflected in M2, with the (30)

UDF/...

UDF or at which meeting because at that time that is when we had initiated the question of affiliation to the United Democratic Front. So I cannot be pressed to say now, turn around and say we received M1, when I do not know whether M1 was ever received by the Vaal Civic Association.

And another important point is that amongst other matters the boycott of the Black Local Authorities elections would be discussed. I suppose that would have been an important issue for you to discuss before you send your delegates down to the General Council of UDF? -- Well I do not know if Vaal Civic (10) Association did receive M1.

COURT: Well whether they received it or did not receive it did you discuss a mandate to your delegates to the meeting of 12 November 1983 in respect of the possible boycott of Black Local Authorities elections? -- I cannot remember if we did address ourselves on that point at this meeting of 12 November 1983.

No the question is whether you at a meeting preparatory to sending the delegates to the meeting of 12 November 1983 at the VCA discussed the possible boycott of Black Local (20) Authorities elections? -- The answer is I do not remember if we did discuss that before the delegation went to the General Council.

MR JACOBS: Okay let us carry on and go back to M2 now. I see there is a point there, 6.1:

"The Evaton Ratepayers Association held a mass meeting on 6 November 1983. The meeting was addressed by Gasbi Maswi(?) on behalf of UDF. The association has decided to affiliate to the UDF."

Do you know anything about this mass meeting, did you attend(30) that/....

that mass meeting perchance? -- No I do not know of this mass meeting.

Was it advertised in the area, in Evaton? -- If the advertisement had reached me I would have known about it so I cannot say if it was advertised or it was not advertised but I did not know of this meeting.

I see in this, if you will have a look at page 2, point 9, that is page 2 to make it clear of M2. Point 9 there is Black Local Authorities. Have you got it? -- I have got that.

"9.1 Verbal progress reports were received from Pretoria, (10) Alexandria, Krugersdorp, Waltloo, Katlehong, Soweto and Vaal. It was decided that should contact the areas which have not indicated any progress."

So a report was coming from the Vaal on the progress on the Black Local Authorities campaign of the UDF, is that correct? -- That is what is said here.

And it is, do you not find it strange that it was decided that should contact the areas which have not indicated any progress. So it was compulsory to report to the UDF on progress of the running of campaigns, especially national (20) campaigns of the UDF? -- I had never known reporting to the United Democratic Front to have been anything compulsory.

It was very important to report to them, is that not so? -- Well as organisations come together to share their experiences and to seek out common ways of solving problems in their areas I would say that it is important for them to share experiences through such reports but I do not see it as compulsory.

Is it also not only to share experiences and tell stories but it is for co-ordination so that UDF can co-ordinate the running of campaigns and the success of such a campaign, (30)

seeing/....

seeing that it is implemented in all areas? -- Well if there were any campaigns that were spread out throughout the areas and the organisations had there own individual campaigns which were similar at any one point I would see that it would be easy for them to be agreed that how can they have a joint campaign. Because when we talk in terms of UDF we talk in terms of these organisations, those are the organisations that are affiliated. We cannot see UDF as a separate entity as it is stated there in the EXHIBIT M1, the second paragraph, where it is said that the General Council is an important decision(10) making structure, which means now that is a structure where organisations do take decisions and where as far as co-ordinating is concerned I would see that individual organisations have got individual rights to be part of the co-ordination of any campaigns or to be part of any campaigns whatsoever.

But you did not say anything about the co-ordinating, only instructions then, decision making? -- That is what I am saying, that I see the UDF as the organisations coming together and whatever decisions have got to be taken have got to be taken by these organisations themselves, at that level, the (20) General Council level.

Under the leadership of the UDF General Council? -- The General Council of the UDF is the very representatives of the organisations themselves so I do not see them as having to play any leadership role on top of the organisations.

COURT: But it decides by majority vote is it not? -- It does decide by majority vote.

So it is expected that the affiliated organisation will abide by the majority vote of the Council? -- That is democratic and I see it that way. (30)

COURT/....

COURT ADJOURNS UNTIL 14h00.

