

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

Ass 2

SAAKNOMMER: CC 482/85

DELMAS

1987-02-03

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 3 FEBRUARY 1987.

BAVUMILE HERBERT VILAKAZI: d.s.s.

FURTHER CROSS-EXAMINATION BY MR JACOBS: Mr Vilakazi I would like you to have a look at EXHIBIT N1.

COURT: N for Nelly?

MR JACOBS: N for Nelly. Have you got it? -- Yes I have got it.

I see the N1 part, the first document is the notice to the Vaal Civic Association of, notice of a General Council meeting signed by M. Vali.

COURT: Do you agree? -- That is so. (10)

MR JACOBS: The second document is the minutes of that Council meeting held on 10 December 1983, EXHIBIT N2, do you agree to that? - That is so.

And the VCA also attended this meeting, that can be seen from paragraph 1.1 on page 1. -- I have a little bit of a problem here.

COURT: You have to look at N2, document N2, paragraph 1.1. -- Document N2 refers to the minutes of the General Council meeting held on 10 December 1983.

Yes. It is put to you that at this meeting of 10 December the VCA was present as appears from 1.1. -- Yes. (20)

And it is further put to you that these minutes were included with the notice which is N1, as appears from N1 itself? -- That is so.

MR JACOBS: And if you have a look at the next page, paragraph 11, "Assessment of Anti-BCA" - I suppose it is BLA - "Elections Campaign. A decision was taken that it was decided that organisations should submit written reports in this regard. Have you got it, paragraph 11? -- Yes I have got it.

And would you agree if I put it to you that this was (30)

in/....

in order for the UDF and the General Council, Transvaal General Council, to properly, to co-ordinate this campaign? -- Well I do not know directly if it was for the purpose of co-ordination but as I see it under paragraph 11 here it refers to the assessment. So I would not know really whether the intention was that after the reports had been assessed then that will be with regard to co-ordination or for further discussions amongst the affiliates. I would not know what the actual position was with that regard.

I just would like you to have a look, in regard to your(10) answer have a look at EXHIBIT E4. Now E4 is a written record of the meeting, minutes of the meeting of NEC held on the, of the NEC, National Executive Council, held on 5 and 6 November 1983 at Jiswa(?) Centre, Lenasia, Johannesburg. Will you accept that? -- The E4 that I have here it is a handwritten document which has got no reference to the said meeting.

But this handwritten document, if you compare it with the minutes, the typed minutes E1 you will see that a lot of that, what is written in this written report is also included in E1.
COURT: Well you are making it a bit difficult for the witness.(20) What portions are you referring to? Could you give us a phrase from the one which appears in the other?

MR JACOBS: I will do it later sir, I will come back to it. I will just try to get it otherwise. Would you agree this is a document of some meeting held by the UDF people, with President Archie Gumedi, as from page 1, paragraph 2, he was the speaker on this? Then we get on page 2 the report from TL I suppose:

"Bishop Tutu accepted patronship to the UDF. Dr Boesak sent a message of solidarity." (30)

Then/....

Then secretarial report, Pawpaw Molefe(?), State crisis. Then page 3 "Evaluation - Regions of UDF started with three regions now new region formed in Eastern Cape, Border and Orange Free State. Will you accept this is a UDF document? -- It is difficult for me to say I accept that it is a UDF document. I can see that there is reference to particular leaders of the United Democratic Front in this document but I cannot bind myself as I do not get any indication, there is no heading on the document and it is also unsigned by anybody and I cannot just say that it is the minutes of any meeting by the United (10) Democratic Front.

But on the face of it will you accept that it looks like a UDF document, without being signed, out of the contents of this document?

COURT: Well you put it to the witness that according to you it is a UDF document, he need not accept it or disagree and make your point and let us see where it leads.

MR JACOBS: Now I put it to you that out of this document, will you have a look at page 4.

COURT: This document being E4, page 4? (20)

MR JACOBS: E4, page 4. "Our response. Organisation against the State, restructuring is growing and strengthening. 2. Important to defend our hard won unity. 3. Our strategy to oppose the division of our people from formation of UDF. Building organisations, taking our people's struggle, developing democratic organisations at various levels." And then on the next page they say "UDF formed to co-ordinate local struggles". Will you accept that is one of the aims of UDF? -- Well this is not how I saw the UDF. I saw the co-ordination at local level depending on the organisations themselves. (30)

But/....

But when .. -- Unless where some form of area committee of the UDF is established, which situation was not yet in the Vaal complex so I would not be able to comment on that.

Do you know or do you not know that UDF in fact co-ordinates local struggles and was formed to co-ordinate local struggles as stated here? -- Well my understanding of the formation of United Democratic Front was for organisations to come together and to share their experiences and to advise one another on the matters of mutual interest.

But do you agree that it is correct, or do you say it (10) is not correct, that the UDF was formed to co-ordinate local struggles? -- Well I will not be able to comment on that as I have said and during my participation in the Vaal Civic Association I did not see the UDF as co-ordinating the local struggle in the Vaal.

The second point, to take away initiative from the State and to act. Would you agree to that that the UDF was formed for, that is one of the aims that it was formed to take away the initiative from the State and to act? -- Well this does not tell me anything, it does not refer to what type of (20) initiative and what type of action and as such I do not understand it to, I am not able to respond to that.

Do you not agree that that was one of the aims or do you agree that it was one of the aims? -- I cannot say I do agree. I do not understand the meaning of that sentence.

To take away the initiative from the State and to act. What is difficult about that? -- Well the author does not elaborate on this.

And the third point, to co-ordinate activities, would you agree that UDF was formed to co-ordinate activities? -- Well (30)

I/....

I think I, I do not understand that line to be different from point 1.

Just tell me do you agree that the UDF was formed and that it was one of its aims to co-ordinate activities? -- Well I would see it not necessarily as co-ordinating activities but where the organisations could be in a position, a forum where organisations could be in the position to advise one another on activities in their areas.

What do you say about point 4? That UDF was formed to encourage unity? -- Well that is what I understand it to be. (10)

So you agree to that? -- I agree to that, that is what I knew it to be.

5. Oppose bills designed to divide? -- That is so.

Do you agree to 5 as well? -- I agree to 5 as well yes.

And 6 is deepen understanding of people of issues facing them. -- Well I would see that as one of the aims yes.

So 4, 5 and 6 you agree those are aims of the UDF. The others, what do you say about 1, 2 and 3 then? -- What I am saying about 1, 2 and 3 is I did not understand what is put in 1, 2 and 3 and as such I am not able to form an opinion (20) whether that is correct or not.

And you say you cannot understand the words "UDF was formed to co-ordinate local struggles", that is very difficult to understand? -- Not difficult to understand but I do not understand whether, I cannot agree whether that was the situation with the UDF.

Why not? -- Because I did not see the UDF to be co-ordinating the struggle in the Vaal complex.

Now on this meeting of the UDF at the first one, as depicted in EXHIBIT N2, the Vaal Civic Association participated (30)

in/....

in this meeting and was part of the decision making in this meeting, and part of the co-ordination of this meeting?

COURT: Just a moment, which meeting?

MR JACOBS: Of 10 December referred to in N2.

COURT: Well this meeting of 10 December 1983 was a General Council Meeting of the Transvaal UDF.

MR JACOBS: Of the Transvaal UDF, yes.

COURT: So it is clearly a UDF meeting.

MR JACOBS: Yes.

COURT: What is the question? (10)

MR JACOBS: And Vaal Civic Association participated ...

COURT: The Vaal Civic Association participated? Do you agree?
-- I agree that VC participated here.

MR JACOBS: In the decision making and co-ordination? -- Well I would not know about co-ordination because co-ordination is so broad. My understanding of co-ordination is so broad that I cannot understand what is meant by UDF co-ordinating.

Can you tell the Court what is the use of sending a lot of reports by different affiliates to the General Council, the Transvaal General Council of UDF? -- My understanding of it (20) is for the organisations to share experiences and to advise one another.

Now let us get something clear now. Do you say the meaning of the General Council, Transvaal UDF General Council meetings, the sole purpose of that is to share experiences? -- And to advise one another.

Is that what you say? -- Well also to discuss issues of mutual interest and reach agreements on those.

Agreement on what, including what, what agreement? Elaborate on it please? -- Well if say for instance there is (30)

a/....

a proposal for a million signature campaign and it is put there then at that level the organisations will agree that that campaign they will take up, and it does not end up there but those organisations who are not, who are still affiliated but who are not in favour of the million signature campaign will not participate in the campaign itself.

COURT: Well was the purpose of these meetings not to co-ordinate and to plan joint action? -- Well with regard to the planning of and co-ordination of joint action it could have been the purpose to plan and co-ordinate joint action by all the (10) organisations but that would be organisations who would be party to the campaign, who would be in favour of that particular campaign as it is and not all the affiliates. That is why I do not see it as generally to be seen as co-ordinating the work of the affiliate, even at local level.

MR JACOBS: Is your evidence to the effect then that the UDF, either the UDF National or the Regions, did not co-ordinate the activities of the affiliates? Is that what you are saying to the Court? -- At local level as it is put.

To the affiliates? Of, the activities of the affiliates (20) at local level or at any level? -- Well I see it merely as to bring together organisations on a particular matter and where an agreement is reached then the UDF could be of assistance to these organisations by having the organisations planning jointly and sharing experiences on that particular problem, on that particular matter that is being campaigned for. But not all affiliates as such.

Planning jointly, what do you mean by planning jointly? So that I be clear on what you are saying. -- Well by sharing views on how to approach the problem. (30)

So/....

So it is only for the purpose of sharing views to approach a problem? -- That is my understanding of planning jointly.

And when UDF on the General Council in the Transvaal brought the organisations together and the people were sharing, or the delegates were sharing problems or sharing on that meeting then it is the end of UDF's responsibility, I mean the organisation? -- Well I cannot see it as the end because these organisations will come back at other General Council Meetings and through their reports as it is they will report on problem areas and the process will continue on advising one another (10) how to handle these and reaching agreement. That is those organisations that will be participating or that will be sharing that particular interest.

COURT: So according to you the UDF was just a talk shop? Just a place where people have a cup of coffee and have a nice chat? -- Not necessarily where people just have a nice chat.

Well it is put to you that the UDF co-ordinated what the local branches did, or what the affiliates did and that it reached decisions on how to act in future? -- My problem is with co-ordination at local level because I would see it as co- (20) ordination when these organisations are together and when the organisations go back to their areas it is up to them to see if what advice they have got from other organisations at the level of the UDF are applicable in their areas.

Well let us have some examples Mr Vilakazi. The UDF decides to have an anti-conscription campaign. It asks all its affiliates to participate. Is that not co-ordinating all the affiliates in the anti-conscription campaign? And there were various campaigns. -- Yes but what I am stressing again is that it is not necessarily all affiliates who will be affected (30) by/....

by such a decision because affiliates still maintain their autonomy.

Well you told me the other day that the decisions were reached by majority vote and that you were expected to abide by the vote of the majority? -- No I did not go to the extent of saying that we were expected to abide by the vote of the majority. In actual fact I did not add there that even if the issues are put to a vote those organisations which are not agreeable to the decision taken at UDF are still in the position not to participate. It is still within their right (10) not, to exercise their right by not participating in that particular campaign and that does not affect their membership.

Yes but we are busy with the principle of co-ordinating and activating. Yes?

MR JACOBS: If UDF is only a talk shop why is it necessary for UDF to have

MR BIZOS: The witness did not agree that it was a talk shop.