C.504 COURT RESUMES AT 14h00.

BAVUMILE HERBERT VILAKAZI: d.s.s.

FURTHER CROSS-EXAMINATION BY MR JACOBS: Mr Vilakazi will you agree, on the strength of EXHIBIT O, all the exhibits in O, that the VCA was a full partner in decision making ...

COURT: Just a moment. Has the witness got this document? To which documents are you referring in EXHIBIT O?

MR JACOBS: Let us take O1 then for instance. Do you agree that the VCA is a full partner in the decision making and (10) co-ordination of the activities of the UDF, Transvaal region. That is a general statement at first. -- Yes to the extent of the meetings and decisions taken at meetings where the Vaal Civic Association was represented.

And that is by way of their affiliation to the UDF, they became full partners? -- That is through their affiliation.

I beg your pardon, I cannot hear you? -- Affiliation would have formed the basis for participation of the Vaal Civic Association.

And as such did they have, they are also full partners (20) in the meetings of the National General Council, they can send delegates to that? -- As affiliates if a member of the Vaal Civic Association who is representative of the Vaal Civic Association's General Council is elected to represent the Transvaal in the National General Council then I would see the Vaal Civic Association participating at that level.

Is the Vaal Civic Association entitled to send two representatives to the National General Council meetings where decisions are taken? -- I only know of the Vaal Civic Association as an affiliate being entitled to send two (30)

representatives/....

representatives at the regional General Council. I do not know of the position in the National Council.

Did you not yourself attend the National General Council meeting in Port Elizabeth? -- No.

When you and Mr Motete went down to Port Elizabeth. -- It was a conference.

Of what, of the UDF? -- It was a conference of all affiliates.

Not of the General Council Meeting? -- No.

Can a conference decide on the elections and so on? (10) -- Well there were no elections held with that conference.

Did they not decide then on that meeting in Port Elizabeth on the Referendum and so on? -- No decision was taken at that meeting because delegations from different regions differed on participation in the Referendum.

Was not the reason for no decision being taken because there was a difference of opinion between the delegates and the regions of the UDF? -- That is so.

And that was the reason why no decision was taken, and not because it was not a General Council meeting, a National (20) General Council meeting? -- Well I did not understand it to be a National General Council meeting and I gave my reasons for no decision being taken because of different opinions among the delegates.

And do you say that you do not know that affiliated organisations have the right to attend National General Council meetings by way of two delegates? -- I would see it being on the basis that each organisation is entitled to send two delegates to the Regional General Council and it is at the General Council level that I think people can be elected (30)

to/....

to the national executive.

COURT: Were you speaking of a National General Council and a Regional General Council. Where can these people be elected to the executive, to the national executive? -- To the National General Council.

You say the delegates to the National General Council are elected by the Regional General Councils? -- That is what I think is the position.

MR JACOBS: I would like you to have a look then at EXHIBIT O3. Is that a report from the Vaal Civic Association on, (10) dated 14/1/84 to the Transvaal General Council meeting held on 14 January 1984? -- That is so.

And that goes with the Minutes of the meeting, EXHIBIT O1? -- That is so.

And the UDF did, the VCA did attend this meeting as delegates from the Vaal Civic Association? -- That is so.

I see on, and that is found in paragraph 1 on page 1 of O1. Is that correct? -- That is so.

And just for interest sake the Regional Executive of the Transvaal Region of the UDF appears in paragraph 2 there? (20) Is that correct? -- Their names at paragraph 2 under the heading "REC", which I take it to be the REgional Executive Committee.

And according to the names is it correct that Professor I. Mohammed is one of the executives of the Regional Executive Council of the Transvaal Region, and the same with Aubrey Mokoena? -- These names do appear under paragraph 2, with the names of the members of the Regional Executive Council Committee.

Now what procedure did you follow in the VCA executive about your reports to the General Council meetings, to the (30)

General/....

General Council of the UDF? Did you discuss it before it was drawn up?

COURT: Transvaal or National?

MR JACOBS: Transvaal? -- If there was a meeting of the executive sitting before the date of the General Council and where the notice for that meeting is presented to the meeting then the report would be discussed. But there are instances where the Chairman would get hold of the Secretary and write out the report, that is when there would have been no meeting before such a date. (10)

And when the report is signed by the Chairman, it is completed and signed by the Chairman, does it mean it was discussed and you agreed on it and it was written out then? I refer to the Chairman of the VCA now. -- If there was no meeting held prior to that meeting then the Chairman would write out the report together, work on the report together with the Secretary.

And is it also a procedure that the area committees, the representatives from the different area committees, had to report back on their activities in their areas to the (20) executive of the Vaal, VCA? -- That is so.

And that is done in the meetings of the executive of the VCA? -- That is so.

Now in this report, this one, is it correct has been signed by the Chairman, Mr McCamel? -- That is so.

Is it correct then that at Bophelong, the first point here, that that area is very active in the affairs of the civic association? A committee has been elected and a youth congress has been formed. Regular meetings are being held to ensure greater participation of the community? Is that (30) correct?/....

correct? -- What is the question?

Is that the correct version of what took place in Bophelong? -- Well I know that there was an area committee established in Bophelong and I later got to know of the existence of a youth congress in Bophelong.

Yes. -- To what extent the Vaal Civic have been involved there, the area representative of Bophelong would have known or the Secretary of the Vaal Civic Association, Mr Motete, as he was from Bophelong, would have known.

And was it reported to the meeting, executive meeting (10) of the VCA that the area committee was instrumental in having a youth congress formed in that area? -- I do not know of any meeting that I attended where a report to that effect was put to the executive.

COURT: Any reason to doubt the correctness of paragraph 1?
-- Yes.

What is your reason? -- My reasons are during my spell with the Vaal Civic Association I did not know of any direct involvement by the Vaal Civic Association in establishing a youth congress in Bophelong. (20)

So this was false? -- I cannot say it is false.

Well you say you doubt the correctness of paragraph 1.
-- Because it would have come to my knowledge if that would happen.

Yes?

MR JACOBS: Can you tell us this Youth Congress does it refer to the Vaal Youth Congress? -- Well I see it in this report it refers particularly to Bophelong, not to the Vaal.

Is not Bophelong part of the Vaal? -- It is part of the Vaal, yes. (30)

Do/.....

Do you know the Vaal Youth Congress, or anything about it? -- No.

Now ...

COURT: Never heard of it? -- Never heard of it until this trial.

MR JACOBS: What do you say to this next point there:

"Regular meetings are being held to ensure greater participation of the community".

-- Well I have always heard reports from the area representative in Bophelong and the secretary of the Vaal Civic (10) Association, Mr Motete, who himself was also from Bophelong, talking about a number of meetings being held in Bophelong and quite a big number of people attending these meetings.

And what greater participation of the community was sought? Participation of the community in what? -- In the affairs of the Vaal Civic Association.

Does that also refer to participation in the campaign against Black Local Authorities and other campaigns? -- Well if the area committee in Bophelong was taking part in such a campaign then participation of the community in such a (20) campaign would be of much importance for the maintenance of democratic control of the organisation.

Did they participate in the campaign against Black Local Authorities? -- Is your question referring to the people in Bophelong?

Yes. I am asking you on this first paragraph and that is referring to Bophelong. -- Bophelong Area Committee had already been established before December 1983 and before the elections. And I did not know to what extent the area itself participated because the last time I was in Bophelong in (30)

1983/....

1983 was when I attended the launch.

But it was discussed at the General Council meetings on reports back?

COURT: Are you talking of General Council or ...

MR JACOBS: Executive meetings of the VCA.

COURT: Executive, of the VCA?

MR JACOBS: Of the VCA. -- Yes from time to time there would be reports or pamphlets being spread in Bophelong.

Now did the area representative of Bophelong report back that the people did participate in the campaign against (10) Black Local Authorities? -- That is so.

Why was it so difficult to answer that question? -- The question was that was there greater participation and I would not know that there was greater participation. But what the question comes now is that was there participation as reported by the area representative and I said yes the area representative did report of participation by the people in Bophelong.