MR JACOBS: So why was it necessary for UDF to have a Regional General Council and a National Executive Council, for what purpose? -- Well for the purpose of, these councils I saw (20) them as for the purpose of advice to individual affiliates in the United Democratic Front at those levels.

Only advice? -- Advice on the approach of the United Democratic Front to these problems.

What is the approach of the United Democratic Front? -- With regard to what?

I do not know, you used the words of the approach of the United Democratic Front. I want to clear up what you are saying to the Court. -- Well what I am saying to the Court is that at those levels I would see these organisations coming (30) together./...

together. At those levels to advise one another and also to see to it that what is advised, what is decided on is adhered to in the way that it is to be carried out.

But then the organisations are not sitting on the National Executive Council, the organisations are not coming together in the National Executive Council. -- Well some people are elected to the National Executive Council.

So what is the good of the NEC then? If only some people are elected on it? -- Well some people from the organisations who are represented by their organisations in the United (10) Democratic Front, it cannot be everybody from every organisation who can sit in the NEC.

How do you see the purpose of the NEC, the National Executive Council? -- Well I would see the purpose of the NEC being to be a level where all the regions are represented.

That is not the organisations, is that correct? -- The regions which are made up of organisations. So I cannot say the organisations fall out necessarily.

But you are emphatic that the UDF is not co-ordinating any of the activities at local level? -- Well I did not see it (20) as co-ordinating any of the activities but I am saying that I do not see it co-ordinating activities at local level because I see this being the responsibility of the organisations themselves, unless where there is an area committee of organisations in a particular area, then I would see co-ordination being there.

I do not understand your answer now. I asked you specifically you are emphatic that UDF is not co-ordinating any of the activities of the organisations at local level and you said no. -- Well I am not saying it does not co-ordinate (30)

any/....

any of the activities. What I am saying is that when the question first came to us all the activities of the affiliates and that is what I had problems, with that.

COURT: Well do you now say that it does co-ordinate activities at local level? -- Where, yes but where I would see it, and that is my understanding, where a structure of an area committee level exists in a particular area.

What do you understand by the word "co-ordinate"? -- By co-ordinating I would understand it to be directing.

Yes, directing different organisations to work together. (10)
Or to work towards the same goal, to go in the same direction. In that sense did the UDF co-ordinate or not? -- In that sense I would see it as co-ordinating.

MR JACOBS: Now did the UDF co-ordinate activities in the campaign against the Black Local Authorities? -- With the BLA, though I cannot say to what extent I would see some kind of co-ordination to have been there by the United Democratic Front.

If you say there is co-ordination you must be more specific about it, can you tell us what co-ordination did UDF do? -- Well I would say the co-ordination that was there was (20) say where the organisations met and discussed the problem with regard to the BLA and what approach to have in regard to protests against the Black Local Authority.

And did the UDF co-ordinate the activities in the Vaal Civic Association in regard to Black Local Authorities? -- Well in the Vaal Civic Association I did not see the UDF to be co-ordinating and I would disagree to that proposition because when we were handling the protest against the Black Local Authority in the Vaal Civic Association. We were in the process of affiliating and as such the UDF could not be co-ordinative. (30)

Did/....

Did the UDF assist in the campaign against Black Local Authorities in the Vaal? -- Yes the UDF did assist.

In what way? -- Remember that we got the pamphlets from the United Democratic Front.

Yes? What else? -- Well that is what I can remember, that the kind of assistance with regard to BLA.

Did they run the campaign in the Vaal Civic Association, in the Vaal in conjunction with the Vaal Civic Association? I refer now to the Black Local Authorities campaign. -- Well I would see it that way because we got the pamphlets from the (10) UDF, the UDF pamphlets that were addressing themselves to the Black Local Authority but on the other hand we also had our own pamphlets.

And the speakers of the UDF did speak at meetings in the Vaal Civic Association? -- Well though the gentlemen who spoke were belonging to organisations affiliated to the United Democratic Front but I knew their participation at these meetings to be on individual basis.

You see I would like you to have a look at EXHIBIT N3 then, page 2. That is the secretarial report to the General (20) Council Meeting held on 10 December 1983. Paragraph 7, the top:

"The campaign against the Black Local Authorities elections was conducted in all areas apart from Jouberton in Klerksdorp, apart from Watville, Daveyton and Tembisa no intensive campaign was conducted in the East Rand townships. In almost all cases all affiliates conducted a campaign in their own names. The UDF Transvaal played the role of providing information, general co-ordination, assisting organisations in planning activities and producing publications."

(30)

Is/....

Is that a correct statement by the secretariat of UDF? -- Well I do not know if that is a correct statement by the General Secretary of the UDF because he refers to a number of areas which I would not know whether the UDF did assist in this regard to those areas as it is.

Forget about the areas, and what about the Vaal? -- Well I said like in the Vaal complex we received pamphlets from the United Democratic Front.

And in the Vaal where the campaign against Black Local Authorities, it was conducted in the Vaal? According to (10) this report also it is in conformity to that and the UDF assisted ... -- That is so, it was conducted in the Vaal complex, yes.

And the UDF co-ordinated in a general way the campaign in the Vaal? - Well I would say that the UDF was of assistance to the Vaal because like I said at that stage we were in the process of affiliating to the United Democratic Front.

At that stage you were in the process of? -- In the process of affiliating.

Just elaborate on that, what do you mean in the process (20) of affiliating? -- The first campaign that was held by the Vaal Civic Association was in November, on 27 November.

The first what? -- The protest that we had, the march meeting of 27 November and prior to that we had already, ...

No I am asking you ... -- I am elaborating on the question of we were still in the process of affiliating at that stage because the campaign itself was taken up wholly by the Vaal Civic Association and we sought assistance from the United Democratic Front. So I do not see the UDF to have co-ordinated the campaign in the Vaal during that period. (30)

Can/....

Can you be more specific on what are you trying to convey to the Court with the words "we were in the process of affiliating to the UDF"? Does it mean you have not yet affiliated to the UDF? -- Well we had written a letter for affiliation to the United Democratic Front during November and I think our affiliation was accepted during the same month of November and at that stage we were already on the campaign itself against the Black Local Authority.

Mr Vilakazi ... -- So I would not see the UDF co-ordinating the activities of the campaign in the Vaal complex even (10) before we affiliated.

Mr Vilakazi why do you not answer my questions? You are always evading it with some other words?

MR BIZOS: The question was answered, with respect My Lord.

COURT: Repeat the question.

MR JACOBS: My question was what did you mean by "in the process of affiliating with the UDF", and my question was at that stage you were not affiliated then, must we understand then that you were not affiliated yet to the UDF because you were in the process of affiliating? That was my question. I (20) did not ask you about your campaign or how you ran your campaign. -- By saying that we were in the process of affiliating I meant to inform the Court that we had resolved at the launch of the Vaal Civic Association to affiliate with the UDF in October and in November our affiliation was accepted. I cannot remember the date but during that process we had already embarked on the campaign against the Black Local Authorities. As such there was no co-ordination of the activities in the Vaal complex by the UDF at that stage.

So this report of the secretary is wrong in this (30) aspect?/....

aspect? On this aspect? -- I cannot say it is wrong because the report does not confine itself to co-ordinating. It does talk about assisting organisations in planning activities and producing publications. That is one of the activities of the United Democratic Front with regard to the BLA and the organisations.

Now I am asking you about the co-ordinating. Then it is wrong in regard to general co-ordination? -- No I cannot say it is wrong with regard to that. I am talking about my understanding and what actually happened with the Vaal complex. (10) That is what I am explaining because this covers a whole range of areas in the Transvaal itself. So what the author of this report in short says is trying to show the activities of the UDF with regard to different areas, all put up together. He does not say or isolate one area from the other and what type of activity the UDF was involved with with regard to that particular area.

Will you have a look at the first line, I will read it to you again:

"The campaign against Black Local Authorities elec- (20)
tions was conducted in all areas apart from Jouberton
in Klerksdorp, apart from Watville, Daveyton, Tembisa.
No intensive campaign was conducted in the East Rand
townships."

So that included the Vaal in that line, all the areas apart from Jouberton and the others? -- I do not disagree with that, it is a fact that in the Vaal complex also the campaign against the Black Local Authority was taken up during that time.

COURT: Well do you agree that the UDF Secretary at least saw your activities in the Vaal as part and parcel of the UDF (30)
campaign/.....

campaign against the Black Local Authorities, as at 10 December 1983? -- Well I would say it as part of it.

MR JACOBS: And the Vaal Civic Association was part of the meeting who accepted this report as correct, as per paragraph 5 on page 1 of this report? -- The Vaal Civic was present at that meeting but I do not know if the representative of the Vaal Civic Association did raise any objections to that report or whether they accepted it as a true reflection of the situation as I did not participate at the said meeting myself.

And you received this report later on in the Vaal Civic(10) Association and you did not give your delegates instructions to go to the Transvaal UDF General Council meeting and raise an objection that that is wrong? -- I did not say anything is wrong in this report.

So now you accept that report as correct? -- I am not saying it is correct in the manner that it was put because it was put as generally everything is said here as having happened in the Vaal complex with regard to the Vaal Civic Association. Then I am saying that I accept with regard to the Vaal Civic Association that some activities within the VCA by the UDF, (20) like assisting and the producing of publications for the Vaal Civic Association, and not everything that is suggested by the secretary because this report as it is is based on the activities of the UDF throughout the Transvaal as it is depicting different areas, and he has just shorted it to give a general picture of what the activities of the UDF were during that period.

And this was also, this report I suppose was also drawn up on information they received from the Vaal? -- Well I do not know if the G.S. was drawing it up on information received(30)

from/...

from the Vaal complex.

But you did not give your delegate instructions to raise this and to rectify it as you say the position is? -- Well there is nothing I said was wrong here.

You see I want to go further with you and go back now to E4. In conjunction with this question on the Black Local Authorities E4 is that written document, that the President Archie Gumedi addressed that meeting, is it correct? -- Well I can see it is written in this paper, yes.

And Archie Gumedi, who is he? -- Well he is one of the (10) United Democratic Front's Presidents.

Is he the National President? -- He is, yes.

You see and he is elaborating here on problems on page 2 and, have you got page 2? Have you got page 2? -- I have got page 2 yes.

Point 5, they had problems, I will read, it is page 2: "Communal problems", and then

"- aggravated by Group Areas and State policy but in work places all communities had access to each other.

Important therefore to identify common purpose and aim (20) to thereby dismantle apartheid and race divisions."

Would you agree to that? That that is one of the aims of the UDF? -- I agree that one of the aims of the United Democratic Front is to be opposed to apartheid and race divisions in the country.

So opposed to apartheid is different from dismantle apartheid, do you agree? -- Well I do not see the difference.

What do you understand under "dismantle apartheid"? -- Like I said I do not see the difference but dismantling of apartheid would be removal of restrictions because of race, colour, (30) creed/....

creed or religion in the country.

And how are you going to remove that? -- By bringing all the people together in the country.

And what must the people do then when they are brought together? -- Well by coming together then the people will respect one another as human beings, will accept one another as brothers and sisters and will accept one another.

Yes, that is the people in the UDF. And what about the government then who is not going to stand down? How are the people then going to achieve that? -- I am not addressing (10) myself to apartheid within the UDF, there is no apartheid in the UDF. So when I am talking about the people I am not talking about the people within the UDF. I am talking about the people inside the country, the people in South Africa.

What do you mean by that? Bring that together in what? -- Through their organisations affiliated to the United Democratic Front and they disassociate themselves with apartheid.

Yes and then what about the government then? -- Well the people of South Africa will petition the government on this issue, will show the government that more and more people (20) are opposed to apartheid.