Well let us answer the question then did they report back that there was greater participation of the community in the campaign against Black Local.... -- I cannot remember the (20) word "greater" being used.

The second point there,

"Zone 7, Sebokeng.

A Working committee has been formed and is very busy on house meetings and will arrange a meeting where an Area Committee will be elected. There is real interest in this area. The committee has twelve members."

Is that a correct version of what happened in Zone 7, Seboking? -- I have heard reports to this effect at executive meetings.

Do you agree that this paragraph, paragraph 2 is (30)

correct,/.....

correct, a correct version of ... -- I would see it as correct in view of what I heard from the area representative reporting to the executive meeting.

Do you know who the twelve members were, were they supplied to the executive of the VCA? -- No I do not remember the area representative giving us the name of twelve people.

Did he give, did the representative of the area committee in Zone 7, I suppose that is Edith Lethlake, is that correct? -- That is so.

Did she report back on any of the other members of the (10) committee? Did she name any names? -- Well I cannot remember her telling me about any names or reporting to the meeting the names.

Now point 3 there,

"Zone 12, Sebokeng.

A working committee of seven members is busy mobilising in the area and expects to form and elect an area committee within the next three months."

Is that a correct version? -- I had only heard of the Chairman Reverend Lord McCamel reporting that there were people who (20) were interested in forming an area committee in Zone 12 and he had been of assistance in that area.

Who was the area committee member for Zone 12, Sebokeng? -- The person who was elected at the meeting of 9 October, was a Mr Matsobani from Zone 12.

And did he report back to the General Council, the general executive of the VCA? -- Mr Matsobani stopped attending meetings towards the end of November and at that stage he had not yet reported, at least at a meeting that I had attended, of any move to form an area committee in the area. (30)

Now/....

Now what mobilising was taking place in this Zone 12, Sebokeng? -- Well I take it the report the Chairman was describing his assistance to people in Zone 12 in calling house meetings towards forming the area committee.

And mobilising, is that a general mobilising of the residents of that area, the mobilising referred to here? -- I do not know if he is referring to general mobilising of the area but I can see that he mentions that there is mobilising in Zone 12, particularly.

Is it not then only, do you agree that it is the (10) mobilising of the public in general? Against the constitution, Black Local Authorities and so on? -- Well here the report does not say but it mentions particularly that there is mobilising in this area and they expect to form and elect an area committee within the next three months. That is why I am saying my understanding is that there is mobilising towards the formation of an area committee in the next months.

They already had a committee of seven members, is that correct? -- Area committee?

Yes, working committee. Is that correct? -- The first (20) line says there is an area committee of seven but the last line ...

COURT: A working committee. -- A working committee of seven but the last line says that there is mobilising in the area and expect to form and elect an area committee within the next three months.

MR JACOBS: Yes, now point 4:

"Problems affecting schools. The Zone 7 committee has organised a group of twenty parents to look into problems affecting Evaton and Sebokeng zones. Students (30)

who/....

who failed their internal examinations have been turned away from Esokwazi and Tekela Secondary Schools and some at Tjebe Themba High School and the latter is plagued by the resignation of about ten teachers. This is forced resignation which is very rife in the Vaal. This group has managed to have the students readmitted. Plans are afoot to form a Parents Action Committee and SRC both in this area and the Bophelong and Boiphatong areas."

Now do you know, is this a correct version of what is taking place in this area in this regard according to the report (10) backs? -- I have heard reports with regard to the problem of schools and how the Action Committee in Zone 7 had played a major role in defusing the problem situation at the schools mentioned here but with regard to the plans of an area, of the Parents Committee and the SRC I have never heard of any report being put to the Vaal Civic Association to that effect.

Do you know that the question of forming SRC's is one of the most important questions and issues taken up by COSAS? -- That I know yes.

And on the report backs did you receive any reports (20) that they were working with COSAS in having the parents working with the scholars and having SRC's established in the schools? -- Well like I said I have answered that question by saying at the meeting that I attended or at meetings that I attended there has never been a report to the effect of the involvement of the Vaal Civic Association towards the establishment of the Parents Committee or the SRC.

COURT: Well either it seems to me that this report is incorrect, paragraph 1 and in paragraph 4, or that you are not very well informed on the affairs of the Vaal Civic (30)

Association./....

Association. Which is correct? -- Well I am informed on the matters of the Vaal Civic Association but if this report is made by the Chairman of the Vaal Civic Association writing a report to the UDF General Council and I know for a fact that there have been meetings that I did not attend I cannot as such attack this report. I can only put up my understanding of the situation and my knowledge of the situation as it was.

MR JACOBS: I would like to put a further possibility to you, that you are not prepared to take the Court fully into your confidence? What do you say to that? -- I am prepared to (10) to take the Court into full, to take me, allow myself to be taken into confidence by this Court because I am giving my evidence here on matters that I know happened. I cannot give evidence on hearsay issues.

Let us carry on then:

"An appeal is therefore made to the UDF to help orientate these committees in order to tackle school matters effectively. School inspectors in this area are real Bullies and this needs attention. Parents need to know their rights inasfar as school matters are concerned." (20)

Is that correct? Any answer? -- What is the question?

I asked you is that correct, is that a correct version of the situation in the Vaal? -- Now I understand the question. I have heard of the problems that the Action Committee in Zone 7 had experienced when it came to having to discuss the school issues with the schools inspectors there and I would understand the Chairman's appeal that the parents to be assisted, to be orientated on how to tackle the school matters effectively in order that the parents should in future be able to handle the school problems with these authorities. I see (30)

that/....

that as an encouragement of the situation where the inspectors and the parents could continue being in a position where they can discuss the school problems in the area.

Do you agree that this is a direct appeal from the VCA to UDF for their assistance? -- Well I see that here, it does say so.

And did you discuss this at the meeting? Of the VCA? -- This portion as part of the whole report as it is I do not remember discussing it at any meeting of the Vaal Civic Association. That I have already said. Now this appeal itself (10) I do not remember it being discussed at a meeting that I attended.

So why did not the VCA as an organisation of the people who was formed to assist the people, why did not the VCA take up this issue and help? Why must they ask for help from the UDF? -- Well I do not know what type of help is being appealed for there, it does not say. But what I know is that the VCA area representative and the Action Committee of Zone 7, assisted in resolving that school situation problem, that situation, in the area. (20)

So you do not know why they appealed to the UDF then? Is that what you are trying to say? Or do you say that there was no need for such an appeal to the UDF? -- Well there I would see a need for such an appeal, I would see a need for such an appeal.

Okay tell the Court ... -- For it becomes important, like the report says, speaks of situations where a Parents Committee is envisaged and also that there are discussions with regard to the SRC's. If more information is needed on such structures like Parents Committees I think it would be rightful for (30)

the/....

the VCA representative and the Chairman of Vaal Civic Association, Reverend Lord McCamel, to appeal to other affiliates for more information on such situations, on such structures, if ever they existed in other areas, to be of assistance to the Vaal Civic Association so that the parents, as I understand the report here, so that these parents committees could be well orientated in resolving this problem.

Did you in the VCA appeal to other separate organisations, separately? -- Well I am referring to organisations as affiliated to the United Democratic Front. (10)

And school inspectors in this area are real bullies and this needs attention. What attention is referred to here in this report? -- I do not know.

Was it not discussed? -- Like I said the whole report as it is was never discussed at a meeting that I attended.

Could you not as the VCA attend to school teachers, as an organisation formed to try to cope with the problems of the residents? -- I have said that I know that the Area Committee in Zone 7, the Action Committee, was involved with the area representative of the Vaal Civic Association, was involved (20) with that school problem in the area, in Zone 7. Now if the Chairman has his own experiences with regard to the inspectors during that situation where he found them to be what he would describe as bullies then I do not know how can I, if I did not discuss this report with him, be in a position to explain what is meant there. I try my best to explain my understanding of this.