Will you have discussions with the government? -- As I have said that discussions with the government would be there for the purpose of negotiating if there is need for negotiations to go with regard to the removal of race laws in the country.

COURT: Well now let us just get this clear. Are you saying there were to be discussions with the government or are you qualifying that answer? -- I am saying there will be discussions with the government.

MR JACOBS: Have you got any minimum demands before you (30) will/....

will have discussions with the government? -- Minimum demands on what, I do not understand?

COURT: Did you have any minimum demands as a pre-condition for discussions with the government, that before you talk to the government some things would have to be changed or be done?

-- I do not know of the existence of minimum demands.

MR JACOBS: Do you know whether the UDF had any minimum demands before they will discuss with the government? -- No I do not know of that situation.

Do you know anything about a National Convention? -- (10)
Well I know that many people in the country would like to see a National Convention where all the people of South Africa would agree on a constitution to govern the country.

Now ...

COURT: Now you are asked not about other people. You are asked either about yourself personally or the VCA or the UDF. -- Personally I know that information about the National Convention.

MR JACOBS: And the VCA, do you know what is their stand on this point? -- No we had not discussed the issue of National(20) Convention in the Vaal Civic Association.

And the UDF? -- Well I have read in the Press that there has been a call for a National Convention by the United Democratic Front.

Was a National Convention discussed at Port Elizabeth, at the convention attended by you? Or the conference, I do not know what you call it? -- No I cannot remember a National Convention in the programme, it was not discussed there.

COURT: But now could the UDF call for a National Convention without having consulted its affiliates on their views? (30)

-- I/....

-- I cannot remember if I have read about it even before we affiliated because we are not founder members of the United Democratic Front. But I think it was, the issue of the National Convention I read of it soon after the United Democratic Front had been launched.

MR JACOBS: And after your affiliation did you receive any, did you receive any reports or documents of the UDF on a National Convention? -- I cannot remember if we did.

Are you trying to convey to the Court you do not know anything about the UDF's stand about a National Convention (10) except for what you read in the papers? -- That is my information that I have.

What did you read in the papers? -- Well I have read about the UDF calling for a National Convention.

Yes, and their demands? Do you know anything about that?

COURT: Before we get to the demands could you just say when approximately you read about this call? Was it in 1983, in 1984 or 1985? -- I think it was in 1983.

In 1983 already? -- That is so.

MR JACOBS: So was it before your affiliation to the, (20) before the launch of the UDF, of the VCA? -- That is what I think.

So what did you do to try and find out from the UDF about the National Convention before you joined up as an affiliate? -- Well I did not do anything about that.

And after that? -- Like I said I cannot remember we discussing it at the Vaal Civic Association.

But if you discussed that you must have remembered it, the demands, whether you agree to that or not, whether you think it is good or bad? -- That is why I am saying I cannot (30)

remember/....

remember discussing it. If we had discussed it I would have remembered it.

Now if you say you do not remember does it mean you did not discuss it or not, what do you mean? -- Well we did not discuss it in the Vaal Civic Association to be precise.

I beg your pardon, I could not hear? -- We did not discuss it in the Vaal Civic Association.

But I mean did you discuss it with any of the leaders in the executive of the UDF? -- No I did not.

I suppose you had time to discuss it with them, you (10) had met them, or many of them? Is that correct? -- I have met many of them, yes, but I have not discussed that.

And at Port Elizabeth when it was specifically in connection, did not some of the people there broach the subject on the question of the National Convention when you were to decide on Indians and what steps to take about Indians and Coloureds becoming part of the establishment? -- Well many people gave their reasons and they raised a number of points in support of their arguments but the question of the National Convention was not a subject that was discussed at that conference. (20)

This question of the National Convention of the UDF, does it not correspond with your own vision as explained to you a few minutes ago, that you said that all the people of South Africa must come together?

COURT: Well I understood the witness to say that he was in favour of a National Convention.

MR JACOBS: Yes, I just want to know, do you agree? -- That is what I said, yes.

And if there was such a similarity between your visions, so why did you not try to find out what is going on in this(30) regard?/....

regard? -- Well I have not heard of any negotiations with the government by the UDF until my arrest with regard to the National Convention. I remember that the UDF had written a number of letters to the Prime Minister on behalf of its affiliates with regard to apartheid and I have never heard that there has been any response from the Prime Minister back to the United Democratic Front on those bases. So I do not know if any negotiations had actually started between the United Democratic Front and the government until my arrest. I do not know if that situation arose after I was arrested. (10)

I just want to refer you to one more point here and that is in EXHIBIT E2, paragraph 7. Black Local Authorities Elections.

COURT: Have you got the document, E2? -- I have got it.

Paragraph 7, yes.

MR JACOBS: Also here on a report from the Transvaal to the NEC, to the National Executive, it is reported that the programme of door to door work, house meetings and mass meetings would culminate in a series of rallies at the end of November. The process has been set in motion in all (20) areas except in certain East Rand townships. Is that a correct version? -- I would generally accept it as a correct version because some of the activities mentioned here I know the Vaal Civic Association was involved in.

And is it correct that a programme was set in motion that will culminate in a series of rallies at the end of November at which the Vaal Civic Association also held a rally at the end of November? -- Well I know that the Vaal Civic Association did hold a rally in November.

And I put it to you according to this programme it (30)
indicates/....

indicates that this was going according to a certain plan of action, that rallies had to take place all over the Transvaal in the areas at more or less the same time? -- I know there were a number of rallies in different areas at the end of November in protest against the BLA.

And do you agree that must have been according to a plan of the UDF? -- Well at this stage I did not know of any plans of the UDF in having rallies, in having this process, I do not know when that plan was initiated so I cannot say that necessarily there was such a particular plan. (10)

COURT: Could it be that you personally were unwittingly part of a plan? -- Not necessarily that I would have been unwittingly part of the plan but what I am saying is I do not know if there was a particular plan to that effect. I know of the activities of the Vaal Civic Association in that area until its affiliation right up to the end of November when we had the rallies. If the UDF, even before we affiliated, had such a plan I cannot say I do know of such a plan at this stage.

MR JACOBS: And is it correct that, did you have any guest speakers at the rally, your rally at the end of November, (20) 27 November? -- Yes we did.

And who were they? -- It was Mr Mkondo.

He is from the UDF? -- He is a member of an organisation affiliated to the UDF and he is also, he was in the executive of the UDF.

Yes. Who else? -- There was a Mr Shabangu.

Also from the executive of the UDF? -- Yes he was in the executive of the UDF at that stage, I got to learn later.

Who else? -- No those are the two I remember who were there, at that rally. (30)

Was/...

Was Mr Aubrey Mokoena not also a speaker? I am just asking out of my memory. -- No he was not.

And according to this, the next sentence:

"The process has been set in motion in all areas except in certain East Rand townships."

According to this sentence it seems as if UDF has set the process in motion?

COURT: Well what was the question Mr Jacobs?

MR JACOBS: My question was sir that it seemed then from this sentence that it was UDF itself who set the process in (10) motion.

COURT: Well that is a question of interpretation, the witness says "I don't know".

MR JACOBS: I would like you to have a look at EXHIBIT L2. L2, L1 then, just so that we get it clear, is the minutes of the General Council meeting held on 15 October 1983, is that correct? And according to paragraph 2 the Vaal Civic Association was attending this meeting as an affiliate?

COURT: I am sorry I am not with you at the moment. L1 or L2? (20)

MR JACOBS: Yes, I started with 1, just to get it clear. L1 is the minutes of a General Council meeting held on 15 October 1983 and according to paragraph 2 the Vaal Civic Association was a member of this meeting as an affiliate, is that correct? -- That is not correct.

So this report is then incorrect as regards paragraph 2? -- It does not say "affiliate" there. The report just puts a correct picture of organisations present at this meeting.

Now the organisations mentioned here in paragraph 2, are they affiliates of UDF? -- Now you mean? (30)

I/....

I beg your pardon? -- Now in 1986, 1987?

Were they affiliates of UDF at that time? -- Well I do not know whether they were all affiliates of the UDF at that time but what I know is that at this meeting the Vaal Civic Association was not present as an affiliate.

So that is why I ask you was it a mistake then if these are all affiliates mentioned here and the Vaal Civic Association is mentioned here that the Vaal was an affiliate? -- No it is not a mistake. What is mentioned there is organisations that are present and not the affiliates. (10)

COURT: Well now let us go on to paragraph 6 on page 2.

"Reports from Affiliates" it says, incorrectly spelt. "Only written reports were accepted. Reports were received from Anti-P.C. Committee, NUSAS and the Vaal Action Committee." Was the Vaal Action Committee then affiliated to the UDF? -- No the Vaal Action Committee I did not know to have been affiliated to the United Democratic Front itself.

Well then it would appear if they were not formally affiliated they were regarded as in the same position as an affiliate. (20)

MR BIZOS: With respect My Lord the witness has given evidence, both in-chief and in cross-examination explaining. I just want to recall that to Your Lordship's ...

COURT: Yes they were asked for a report and according to the witness they gave a report under the heading Vaal Action Committee and that report is before the Court. I know that.

MR BIZOS: Yes, because, and he gave the reasons, because they were not affiliated and because they did not have authority to report.

COURT: I am putting to you Mr Vilakazi that reading this (30) minute/....

minute as it stands here, paragraph 2:

"Present: Vaal Civic Association."

Paragraph 6:

"Reports from Affiliates"

Only written reports were accepted."

And the Vaal Action Committee is set out there, that for practical purposes the Vaal Action Committee was dealt with as an affiliate? You can agree or disagree? -- It would be difficult to voice my opinion there because literally I see it as being wrong to say the Vaal Action Committee was an (10) affiliate of the UDF. So whether it was the mistake done by the author, even if the UDF did not regard the Vaal Action Committee as an affiliate this could have been an error by the author himself or an error by the person who was typing this report. So I cannot say that the Vaal Action Committee was regarded as an affiliate as such.

MR JACOBS: If the Court will just bear with me for a moment. I have forgotten in my notes to mark a certain passage that I want to quote. I will ask my colleague to have a look for it and in the meantime I will ask him something general. Mr (20) Vilakazi do you know about any workshop on civics being held at Daleside in April 1984? -- I did hear of such a workshop.

Did you receive an invitation at the VCA in the Vaal to attend that meeting or that workshop? -- There was information with that regard. I do not know if there was a formal invitation to the Vaal Civic Association that was received.

I would like you to have a look at EXHIBIT U4(a). Have you got it, oh sorry. It is in Volume 1.

MR BIZOS: My Lord in order to expedite the process could we give him ours and then.... (30)

COURT:/.....

COURT: Yes certainly.

MR BIZOS: I see that it has no marks on it.

MR JACOBS: Have you got it now in front of you? -- I have got U4, yes, in front of me.

U4(a)? -- U4(a) yes.

That is, U4(a) is an invitation, a general invitation to people to attend that workshop on 27 and 28 and 29 April 1984, St John Boscoe Conference Centre in Daleside? Is that correct? -- That is so.

And the aim of the workshop is to evaluate the Anti- (10) Community Council campaign and to look at the road ahead for civic organisations in the continuing struggle against the Local Authorities, is that correct? -- I can see that yes.

Was this discussed at the VCA, sending people to this? -- As I said I cannot say this was discussed at the meeting because I cannot remember that there was a formal invitation to the effect or I heard about it from the Chairman personally.