Did you not know anything about the problem of the school teachers and the inspectors? -- Well I know that at the beginning it was reported by the area representative that (30)

at/....

at the beginning of the tackling of this problem by the Action Committee the Vice-Principal of the School Esokwazi was the person who was very much problematic, who did not want to talk to the parents, who even used swearing words when he addressed himself to the parents. That was to the extent that the inspectors were to be involved in that situation. Well I have no firsthand information as I was not involved in that situation directly.

Let us go to the next paragraph:

"We wish to thank the members of the UDF for their (10) help from time to time, especially Comrade Curtis Mkondo who is an inspiration to the Vaal Civic Association."

Now can you tell the Court what help the Vaal Civic Association received from the UDF from time to time that was referred to here? -- Well I take it the Chairman was referring to Mr Mkondo speaking at the meeting of the 9th and at the meeting of the 27th.

COURT: Is that all? -- Those are situations where I know him to have been the speaker in the Vaal complex.

But there were others speaking on behalf of the UDF (20) at these meetings. -- That is so.

Why then particularly refer to Mr Mkondo? -- Well it does not say here, the Chairman does not elaborate here so I do not know why he isolated him. It could have been that Mr Mkondo has always been ready when invited to come and speak in the Vaal complex to come and speak.

MR JACOBS: Is Mr Mkondo an inspiration to the Vaal Civic Association? -- Well that is how the Chairman saw him to be.

Well I am asking you now how did you regard him in the VCA, did you regard him ... -- I did not see him as an (30) inspiration/....

inspiration in isolation of other speakers who came up to speak when invited to do so by the Vaal Civic Association.

Do you regard him as an inspiration in the Vaal Civic Association? -- That is so.

Yes or no? -- That is so.

In what way was ... -- But I would add that together with other speakers.

IN what way was Mr Curtis Mkondo an inspiration to the Vaal Civic Association? -- In the sense that he and others, when we invited them to speak at the meeting of the 27th they (10) came to speak.

Is that an inspiration because he was willing to speak? -- That is how I feel.

And the next point here:

"We hope for real mobilisation and success in the new year."

Now what mobilisation is the VCA referring to in this last paragraph? -- Well I would understand it as a member of the Vaal Civic Association that the Chairman of the Vaal Civic Association was speaking about the mobilisation of people (20) in the sense that bringing people into organisations and building bigger organisations at local levels.

What organisations are you referring to now? -- Well as the report is addressed to the United Democratic Front I understand him to be addressing himself to those organisations affiliated to the United Democratic Front.

In the Vaal? -- Well he does not say in the Vaal here.

And what is meant by the phrase "The struggle continues" here? What struggle continues in the Vaal? -- Then the struggle that was continuing in the Vaal was the struggle (30)

for/....

for justice, peace and reconciliation and involvement of the people in their deliberations for the establishment and growth of democratic organisations in the area.

Now in connection with justice, how did the struggle continue in relation to justice? -- Well through organisations the organisations would unite people and the people through the organisations will be in a position to monitor the welding of the people, whether the matters that affected the lives of the people in the area were just or not.

COURT: Well should one not read for the struggle "the (10) national liberation struggle"? -- Well the question was with regard to the Vaal complex and I am expressing myself, my opinion with regard to the Vaal complex.

But is this not a phrase which is generally used in these types of reports or letters? -- In what?

"The struggle continues"? -- Is what My Lord?

Is this not a phrase which is generally used, "The struggle continues"? -- That is so.

Now what does it mean then? -- It means that the people's liberation in improving their lot is continuing. (20)

MR JACOBS: And that is a sentiment of the VCA? -- That is so.

Now have a look at EXHIBIT 04. Is that the Vaal Civic Association mandate on the coloured and indian referendum? Did you discuss this before you sent your mandate by way of your delegates to the General Council Meeting of the Transvaal UDF? -- That is so.

Did you discuss it? -- We did discuss it.

Yes. And I suppose you did participate in this meeting? -- Yes I was present at this meeting.

Because you had to report back on what transpired in (30)

Port/....