You see the next question, Your organisation will be permitted three representative from your Executive Committee and four community activists. Did you send any representatives (20) to this meeting? In the Vaal? -- There were two workshops that I remember taking place in 1984 and one of these workshops was attended by Miss Lethlake and Mr Hlalugo.

Which one is that? -- Now my problem is I do not remember if this was the workshop or this was the one later in the year that the two attended.

On this now do you know what was the other workshop. The one was now for civic Anti-Community Council campaign, especially for civics, what was the other workshop? -- That is why I am saying I cannot remember if the two people who (30)

were/....

were available to go to this workshop went to this particular one or to the one later.

Yes but ... -- There is one workshop that there was a delegation who went to, that is Mr Hlalugo and Miss Lethlake. Now I cannot remember if this was the particular workshop or the one later in the year.

Just answer my question then. They were delegates, the two people mentioned by you were delegated by the VCA, is that correct? -- Not ...

That is what you have just said? -- Not delegated by (10) the VCA as such but those who were the people who were available and who were willing to go to the workshop because as I understood the workshop to have been it was open to anybody in the civic association to go.

Let us get it otherwise. You can remember two workshops attended by people from the Vaal, is that correct? -- One that was attended by the people from the Vaal. Now there being two workshops now I do not know which one of the two was the one that was attended by the two people I have mentioned now.

So do you say the people from the Vaal attended only (20) one workshop? -- The people who were in our executive.

In the executive attended only one workshop? -- That is so.

And can you remember in connection with what was that workshop? -- Well I think both of them were with regard to the civic associations.

Precisely what about the civic associations, can you remember? -- It will be difficult to remember particularly what it was in regard with as I personally did not attend these workshops, as I was working over the weekends. These (30)

workshops/....

workshops were held over the weekends and I was conducting seminars and workshops during the weekends, so I could not attend any of these two. But I knew that both of them had to do with the civic organisations, but I did not know what was in the programme.

Now I want you to have a look at EXHIBIT U4(c).

ASSESSOR (MR KRÜGEL): Yes, are you going away from U4(a)?

MR JACOBS: No I ...

ASSESSOR (MR KRÜGEL): You are still busy with it?

MR JACOBS: Yes but, let us finish this U4(a) first and (10) then otherwise I will jump around too much. Now your organisation will be permitted three representatives from your executive committee and four community activists. The cost for attending the workshop will be R2 payable at the time of registration. So there was to be a registration and a registration fee to be paid. On the occasion when you said that you sent representatives did you pay a registration fee? -- On the occasion we sent representatives yes we did pay a registration fee.

And how much did you pay? -- It was in the region of (20) this amount, either R2 or R3.

Who paid it? -- We from the Vaal Civic Association assisted those people to pay, both of them.

And is it correct that this invitation was signed by accused no. 21, Moses Chikane? -- It is typed Moses Chikane but there is no signature there.

Well the name of Moses Chikane appears as the person sending out the invitation? -- It does appear so, yes.

Do you know whether Mr Chikane, accused no. 21, was attached to the Education Department of UDF? Of the (30)

Education/....

Education Committee to be more specific? -- Yes he was.

I beg your pardon? -- He was, yes.

Do you know what his duties, in what capacity? -- I do not know what capacity.

Do you know what his duties were? -- His duties? No.

Will you have a look then at ...

ASSESSOR (MR KRÜGEL): Mr Jacobs if you do not mind please. Mr Vilakazi in reply to a question by Mr Jacobs about whether this workshop was the only one attended by the VCA your reply was "Our executive, yes" Do you know about any other people(10) from the VCA, members of the VCA, who attended workshops, apart from the executive? -- As it is here it is stated in this report that there is an invitation to the executives and community activists, as it is put here.

So you singled out the executive as attending only this one workshop? -- That is so, that was now with regard to the sentence that is there, that I know that from our executive there were two people. So I would not know if from other areas there were people who attended this particular workshop or the other workshop as I said. (20)

And you would not know whether any community activists attended this workshop? -- That is so.

MR JACOBS: Now whom did you delegate to that particular workshop that you can remember? -- The people who went to a workshop in 1984 were Miss Lethlake and Mr Hlalugo.

Now I would like you to have a look then at EXHIBIT U4(c). This is the register of the people attending this workshop, this workshop in Daleside and there is the name of E. Lethlake from the Vaal Civic Association, the address 9253 Zone 7A, Sebokeng. Is that Edith Lethlake, the member of your executive? -- (30)

She/...

She was, yes.

And you say that she was your delegate? -- That is one of the people we sent to a workshop.

And then the fifth line beneath here there is Esau Raditsela, Vaal Civic Association 10223 Zone 7, Sebokeng.

-- Esau Raditsela was a member of the executive.

So can you explain then how is it that he attended this workshop if he was not a delegate of the VCA? -- Well like I said we delegated two people to the workshop and the invitation itself there refers to the executive and other people, (10) so Mr Raditsela might have decided to attend himself. And also I do not see whether this is the registration to that particular workshop or to any workshop. It does not say in this document here.

And also right at the bottom you will find Mr David Mphuthi's name, Vaal Civic Association, 11956, Sebokeng? -- That is so.

COURT: Is that accused no. 7? -- That will refer to accused no. 7, yes.

MR JACOBS: Was he a member of the executive, area committee? (20) -- He was a member of the area committee.

Yes, and as such he was a member of the executive? -- At area level.

He was a member of the executive of the VCA? -- He was a member of the area committee of the VCA.

For which area? -- For Zone 7.

And Sam Mputo, just beneath him is Vaal Civic Association.

COURT: Sam Matlole.

MR JACOBS: Sam Matlole, that is accused no. 17? -- That is so.

Is he a member of the executive? -- He is a member of (30)
the/...

the area committee.

C.506 So it is then correct that the Vaal Civic Association also participated in this workshop? -- Well I do not know if this is with reference to the workshop because I did not attend the workshop myself and here it names the name of a person, the organisation, civic organisation, and the address. It does not state whether this is a meeting held where, on what date, whether it was a workshop, it was a conference or it was anything. So I cannot be in a position to say that this is the registration to the particular workshop that was held on this particular (10) date.

Yes we will come to that again. Did they not report back to the Vaal Civic Association on what had transpired on this workshop? -- On the occasion that I know Miss Lethlake to have attended as a delegate of the Vaal Civic Association she did report back as to what transpired at that meeting, at that seminar.

What did she report back to you? What did she report back? -- Well she reported back that the seminar was based on organisations and how organisations, how democratic control (20) in the organisations can be achieved.

COURT: Do you know somebody called Matlakala Moang of 9225, Zone 7A, Sebokeng? -- I have only heard of the name, I do not know the person.

Well he mentioned his organisation to be the VC organisation. -- I only know the name to be a person attached to the Zone 7 area committee, I do not know the person personally.

MR JACOBS: So the Vaal Civic Association also fully participated in other facilities made available to the organisations, like this workshop? -- As affiliates and if invited and if (30) there/...

there was anybody available to represent the Vaal Civic Association the VCA did participate fully.

And on this, and if you have a look at EXHIBIT U4(b), the heading of this document "UDF Education Committee - Education Programme for Civics" on 27, 28 and 29 April ... -- I am at loss, is it U, d for David or ...

COURT: U4(b) for Ben. -- (b) for Ben. -- I have got it.

MR JACOBS: Now I would like you to have a look there at page 1 there first, just before the line across it, after the first paragraph there stands "participants", have you got (10) that place? -- That is so.

"There were 35 participants at the workshop. Another 10 people came and went, 18 from Soweto, 2 from the East Rand, 2 from Alex, 3 from Pretoria and 5 from the Vaal." -- I can see that yes.

And so do you agree that five of the delegates were from the Vaal?

COURT: Five of the participants.

MR JACOBS: Of the participants. -- I cannot agree as I did not attend this Education Programme or this course, and that (20) participants there, even typed in as 35 participants then the breakdown is in pen. So I do not know whether that is correct reflection, whether the 5 were actually from the Vaal complex or the 5 were from Pretoria, whether it is correct or incorrect as I did not attend that seminar, I am not in a position to say.

If this document was found in this condition, some of them were found, one was found with Amanda Qadi.

COURT: Do you know Amanda Qadi? -- Yes I know her.

Who is Amanda Qadi? -- I know her to be a member of (30) the/...

the Federation of Transvaal Women.

Is she on the UDF? -- The Federation of Transvaal Women is an affiliate of the United Democratic Front.

MR JACOBS: And she holds the womens portfolio on the executive of the UDF? -- That is so.

And EXHIBIT 4(e), which is another, I do not want to call it a copy but another document similar to the previous one and specifically referring you to this one because this one was found at the UDF offices itself. And ...

COURT: Well it is no similar to the previous one, the (10) previous one is a different one I take it? The previous one is U4(d), that is entirely different.

MR JACOBS: That this one, U4(e), the document ...

COURT: U4(e) is similar to U4(a), both are similar, if not identical to U4(a).

MR JACOBS: Identical, and the second document The UDF Education Committee, Education Programme, U4(e), and I have got a small (ii) behind the (e), is another document that was found in the UDF offices. It is just to get, not, U4(e), the first document is United Democratic Front, that is a letter and (20) then there is the Education Committee, Education Programme, the next document, and the third document then is UDF Education Committee, Education Programme, similar to U4(b), and I put it to you that U4(e), this third document, was found in the offices of the UDF, in the office of the Education Committee, UDF, Johannesburg. Will you accept that? And it was also admitted as such by the defence in formal admissions that this one was found in the offices of the UDF.

COURT: Yes well then that is common cause now Mr Jacobs.

Get on with your next question.

(30)

MR JACOBS:/....

MR JACOBS: And it was found in the condition as it is before the Court, with the written part written in like this. -- I cannot dispute that.

So this must have been written in by the people drawing up this report? -- That is so.

And then therefore it must be correct then that the Vaal sent five delegates who attended that Education Programme for Civics? -- I am not saying that I dispute that and I am not saying that I can agree to that. As a person who has got no personal knowledge of the, of what transpired at that conference itself I am not in a position to deny or agree to that proposal. (10)

And there is no reason to believe otherwise that it was not, it does not reflect the correct position, there is no reason whatsoever?

MR BIZOS: The numbers do not correspond with the schedule, there are only 30 people scheduled and the analysis does not work but I am merely saying that the assumption is wrong, but whoever drew it up obviously, if the schedule is right, if the schedule is right .. (20)

COURT: Are you referring to the attendance register as the schedule?

MR BIZOS: To the attendance register as a schedule. If that schedule is right then these figures are not correct. This is one of the little exercises that we have been doing whilst My Learned ...

COURT: Well if that is the only mistake in this case I would be happy.

MR JACOBS: And it seems as if the people from the Vaal also correspond with the schedule, we will call it the schedule (30) then, /....

then, that there were five people according to the schedule?

COURT: Yes very well Mr Jacobs, what is the point now? You can argue this matter later on, the witness was not there and he sees the names.

MR JACOBS: And I am putting it to you that it was this meeting that was attended by the delegates, that this workshop was attended by the delegates from the UDF, from the VCA? -- Well as I did not attend the seminar and knowing that Miss Lethlake and Mr Hlalugo were delegated to one of the workshops.

So will you have ... -- .. I am not in a position to say (10) that this is the one.

Will you have a look then at page 2 there, question 4(c). "The issues the civics have taken up include transport boycotts, rent, electricity and water prices and the Community Councils."

COURT: We are now referring to which document Mr Jacobs?

MR JACOBS: The same, EXHIBIT U4(b).

COURT: U4(b), page 2.

MR JACOBS: Page 2, question 4(c):

"The issues that civics have taken up include transport boycotts, rent, electricity and water prices, Anti- (20) Community Council campaign, school problems - for example the high failure rate - housing, the million signature campaign and Womens Day."

Do you agree to that, that that was also taken up in the Vaal? -- Well most of these matters were taken up in the Vaal.

And that is issues, or as you call them problems? -- Most of these problems were taken up in the Vaal.

And they were taken up in order to mobilise the people to follow the VCA in opposing and fighting against the Black Local Authority system? -- Well that is not so, but they (30) were/....

were taken up because these were problems that the people were experiencing and not necessarily so that people can be mobilised to fight against any structure whatsoever.

You see if you will have a look at the next page where I put it to you five people from the Vaal, four attached to the VCA either as executive members direct or as members of area committees were part of the planning, will you have a look then at page 3 under the third paragraph:

"The next task are to destroy the Black Local Authorities and to strengthen the civics." (10)

Do you agree with that sentiment? -- I do not agree to this sentiment of the destruction of the Black Local Authority.

But this was part and parcel of the workshop arranged by UDF, attended by the VCA and it was part of their instructions in the way of lessons that it is part of the policy to destroy Black Local Authorities? -- We have in the Vaal Civic Association deliberated against the Black Local Authorities, opposing it and the methods that we had opted for as the Vaal Civic Association had been peaceful approach towards that problem and as I did not attend this workshop and with my knowledge (20) of an organisation of the nature of the United Democratic Front I would see it not really in the right light to say that the people were instructed to destroy the Black Local Authorities Act.

Well would you agree if this is taught to the people at this very important workshop by the UDF that the Local Authorities must be destroyed are you still saying that UDF is such a peaceful organisation? -- That is so.

So what is the peacefulness in destroying Black Local Authorities? -- The peacefulness will be the method applied(30) there./...

there. Peaceful methods in opposing that structure, in removing that structure does not mean that if one reads it as it is put here in the minutes written by somebody, who I do not know who it is who wrote these minutes, I can just literally mean, and I understand it to mean that peaceful methods are not applicable in this situation.

Do you agree then that by using the word "destroy" it does not convey the meaning of peaceful methods? -- Well this is a report on the, on a workshop and a workshop there are many methods that apply there. There could have been group(10) discussions with regard to this particular situation where each group divided in whatever way the course conductor could have decided, these groups deliberate on this question of the BLA and what happens in the future and reporting back and deliberating on these suggestions as they come and here it does not say the destruction of the Black Local Authority will be through force or would be violently. So what I know is that we have adhered to peaceful approach in opposing the Black Local Authorities Act. So I cannot as such, not having attended that seminar and not believing that that could (20) be a conclusion of a course conducted by the United Democratic Front agree to proposals that this destruction would mean that this is opposition through violent means.

COURT: Well now just a moment, let us just get clarity on what you are saying because I have not the faintest idea of what your answer to the actual question is. May I reformulate it? Are you happy with the use of the word "destroy" in the sentence "The next tasks (let us say of the UDF) are to destroy the Black Local Authorities." Are you happy with the use of that word or are you not happy with the use of that word? -- As(30)

it/...

it is it is subject to debate.

Well I am just asking are you happy or not? Would you have used it? -- I would have used it.

You would have used it? -- That is so.

Oh you would have used it? -- That is so.

I understood you to say that you did not agree with the sentiment expressed in this sentence? -- I would have used it with the explanation on the methods but being put only as it is that to destroy only then being left like that I would not have used it and if I used it in a situation of a (10) course, like it is, then it means that I would not have left it hanging like that. It depends on how one uses it.

Well now it is being used in this sense. Are you happy with it or not? What is your difficulty Mr Vilakazi? -- Well I would not have used it in a course content and left it like this as I believe that it was also not used and left like that in that course content.

No you need not fend for the author of this document. He may be somebody who is not relevant at all to this case. I am just asking you as to your sentiments, you on your own senti-(20) ments? -- Well I would not have used it and left it like that.

So you are not happy with it? You would not have left it like that because it connotes the destruction by violence? -- No because it is not explanatory to the person who is reading it.

One of the senses in which it can be read is violent destruction? -- That is so, that is if a person would read it as it is being a report just like that, would probably have problems with it. But as it is it was in a course content and this is a report on the course itself, and knowing the nature(30)

of/...

of the United Democratic Front and knowing the nature of the Vaal Civic Association I would not read it as to be destructive, unless one did not know the nature of the United Democratic Front itself.

Have you finished with this aspect?

MR JACOBS: I just want to ask one question before I forget about it and we can come back on it later. You say you are, are you honest with this Court when you say you are knowing the nature of the UDF? -- I think I am also honest to myself to say that I know the nature of the United Democratic Front (10)

And that means the nature of the UDF in regard to this specific word "destroy the Black Local Authorities"? -- Yes and that is that the UDF would apply peaceful means with that regard.

You do not even know anything about the UDF and the Convention but you still say that you know the nature of the UDF? -- With regard to this, I have been asked specifically with regard to this.

COURT ADJOURNS FOR TEA. COURT RESUMES.

BAVUMILE HERBERT VILAKAZI: d.s.s. (20)

FURTHER CROSS-EXAMINATION BY MR JACOBS: Mr Vilakazi you say that you, am I correct are a Training Officer, is that correct? -- That is so.

And as such do you hold workshops to, in order to train the people? -- That is so.

So what is the purpose of a workshop? -- A workshop is aimed at bringing people together to share their experiences and also to build on these experiences and to gain the necessary skills related to the particular subject.

If you say build on the experiences of a certain subject(30)
does/....

does it mean that you have to build and to plan how to conduct yourself or the people, how to conduct themselves? In relation to a certain goal? -- That would be part of the building of the particular skills.

Yes. And do you agree that if the destruction of Black Local Authorities is a certain goal then you will discuss and build consensus on how to go about to destroy Black Local Authorities in general? -- I would see it that way, yes.

I just want to refer you to one other place on page 5 of this report, fifth paragraph, it says:

"The problems we face in youth organisations in civics, (10) in rural areas, in trade unions, in political struggles, are all linked because they are all caused by the government in its attempts to reorganise oppression in our country."

Do you agree with that statement? -- I agree with that statement though I do not know the issues that were raised when this session was held.

And Black Local Authorities being one of the issues or specifically the issue at this workshop? -- Well I agree that as the report says the BLA was part of the subject at this (20) workshop.

And do you agree that the Black Local Authorities is one of the problems which faced the civics or the rural areas or the trade unions? And caused by the government?

MR BIZOS: My Lord the sentence was explained in the next paragraph and as the witness is being cross-examined on a document which he knows nothing about I submit, before any interpretation is placed on it, the next paragraph should be brought to the witness' attention.

COURT: Very well. Read the next paragraph to the witness. (30)

MR JACOBS: He went on to explain this:

"The government is now forcing all our people to register as homeland citizens, it is pushing all the homelands to accept independence as soon as possible. In this way it is trying to get rid of all the Africans in South Africa, our people are now going to be treated as foreigners, Transkei, Venda, etcetera, in South Africa. This will help the government to claim that it is a democratic government, that it represents all the people in South Africa. As there will no longer be any (10) African people in South Africa, they will all be in or from Botswana, Venda, Transkei, etcetera. There will not be any problems with the fact that they are excluded from running the country."

I do not know if I have to read all of it now.

"At the same time the government is now going to allow Indian and Coloured people to come into Parliament as junior partners."

COURT: Well you were requested not to read the whole document but only that paragraph. Unless there is a further request (20) you can stop.

MR JACOBS: You already said you approve that statement that was put to you in the first instance and would you say that the Black Local Authorities is part of the problems of the different organisations and caused by the government? And that it must be opposed? -- Well I agree that the Black people in South Africa were opposed to the Black Local Authority because it in itself was offered to the Black people as meaningful political representation of the people, whilst on the other hand the people of South Africa believed and they still believe that (30) meaningful/....

meaningful political rights for everybody in the country is essential and that every part of the Community in South Africa must be equally represented at government level and not a section being limited to local structures for their own representation.

And do you agree then that in this, according to this workshop that UDF and the organisations attending this workshop were planning together to, for the steps to be taken in opposition to the government and the policy of Black Local Authorities? -- Well I have not come to the point in the (10) report where it says that these steps were to be taken and such steps were planned.

But did you not say that when you are holding a workshop that is the object of holding it? -- Not necessarily to plan. But a workshop can be run on planning itself.

COURT: You mean how to plan? -- On how to plan. And planning cannot be done at the workshop itself.

MR JACOBS: In actual fact the UDF was the leading force on this workshop because they were the people in the Education Committee giving this workshop and giving the leading? Is (20) that correct? -- I do not understand the question.

Is it correct that the UDF organised this workshop, they invited the people to the workshop and they were conducting the workshop and they took the leading part in this? -- That is so.

Mr Vilakazi I am now going over to the house meetings. Is it correct that according to your mandate from the people in the launching meeting of 9 October 1983 of the VCA you as a chosen area representative, you were to work to establish area committees? -- That is so.

You yourself an area committee. It was also decided (30)

at/...

at an executive meeting, if I understand your evidence correctly, of the VCA that you as an area representative should endeavour to establish an area committee? -- That is so.

Is it correct that area committees would be part of the VCA? -- That is so.

The calling of the four house meetings at your house was part of your effort to comply with these instructions? -- With this mandate, yes.

Yes. Now on the first meeting at your house, that is a meeting I think of 14 August 1984, is that correct? -- That (10) is so.

Now which people from Zone 3 attended this meeting in your house? -- The people from Zone 3 attending this meeting at my house comprised of Mr Nkopane, accused no. 8.

That is from Zone, yes.

COURT: Is he from zone 3? -- That is so.

Yes? -- Reverend and Mrs Mahlatsi, Mr and Mrs Olifant, Mrs Mokoena.

Is that Mrs Rina Mokoena? -- No, no.

No? -- Not Rina Mokoena, Mrs Rina Mokoena is from (20) Zone 7.

What is her first name? -- I do not know her first name.

Yes? -- Mr Marupeng, Mr Radebe, Mr Manesa.

Mr? -- Manesa.

Manesa. -- That is so.

And yourself? -- Myself and others whose names I cannot recall now.

MR JACOBS: Did you invite them to the meeting? -- Yes, others were invited by myself directly.

Mr Mahlatsi did you invite him, or the Reverend Mahlatsi (30) did/...

did you ... -- That is so.

Where did you meet him? -- I went to his house.

Where did you meet him at his house or in the street? --
I met him at his house.

Yes and what did you tell him? -- Well I invited him to my house to a meeting where I told him that the aim of the meeting was to work towards the establishment of an area committee in the Vaal Civic Association which would be in a position to deal with the problems of the people in the area and also to discuss the impending rent hike. (10)

Did you tell him, did you give him any reasons why you want him to attend this meeting? -- I told him that it was important as a resident for himself to attend that meeting.

Did you tell him anything about other area committees being in existence? -- Well I cannot remember that at that stage in his house I spoke about other area committees.

Did you tell him what the good will be of an area committee? -- Like I said I told him that the area committee will be able to deal with the problems of the area in the manner that the people in the area would have decided. (20)

Did you tell him how the area committee can cope with problems of the people? -- My explanation which I did later at my house was that the people themselves having elected the area committee into office will be the ones who decide on how the problems are to be tackled.

So do I understand you correctly then that you first have to form an area committee, ask the people to come and form an area committee and then go back to the people and ask them to come back again at a mass meeting and tell you how to cope now? -- That can be done not necessarily at mass meeting (30)

level./.....

level, but meetings could be held also outside the situation of a mass meeting where people could be consulted on a particular approach to the problems.