Port Elizabeth? -- That is so.

And this report was made at the same time when the other report, EXHIBIT 03 was made, is that correct? -- The writing out of the report itself, I do not know when it was written out.

So ... -- Itself as it is as 04 it has not got a date so I cannot say if it was done at the same time.

But both of them were made out for the same meeting, to be presented at the same meeting of the General Council of the UDF, Transvaal? And that is the meeting of 14 January 1984?(10) -- I can believe so since the first part of the report bears the date of January 14th 1984 and my report back to the Vaal Civic Association was that the response of the Vaal Civic Association and the question of the Coloured and Indian Referendum would be expected by the UDF at the first Regional General Council meeting. So I take it it is possible that the two were presented at the same meeting although the 04 does not bear any date.

Now I would like you to have a look at this paragraph 1, the small one with a number one in front of it: (20)

"This is imposed upon the people by an undemocratic and illegitimate government."

Does that reflect the sentiments of the VCA? -- I think the Chairman here had a problem. I disagree with him that this was how it was discussed because the position of the Vaal Civic Association was not to call on the government to have a referendum as it was with the White electorate in 1983 where there was a referendum on the question of the new constitution. So with regard to this position the positions at the UDF conference had been that some delegates felt that a call (30) should/...

should be made to the government to have a Coloured and Indian referendum as it were with the White electorate. But here it is implied that this was the intention of the government. It was not the intention of the government to have a referendum of the Coloured and Indian people.

Mr Vilakazi did you have a discussion in the executive of VCA on your mandate? -- That is so.

Did you draw up a mandate and did you agree on the mandate? -- We did.

Is this the mandate you agreed on? -- In point 1 it (10) is wrong as it is.

COURT: How should point 1 have been written then? -- I do not know. Apparently the Chairman, as he wrote out his report he must have missed out on this question of referendum.

Well now how should it read, paragraph 1? -- It should read that the VCA was opposed to calling on the government to call a referendum on the Indian and Coloured communities.

MR JACOBS: So this wording, "The VCA advocates a total boycott for the following reasons" is that not what you are trying to say now? -- The VCA advocated for a total boycott. (20)

Yes. -- But that resolution no. 1 was not as it is here.

Did you ask the chairman when you discussed this and decided on this and agreed on this mandate to scratch this out? -- I am seeing this for the first time here in court as presented here. I did not see the report when it was drawn. That is why I do not know when this report was drawn. But I know what the mandate of the VCA to the Chairman was.

Now where did Mr McCamel ...

COURT: But now when this was presented to court by Mr McCamel why did you not object and through your counsel tell (30)

McCamel/....

McCamel that this was not the mandate? -- Well I did not read through it all at that time when he gave evidence here. But if I remember well when he was led he was asked on what the mandate of the VCA was, the position of the VCA, and he said he was for a total boycott. Then he did not go into the reasons there in the witness box. And I thought that I would deal with that in the witness box myself if I am referred to the reasons as he outlined them here.

MR JACOBS: Now how did the people and the members of the executive of VCA regard this statement, "This is imposed (10) upon the people by an undemocratic and illegitimate government"? -- I do not know of the people of the VCA read this at any other time.

Did you ... -- Because I have explained that this document as it is drawn in this manner I see it for the first time as an exhibit in this court.

Did you regard the government as an illegitimate undemocratic government? -- I regarded the government as undemocratic in as far as the representation in the government is concerned and that it does not include the majority of the people (20) in the country.

Did you regard it as illegitimate? -- Well I have never heard that being discussed within the Vaal Civic Association itself.

Now point 2:

"It furthers the aims and objects of apartheid."

What do you say to that? -- Well he is still referring to the referendum there I believe.

COURT: Yes, is that also incorrect then? -- I cannot remember that point being isolated as such. (30)

So/.....

So it was not discussed? -- Not in my presence.

MR JACOBS: And the third point:

"It further emphasises and endorses the non-citizen idea of the masses."