So it is not on a mass meeting alone but even a single person can he tell you how to run your affairs in the area committee? How to cope with a certain problem then? -- If an opinion of an individual person in an area is sought then that opinion will be weighed and looked into.

So when there is a problem do I understand you correctly then the area committee will either go to an individual or (10) a house meeting, people at a house meeting or a mass meeting to find out how to cope with the problem? -- That is so.

And before that you would not do anything about the problem? Before you have not received a mandate from either of the three people, the three instances? -- Only with a mandate from the people at whatever level would the area committee be in a position to know what is expected of them.

Who were the people from Zone 7 Area committee who attended your meeting, that first meeting at your house? -- Nobody from Zone 7 attended that meeting at my house on (20) the first day of the meeting.

Nobody? -- Nobody attended.

Are you sure of that? -- I am sure nobody attended the meeting.

Did anybody from the Zone 7 area committee arrive at your meeting for any reason while the meeting, at your house while the meeting was in progress? -- That is so.

Yes, who? -- It was the Vice-Chairman of the Vaal Civic Association Mr Esau Raditsela.

Yes? -- In the company of Miss Edith Lethlake, the (30) area/....

area representative for Zone 7.

Yes? -- And Mr Sam Matlole, a member of the Zone 7 area committee.

Yes, who else? Only the three of them? -- Mrs Raditsela was in the car.

When they arrived at your house were you still busy with your meeting in the house? -- That is so.

And when they arrived there what transpired? Give us an exact picture please? -- Well I stopped the proceedings.

Did they enter into the room where you held the meeting?(10) -- I was informed of their presence and I stopped the proceedings and I invited them into the room.

You invited them into the room. -- yes.

Then? -- Then I informed the people that these were people from Zone 7 and I introduced them. That is the three that had entered the house.

Yes? -- Then Mr Raditsela explained that they had come just to make sure that the people they themselves had directed to my house meeting had arrived, or had found the place.

Or? -- Or had they found the place. (20)

Yes? -- And then they wished us well and then they left.

Now can you remember were the people they directed to the meeting, were they there? -- Yes some were there, some were not there.

Who were they? -- Those that they identified was Mr Radebe.

Which Mr Radebe? -- He is also a resident of Zone 3.

Yes? -- Mr Radebe and Mr Nkopane.

COURT: No. 8? -- That is accused no. 8.

MR JACOBS: Anybody else? -- Those are those that I remember(30) who/....

who were present.

You are sure they did not say anything else at the meeting? -- No they wished us well and then they left.

Did Esau say anything about they know that you cannot get a venue for a meeting? -- That is not so.

And if somebody said anything to that effect that will be an untruth and a lie? -- That is so.

I would like you to have a look at, I am going to read to you from the record and I am going to read from Volume 43 of the evidence of Mahlatsi. (10)

COURT: Page?

MR JACOBS: Page 2038, and I can assure you that this portion refers to the meeting of 14 August, the first meeting held in your house. I will start from the top:

"Do you recall whether Mr Esau Raditsela and Miss Edith Lethlake and Mr Matlole, accused no. 7, made a brief appearance at the first meeting? -- I do not quite remember whether they did show up for a short while.

COURT: Is that put?

MR BIZOS: It is put yes. And their concern was that (20) the Zone 7 people had difficulty in finding a venue for a meeting. My Lord the "it" was a strange figure on my instructions, it could be either a 7 with a cross or a continental 7 or a 3. Yes what you are putting is that their concern was that Zone 3 people had difficulty,

MR BIZOS: Had trouble in finding a venue. -- Yes I am aware of that. It was mentioned. I heard it. All I cannot remember is whether it was uttered by Raditsela Or Mr Vilakazi.

Yes do you recall?

(30)

COURT:/.....

COURT: Mr Vilakazi is accused no. 10.

MR BIZOS: 10 yes. Do you recall whether at this first meeting there was any talk of a meeting being held in order to formalise the situation into an area committee or not."

Do you agree it was put here that they were there, Esau Raditsela and the others were there because of you in Zone 3 not being able to get a venue? -- That was not at that meeting.

No it was put here at the first meeting, it was specified specifically at the first meeting here? -- Well I do not (10) know why it was put specifically at that meeting but I would understand the confusion that was, that arose out of Reverend Mahlatsi's evidence in that he dealt with two meetings when in actual fact we gave instructions on the basis of four meetings. And Mr Raditsela and Miss Lethlake made two appearances.

Mr Vilakazi I put it to you that the information put to this witness was information put by your counsel as a fact to this witness. Do you agree to that?

MR BIZOS: My Lord Your Lordship will be able to find another passage in the record, the witness spoke consistently of (20) his first meeting and his second meeting and it was put to him that he was confused, that there were in fact four meetings but I was using his first meeting and his second meeting as a term of reference, as a shorthand. Your Lordship will recall that I put to Mr Mahlatsi that he was confused and that there were four meetings and I had adopted his nomenclature. My Learned Friend can argue it and he can continue but in fairness to the witness I thought I would remind Your Lordship in relation to that.

COURT: Yes?

(30)

MR JACOBS: /.....

MR JACOBS: Mr Vilakazi I put it to you that what was put when the three people, as also said by you, Esau Radisela, Edith Lethlake and accused no. 19, accused no. 7 arrived at your house and on the first meeting is a fact that was put by Mr Bizos, that was said? What do you say to that.

COURT: Just a moment. Mr Bizos put to him that there was a meeting on 14 August, a meeting on 16 August, a meeting on 21 August and a meeting on 23 August, that is at page 2035. The witness then said "I remember the two meetings, that is for a meeting which was held on the 16th and on the 24th." So (10) in fact his first meeting was the second meeting this witness referred to and his second meeting was the last meeting this witness referred to. So now are you cross-examining him on what was put in respect of 16 August or are you cross-examining him on what was put in respect of 14 August?

MR JACOBS: I put what was put to him in regard to the meeting of 14 August.

COURT: Well it seems to me that he, that is Mahlatsi, and therefore I take it the cross-examiner, were referring to the second meeting then, 16 August. (20)

MR JACOBS: I will get clarity on this but what I am trying to convey to him is that it was at the first meeting, it was put that it was at the first meeting when ...

COURT: Yes that is quite right, it was put at the first meeting but the question is what is the first meeting? The witness' first meeting or Mr Bizos' first meeting?

MR JACOBS: Even Mr Bizos' first meeting was when Esau Raditsela, Edith Lethlake and Sam Matlole arrive at the meeting and at that meeting where they arrived, and that was also the evidence of the accused now that it was at the (30) first/....

first meeting of the 14 August.

COURT: Yes well go ahead, we will have to sort this out eventually.

MR JACOBS: So if it is put by Mr Bizos here and if he referred to the first meeting at your house, 14 August, that Edith, Esau and Matlole arrived there, that is accused no. 17, and at that stage Esau Raditsela at the meeting mentioned the fact that you in Zone 3 had difficulty in getting a venue and he was perturbed about it, that will be wrong? -- That is not what happened. (10)

Who gave Mr Bizos that instruction, do you know? -- It could have been myself who gave him an instruction with regard to the first meeting.

And if, and were you satisfied at the time that if this referred to the meeting of 14 August that he was putting it right and correctly to the witness? -- Well in cross-examining that witness he was cross-examined on the basis of his reference to two meetings at my house and I had given clear instructions on the first meeting, the second meeting, the third meeting and the fourth meeting at my house. (20)

Let us get something clear now. Did Mr Esau Raditsela, Edith Lethlake and accused 17 arrive at your house at two different occasions during house meetings? -- Mr Matlole came on one occasion and that was during the first meeting. Miss Lethlake and Mr Raditsela came on two occasions.

When was that? -- The first meeting and the third meeting.

The third meeting? -- That is so.

So if your version then is correct now that it was the third meeting at your house then there is still a mistake there because Mr Matlole, that is accused no. 17, was not present/.... (30)

present on the second meeting, on the third meeting, on the second occasion? -- He was not there, yes.

And that was a mistake put to the witness? On which he had to comment? -- Well the witness was giving evidence on two meetings and dealing with issues that happened at four meetings altogether in these two meetings and I can understand how the, this was put to him, I mean that confusion.

I am not dealing with the evidence of the witness and the confusion of him. I am dealing with what was put by the defence to the witness. -- That is also what I am referring (10) to.

So if it was put, as you said, that at the third meeting that Esau Raditsela, Edith Lethlake and accused no. 17 arrived at that meeting then it is wrong? It is not the full truth? -- That will not be true and I do not think that was put that the three people, they did make an appearance at the third meeting, being three.

So you are disputing what I read from this record then? -- Well what I remember is that what was read from the record was with reference to the first meeting. As dealt by Mr (20) Mahlatsi.

COURT: Well on your version if it referred to the first meeting referred to by Mr Mahlatsi, that is of 16 August, then neither accused no 17, nor Esau Raditsela nor Edith Lethlake was there, so it could not have been put in respect of the first meeting referred to by Mr Mahlatsi. It could only have been put in respect to the first meeting that you referred to, that is of 14 August, correct? -- That is so.

Well then now the cross-examination is on that point.

MR JACOBS: Did Mr Esau Raditsela mention at any meeting (30) that/....

that he was concerned because the people in Zone 3 could not get a venue?

ASSESSOR (PROF JOUBERT): Zone 3 or Zone 7?

MR JACOBS: Zone 7. -- That is not so.

No the people from Zone, no sir, did Mr Esau Raditsela at any meeting put it to the meeting there that he was concerned because the people in Zone 3 could not get a venue? -- That is not so.

What was said at the third meeting now? Let us now just get clarity on that. -- At the third meeting Miss Lethlake, (10) as an area representative for Zone 7 mentioned that the Zone 7 area committee had made a decision that they can allow us to share their venue with them, that is if we still were not able to get a venue ourselves.

Now I would like to read to you this again, and it is put:

"Yes and"

COURT: You are reading paragraph, from page?

MR JACOBS: Page 2038, just line 10, beneath Mr Bizos:

"It is put yes that their concern was that the Zone 7 people had difficulties in finding a venue for a (20) meeting."

And then it was corrected, the Zone 7 was corrected:

"My Lord it was a strange figure on my instructions, it could be either a 7 with a cross, or a continental 7 or 3.

COURT: Yes so what you are putting is their concern was Zone 3 people had difficulty.

MR BIZOS: He had trouble in finding a venue."

So that information is wrong then, on either meeting? -- It will be wrong in as far as that is attributed to Mr (30)

Raditsela./....

Raditsela. But the Zone 7 area committee had this concern and it was in this regard that Miss Lethlake reported that a decision had been taken to offer us a venue.

So did you give your advocate instructions on this? --
That is so.

And did you give him the wrong instructions? -- I gave him the right instructions.

So are you saying that he was putting the wrong facts to the witness? -- Well I do not know if the advocate was referring to an instruction given by any other of the accused persons (10) who knew the facts or the instructions as they were were not clear enough to the advocate to the extent that he put it that way. I do not know, I cannot say how that happened but the right instructions were given.

So there cannot be any disparity on the correctness of the instructions because the right instructions were given, you are saying that? -- Well I know to have given the right instructions.

And if this is the version of any of the other accused, that Mr Esau Raditsela mentioned this, what I have read (20) out to you, then either they are correct or they are wrong, is it correct? -- Well I would see it as a mistake on the part of that accused's instructions.

So then it is only a mistake? -- That is how I see it, yes.