Is that correct? -- These points that come up under this referendum I do not know if the Chairman did discuss them with other members. That is why as I am concerned I remember that we objected to the referendum because we felt that the UDF, with regard to point no. 5, was the major point, that the UDF stands to lose credibility in the eyes of the people both (10) within and outside the country if it took part in the referendum organised and run and sponsored by the government.

COURT: Is that the point which you decided upon would be the basis of your objection? -- That is so.

MR JACOBS: So must we accept now that point 3 is wrong, is incorrect? -- Well point 3 and point 4 could have been discussed by the Chairman and other members of the committee outside the meeting that I attended.

But you said that you attended a meeting, you made a report back and you decided on the mandate on that meeting (20) and you say now that there was more than one meeting ... -- But that did not include point 3 and 4 Mr Jacobs.

Do you know say that there was more than one meeting? -- I am not suggesting that there was more than one meeting.

Now what do you suggest? -- But the question, if the question comes and I say that I did not, at the meeting I attended this was discussed then the question comes how did this come in to be there. I can only make suggestions that the possibility could have been this.

Who asked you how did this ...

(30)

COURT: /....

COURT: Well let us just summarise what you have said so far. Paragraph 1 is totally incorrect, paragraph 2, 3 and 4 were not discussed at all and paragraph 5 was the basis of this resolution? -- That is so.

So this means that McCamel sucked four paragraphs out of his thumb? -- Well I would not commit myself to that proposition because it was also within his capacity as the Chairman to discuss it with other members of the committee even before his report was handed in to the General Council and probably he discussed it further. (10)

Now could you explain to me paragraph 5, why would you lose credibility in the eyes of the people if you participate in a referendum run by the government? -- The feeling of the people at the meeting was that it was for the United Democratic Front to find ways and means of negotiating on the problems of the country with the government but at this stage there had never been any indication that such negotiations would take place and if the position being that way and the UDF found itself in a referendum that was called upon by the government it was the feeling of the house that the people would dis- (20) credit the UDF as being used by the government or the UDF using the government on certain issues. That is some kind of co-operation existed between the UDF and the government even before negotiations were formally opened.

I do not quite appreciate that because the UDF was at all stages free to vote against the wishes of the government in any referendum that was held, it is not a question of agreeing with the government. You can vote against the government? -- The subject then was upon whether the UDF to call upon the government into calling a referendum for Coloured and (30)

Indian/....

Indian people.

Well would it not have been practical politics to say "We do not think that the Coloured and Indian people want to participate in this new Tricameral Parliament, call a referendum and let us test them"? How would you lose credibility doing it that way? -- Well the feeling of the people at that meeting was that the UDF would call upon the government to do this referendum and if the government agreed to call upon the referendum and financed it and that participation of the UDF within this referendum would be seen as some deals with the(10) government even before negotiations would be formally opened...

So actually your attitude was non-co-operation boycott politics? -- Until negotiations were opened.

MR JACOBS: Have you pointed out to your counsel that this report was grossly inaccurate?

MR BIZOS: With respect My Lord we have the page where Lord McCamel has dealt with it. I submit that the question is not a fair question. We would submit that paragraph 5 is in fact the essence of the objection to it ...

COURT: The question is did you point out to your counsel that(20) this report was totally inaccurate. On what basis do you object to this question?

MR BIZOS: Because the witness has not said that the report was totally inaccurate and we submit that objectively viewed 1, 2, 3 and 4 are not to be read independently of 5 and that 5 in truth and in fact contains some of the sloganeering that there is in 1, 2, 3 and 4.

COURT: The question is allowed. Will you answer it please? -- At what stage?

Did you point out to your counsel at any stage that this(30) report/....

report is inaccurate? This document, O4, is inaccurate? --
Well I cannot remember exactly when it was but we did discuss
this report even after the Reverend Lord McCamel had given
evidence here.

Pointing out that it was inaccurate? -- Well I was making
my own comment that this report was inaccurate. As far as I
remembered it to be. .

Was that when McCamel was still in the witness box? --
No.

COURT ADJOURNS UNTIL 3 FEBRUARY 1987.

(10)