You were present in court when this evidence was put to the witness. Did you try to rectify this, you listened in the court, you heard what was said, you had two chances actually. One chance in English and another chance before it was translated and then when it was interpreted to the witness (30)

as/....

as well? -- My contention is that during cross-examination I gave instructions to my counsel.

You say that you gave that instruction during cross-examination and Mr Bizos still put the wrong version to the witness? -- Well whether my instruction was used in this particular case or another instruction was used and mine was not used I cannot say.

And you did not do anything to rectify the wrong statement put to the witness? -- That situation was corrected in regard to the meetings further during cross-examination (10) when the four meetings were isolated by counsel.

When did you inform the people of the Zone 7 area committee, anybody of the ...

MR BIZOS: My Lord could I appeal to Your Lordship to look at the bottom of page 2042, I do not want to read it out. Up to 2043, if any evidence were required about this, Your Lordship's view of the matter at the time.

COURT: Well I do not entirely know what you are after Mr Bizos but you can always argue this.

MR BIZOS: My Lord Your Lordship will see that I was (20) uncertain in my own mind, I said that I wanted to try and clear it up. Your Lordship said well Your Lordship did not know how important this was and I resigned to that situation.

COURT: Well it may still not be important Mr Bizos.

MR BIZOS: But I predicted that there may be long cross-examination about it.

COURT: But actually the cross-examination arises because you put the wrong facts.

MR BIZOS: Well I have no doubt My Lord, but I am only saying in self defence that it was a note which I could hardly (30) read, /....

read, and I said so, that I could not read it.

COURT: Well you are not in the accused box at the moment Mr Bizos.

MR BIZOS: Thank you My Lord.

MR JACOBS: Who was the first person from the Zone 7 area committee that was informed by you about your inability of getting a venue? -- The only person I spoke to was Miss Lethlake.

When did you speak to her? -- I spoke to her on the morning of Monday the 20th of August 1984. (10)

ASSESSOR (MR KRÜGEL): Going to work? -- That is so.

MR JACOBS: Did you at any stage suggest at any of the house meetings conducted by you that you would ask Zone 7 people to share their venue with you, with them? -- I never suggested it at any house meeting.

Did anyone else suggest it, that you yourself ask Zone 7 people to share their venue? -- Nobody suggested it.

I want to put to you page 2039 of the evidence, that is also again in Volume 43, in the middle there it was put to the witness like this: (20)

"Yes and that you would ask the Zone 7 people to share the venue with them."

COURT: Yes well let us just get the previous paragraph to give the witness the context.

MR JACOBS: "Yes and was there talk about Zone 3 wanting a mass meeting? -- Yes we wanted to hold a mass meeting in Zone 3 but because of lack of a venue we then agreed that we are all going to hold one meeting, that is Zone 3 and Zone 7 at Small Farms.

Yes and that you would (and then it was put by (30)

Mr Bizos/....

Mr Bizos) that you would ask the Zone 3 people to share their venue with you? -- That is so."

Do you agree, is it correct or not? -- It is not correct that we were to ask the people from Zone 7 to share the venue with us.

So this was also a mistake put to a witness from information from the defence? -- Not necessarily from information from the defence, but I can understand the confusion during cross-examination.

You say that Mr Bizos also in this case made a mistake(10) and was not putting your version to the witness? -- Well I had given instructions on how we came about to share the venue with Zone 7. It could have been that Mr Bizos must have put it on his recollection at that stage.

Do you tell the Court that Mr Bizos was only referring to what he remembered and not to his notes? -- Well I am not suggesting that but I am suggesting that this mistake could have happened during cross-examination for many other reasons.

Did you tell him that he was putting a wrong version to the witness? -- Well I had given instructions on this (20) particular issue.

But when the evidence was given in court did you draw his attention to that that it is a mistake? -- I have tried as much as I can as an accused, together with the other accused people here, that where counsel erred we make necessary, we draw the necessary attention of counsel to that particular issue.

COURT: So is the answer then yes I did draw Mr Bizos' attention to this particular mistake? -- Well I would not remember if I did to this particular mistake. But what I (30) am/....

am saying is that that has been the practice amongst the accused, to try by all means.

MR JACOBS: Did you send him a note that it was a wrong statement made there? -- The possibility is that I did in this particular instance.

I beg your pardon? -- The possibility is that I did in this instance.

No I am not asking about possibilities, I am asking you did you send him a note? -- Well when this question arose I cannot remember if I did at that time send a note but I (10) know for a fact that I had given instructions to the effect that we had been offered a venue and we did not go out to ask the people from Zone 7 to allow us to share the venue with them.

And is it also the truth that no correction was put to the witness in the box? -- Well I do not know how far the record goes, I do not know if it was corrected later.

You were in court, it is not a question of how far the record goes, I am asking you it was not done in court, you were in court? -- Well I will not remember every minute (20) detail of what transpired in court during the past year that I have been in the dock and it is only through the assistance of the record that one is able to put that right.

In your evidence-in-chief you also mentioned about, when you discussed the house meetings on page 7862, that is Volume 160, the question was:

"Did you have any feeling from anything that you saw or heard by the middle of August that Esau Raditsela had hijacked the VCA away from McCamel? -- There was no feeling like that. I must point out that after (30)

Reverend/....

Reverend McCamel's employment problems and his inactivity in the Vaal Civic Association Esau Raditsela took up a more active role simply because Esau had no problems like Reverend McCamel had and Esau Raditsela was the only person who could be active as he was the Vice-Chairman. Thirdly Esau Raditsela had a car could he could co-ordinate the affairs of the Vaal Civic Association much easier as Reverend McCamel could."

Is that correct, that is your evidence? -- That is so.

Now I want to know from you what co-ordination of the (10) affairs of the Vaal Civic Association was Esau conducting? -- In his position as the Vice-Chairman in the absence of the Chairman Esau Raditsela was in the position to notify the members of the Executive of the meetings of the Executive and also try to find the venue for such meetings and also to try to assist by connecting the Chairman and the executive, by reporting to the Chairman what is happening in the executive, also getting feedback if possible from the Chairman to the Executive in his absence. Also where direct assistance by any member of the Executive would need assistance from (20) the Chairman in the absence of the Chairman he would then go to the Vice-Chairman.

Yes. And is it also, was he also doing the co-ordination of the mass meetings to be held and to see that everything goes correct? And to see that at all the meetings certain plans are put into operation? -- I did not see him to be co-ordinating the mass meetings. I saw him of being of assistance where he was required to assist.

I beg your pardon? -- I saw him being of assistance where he was called upon to assist. (30)

Yes,/

Yes, and he assisted in the different meetings, mass meetings to be held in different areas on different days? That is part of his co-ordination of the affairs of the Vaal Civic Association? -- Much as it would be part of his work as the Chairman, or the Vice-Chairman of the Vaal Civic Association I can only give evidence with regard to the mass meetings which I know and I attended that Mr Raditsela assisted and how much, how far his assistance was.

I am going to repeat the question, is it part of his general duty in co-ordinating the affairs of the Vaal Civic (10) Association to also go and check on the different mass meetings and see everything is correct? Is that part of his duties as a co-ordinating officer there, in that respect? -- Well in that respect I would see him as, I would see it as part of his responsibility.

Now I would like to go to the third house meeting that you said that Edith made a report to you on that house meeting? -- That is so.

Was there any discussion after she made that report to you? -- The discussion was limited to how the venue would (20) be used.

I beg your pardon? -- The discussion was limited to how the venue would be used.

And did Edith take part in that discussion? -- She was involved.

And only Edith or was she alone or was she accompanied by somebody? -- She was with Mr Raditsela who did not take part in the discussions.

Did they join the meeting where you were congregating? -- They came at the, it was not during the meeting. They (30) came/....

came when we were about to start the meeting.

I beg your pardon? -- They came when we were about to start the meeting.

About to start the meeting? -- That is so.

Yes and then?

MR BIZOS: My Lord could My Learned Friend please clarify, because he has been referring to two meetings. The house meeting and the mass meeting.

COURT: The third house meeting. We are dealing with the third house meeting. (10)

MR JACOBS: Yes, you said they came to your house before the meeting started? -- That is so.

Did they participate in the meeting? -- They did not.

Did they join you in the meeting? -- They did not.

COURT: What was Mr Raditsela's work? -- His employment?

Yes. -- Mr Raditsela I knew him to be employed in an advice office called The Industrial Aid Centre. In Vereeniging.

Who runs the Industrial Aid Centre? -- As an advice centre it was an advice centre for the unions affiliated to the Federation of South African Trade Unions. So I do not (20) know whether FOSATU was directly involved in running that service organisation.

FOSATU? -- That is so.

MR JACOBS: Yes, was it only the two of them, Edith and Esau, that arrived at your house? Did Esau come to your house on this second occasion with Edith Lethlake? -- That is so.

COURT: Only the two of them? -- Only the two came to the house.

MR JACOBS: Was there anybody else? -- There was a third person in the car who I took to be Mrs Raditsela. (30)

Did/.....

Did you not invite her in? -- No I cannot remember inviting her in.

What did you tell your counsel about this, that there were only two or three? -- I spoke about people who came into the house.

What did you tell him? -- I spoke about Edith Lethlake and Mr Raditsela.

Not about Dorcas? -- Well I spoke about Dorcas being the third person who I took it to be the person in the car.

I would like to read to you from page 2044. (10)

COURT: Volume?

MR JACOBS: Volume 43 in the middle:

"Do you recall there was a meeting on 21 August? -- Yes I do.

Do you recall that it was at this meeting that Esau Raditsela, Edith Lethlake and Dorcas came and said that Zone 7 area committee had agreed to share the venue with you."

What do you say to that? -- Well it was not put directly that it was the three of them who spoke about the sharing of (20) the venue.

Yes, so it was incorrectly put? -- Well it was, I see it still in its correct context that Edith and Esau came and the third person was taken to be Dorcas and the witness Mahlatsi had referred to Dorcas being present at that meeting. So I can understand Counsel putting it directly that Dorcas was present.

I am not asking you to make excuses for counsel, I am asking you a direct question. Was it wrongly put to the witness then? -- My understanding is that it was not (30) wrongly/....

wrongly put.

So Raditsela, Edith Lethlake and Dorcas came and said, and they said that Zone 7 area committee had agreed to share the venue with you? -- Well it was not all three of them who said that. It was the representative for Zone 7 who reported that on behalf of her committee in Zone 7. Though she was in the company of the other two people mentioned.

Did she say anything else Mr Vilakazi? -- Well she reported that the Zone 7 people would use the venue in the afternoon and if we were willing we could use the venue in(10) the morning.

Yes what else did she say? -- Well that is as far as I can remember what she said at that meeting.

Now do you agree if she said that you can use it in the morning and they will use it in the afternoon that is not a sharing of the venue but that you can have it at one time and they at another time? -- That is so, but what I mean by sharing the venue is that the booking was theirs for that day. So I would say it is sharing their venue at split times.

Is not the correct position that what actually happened, (20) that from the beginning it was decided that you will have to share a venue on 26 August 1984, and there was nothing like this about the morning and the afternoon? -- From the beginning? What does it mean by the beginning?

When you started organising it was from the start a joint effort by you and Zone 7 to have to share the venue, to share the, and to hold a joint meeting in the afternoon? -- Well that proposition is incorrect.

So when did you then decide that it must be a joint effort? -- It was decided when we met at the meeting of (30) the/....

the 24th, after indications that another meeting was to be held at the same venue in the morning.

Who arranged this meeting of the 24th? -- My information came through Miss Lethlake and we together, herself and myself, decided that the best would be to meet that evening.

So who arranged the meeting then? -- She arranged in Zone 7 and I arranged in Zone 3.

What did you, who decided where it was to be held? -- Well I do not know who decided but she informed me that we can meet at Mr Matlole's house. (10)

Yes and then what did you decide on that? -- We decided to meet.

At Mr Matlole's house? -- That is so.

COURT: That is accused no. 17?

MR JACOBS: At accused no. 17's house.

COURT: Who met? -- We met members of the area committee in Zone 7 together with people from Zone 3.

C.507 MR JACOBS: Can you tell the Court who arranged for the people to be there? From, the people from area 3? -- I arranged that. (20)

How did you arrange it? -- I went to their houses to inform them of the new development.

When did you go? -- On my arrival home.

When was the meeting? -- The meeting was in the evening.

What time? -- We had agreed on meeting at 20h00.

And at what time did you arrive at home?

COURT: Back, or before the meeting?

MR JACOBS: Before the meeting. In the evening? -- I cannot remember exactly what time it was when I arrived home.

Is it not so that you usually arrive between 19h00 and(30)
20h30/.....

20h30 at home? -- That is my usual time.

Yes, and this day? -- It was within that time.

And was it already dark? -- It was summer, it was not yet dark.

In August? -- That is so.

Is it not already dark during August at about 19h30? -- Well it was not dark enough for me not to be outdoors.

And did you walk to the places of residence of the other members of your committee? -- That is so.

You were not afraid then to go out after dark and walk(10) around after dark? -- It was not after dark and I was going to my neighbourhood.

Did you go directly then to the meeting? -- From Zone 3 we moved directly to Zone 7.

Did you walk there? -- We drove in Reverend Mahlatsi's car.

Now at this meeting of, that was the 24th, were there any people from any other organisations? -- No.

Were there any people from Evaton Ratepayers Association? -- No. (20)

Let me just get something clear. You told the Court that you issued pamphlets advertising this meeting? -- That is so.

And ...

COURT: This meeting being which meeting?

MR JACOBS: Your meeting.

COURT: Of?

MR JACOBS: Of the morning of the 26th.

COURT: The morning meeting? Did you advertise the morning meeting of 26 August 1984? -- We advertised the meeting of the 26th. (30)

For/....

For what time? -- For the morning.

MR JACOBS: So what did you do about the people then going, your pamphlets being distributed about the people for the morning, the people attending that meeting in the morning when there would be no meeting? -- The situation of the time was corrected by means of a loudhailer on Sunday morning.

I would like you to have a look at the following, I will read to you the following evidence on page 2151 in regard to this meeting of the ...

COURT: Volume? (10)

MR JACOBS: Volume 43.

COURT: 2151?

MR JACOBS: 2051. I will start on the previous page to get you into the picture:

"Do you recall there being any discussion or any decision arrived at that a respected person by both zones and the community as a whole, Mr Petrus Mokoena, who is here as an accused, no. 6, should preside over the meeting as he had no connection with either 3 or 7? -- No I cannot recall that. (20)

Are you able to deny that that happened? -- Yes I can deny that.

Well I am going to put to you that it actually happened and that you do not remember it. Now do you recall whether at this joint meeting the Ratepayers Association agreed to make a loudspeaker available to you?"

Have you any comments on this? -- My comment is that I did not know why the witness said he does not remember reference to Mr Mokoena at this meeting because that was done and (30)
discussed/....

discussed in his presence.

Now have you got any comment to this that was put to the witness:

"Now do you recall whether at this meeting, at this joint meeting the Ratepayers Association agreed to make its loudhailer available to you."

According to this statement the Ratepayers, representatives from the Ratepayers Association was present at that meeting and they made their loudhailer at that meeting available to you? (10)

MR BIZOS: My Learned Friend is making a gloss, I am not saying it is a completely inadmissible gloss but it is, what he says does not appear ...

COURT: So are you saying it is an impermissible gloss or it is just a commentable gloss? So if it is an impermissible gloss I will rule on it, if it is just a commentable gloss I will pass over your objection, in inverted commas.

MR BIZOS: Well My Lord I do not want to elevate it, I am merely appealing that the words actually used should be used and not, without any gloss. I am sorry if I appear to be (20) too sensitive in relation to putting the wrong thing. Self defence is always....

COURT: Mr Jacobs might say that you are very sensitive in relation to putting the right thing. What is put to you here is this. Do you recall, this was now put to the witness Mahlatsi:

"Do you recall whether at this joint meeting the Ratepayers Association agreed to make its loudspeaker available to you. -- Yes that is true. That was mentioned." (30)

So/....

So counsel went on and said and were you the person who was to take the initiative in relation to the use of the speaker. The answer was:

"It was not mentioned in this committee that I am the person who will have to transport or to have the speaker transported."

Then the counsel put:

"Well I am going to put to you that it was and that you volunteered to take an active part in this? -- No I do not agree with that." (10)

So from this passage which is read to you two things arise. The first is that it was put that the, that it was at this joint meeting that the Ratepayers Association agreed to make the loudspeaker available to you, and from that it follows, it was put, that the Ratepayers association was represented at this joint meeting, and secondly that it was put that Mahlatsi volunteered to take an active part in the advertising of the meeting. What do you say to these suggestions? -- My comment is that the Ratepayers Association was not represented at this meeting. There was information that was put to this meeting(20) with regard to the offer of the use of a loudhailer by the Evaton Ratepayers Association and this was mentioned at this meeting, as the witness concedes, and the use of the loudhailer the witness was the one who was to drive the loudhailer around as agreed at that meeting.

MR JACOBS: Mr Vilakazi will you agree that as it was put here a wrong version was put to the witness that the Ratepayers Association agreed on that meeting, they were present there, they agreed on the, on the meeting they agreed to make the loudhailer available? -- Well ... (30)

Yes/...

Yes or no, is it wrong? -- That was not my understanding that the version that was put meant that the Ratepayers Association was present there.

Now can you explain to, according to your understanding how can a person in his absence here at this moment in front of this Court agree to do something? -- What is put by the counsel now that is, I will have problems with that, that is impracticable, you cannot agree to a thing that you do not know and that is happening in your absence, but what happens here and what was the understanding of the witness also (10) was the mentioning of this decision by the Ratepayers Association because the witness answered to that, he says yes that was mentioned.

Mr Vilakazi who asked you anything about what the witness heard, what the witness thought or what his perception was? Who asked you that? -- I am explaining as an explanation is required and I have to explain in a manner that I feel will be enough to answer to that question.

Did anybody ask you about an explanation about what the perception of the witness was? -- That I added to fulfil (20) my explanation.

So answer my question then. How can a person, being absent away from this court building now, agree in this court building to do something? -- I have answered that question by saying that that is impracticable.

So, and in this regard it was put that it was on that meeting agreed to make the loudhailer available, and that is a wrong fact that was put to the witness. Do you agree to that or not? -- Well I did not understand that it meant that this agreement was made at that meeting by the Ratepayers (30)

Association/....

Association.

This agreement was? -- This agreement was made by representatives of the Ratepayers Association at that meeting.

Yes. -- When it was put I understood it to mean what I knew to have happened, being that it was said at that meeting that the Ratepayers had agreed.

Well I am not asking you what was said at the meeting. I am asking you that what was put to the witness. There is a vast difference between the two facts. And I am only asking you that what was put to this witness here in court, and if it(10) was put that the Ratepayers Association agreed on that meeting to make the loudhailer available, the loudspeaker available, that was a wrong statement put to the witness, do you agree with that? -- I do not fully agree with it being a wrong statement but I can understand that a mistake was made in that the language of counsel when he put that. But to the effect that the witness did understand it as it were to the effect that he agreed that that was mentioned, I further still do not understand it to have been put wrongly.

Let us take your answer a little further ... (20)

COURT: Mr Jacobs are you not now indulging in a fruitless argument. You can argue this thing at the end of the case. Is it or is it not a discrepancy.

MR JACOBS: I just want to make sure of something else about the list of deciding on the speakers on the joint meeting. That was, when was that?

COURT: Just a moment now, are you asking the witness to say when was the list compiled of speakers for the meeting of 26 August 1984 or are you asking something else?

MR JACOBS: That is what I am asking. When was, when did (30)
you/....

you decide on the list of speakers for the meeting of the 26th in the afternoon at 14h00? -- This was decided on at the meeting of the 24th.

Was that at the joint meeting? -- That is so.

Now which are the people you decided on were going to be speakers? -- Is the question which are the people?

Yes, you decided on ...

COURT: List the names, list the names of the speakers. -- There was myself, Mr Matlole.

That is accused no. 17. -- That is so. (10)

Yes? -- Mrs Olifant.

Mrs? -- That is so.

Yes? -- And a representative of VOW.

MR JACOBS: A representative of? -- Vaal Organisation of Women.

COURT: Unnamed, not named? -- The person was to be Mrs Rina Mokoena, as mentioned here.

So mentioned Rina Mokoena? -- That is so.

MR JACOBS: Yes? -- And a youth representative.

COURT: Was he named? -- He was not named. Those are the ones I remember. (20)

MR JACOBS: And Mr Mahlatsi, was he to be a speaker on that mass meeting?

COURT: The Reverend Mahlatsi?

MR JACOBS: Reverend Mahlatsi? -- Reverend Mahlatsi was to be a speaker at this meeting, yes.

Was it decided on that meeting that he was to be a speaker? -- He was to be a speaker in the sense that he was in the programme, he was to be the speaker in the sense that he was to do the opening.

COURT: Yes but was he put on the programme at this meeting (30) of/...

of 24 August 1984? -- It was agreed that he will do the opening.

MR JACOBS: By way of prayer, saying a prayer? -- That is so.

And did he do that at the meeting? -- He did not.

Why not? -- Well I do not know.

Well it was a decision, you were at the meeting? -- It was an agreement, it was an agreement and Reverend Mahlatsi was not bound. If he felt that he could not do it he could have withheld his participation but as I do not know what happened, to the effect that he did not open with a prayer I am not able (10) to answer that question now.

You see it is very strange, Mr Mahlatsi was present at the meeting, at the table, is it correct? -- That is so, yes.

It was decided that he will open this meeting with a prayer? -- That was what was agreed on, yes.

Yes.

COURT: That is now the meeting of the 26th?

MR JACOBS: The 26th, the mass meeting.

COURT: Yes.

MR JACOBS: I am putting it to you Mr Vilakazi that Mr (20) Mahlatsi, the Reverend Mahlatsi, did open that meeting with a prayer? -- He did not.

And that there is no reason why he should not have done so. -- Well he did not open that meeting with a prayer.

COURT: Who opened the meeting then? -- Mr Matlole, accused no. 17, opened the meeting with a prayer.

MR JACOBS: And do you know of any reason why REverend Mahlatsi did not open it because he was present and everything? -- I said I do not know why Reverend Mahlatsi did not take up that position. (30)

COURT:/.....

COURT: No. 17 was not on the programme? -- He was on the programme but not as, he was there as the first speaker after prayer.

MR JACOBS: Mr Vilakazi you told the Court that Rina Mokoena was to speak on behalf of VOW, the unknown person was to speak on behalf of the youth. Now Mrs Olifant was she to be a speaker on behalf of anybody? -- Well she was a speaker from Zone 3.

On behalf of who? -- The people in Zone 3.

Only the people in Zone 3? Accused 17 was he to be a speaker on behalf of anybody? -- On behalf of the Area (10) Committee in Zone 7.

Area Committee or was he a speaker on behalf of VCA? -- VCA's area committee in Zone 7.

So he was a speaker on behalf of VCA? -- That is so.

And you yourself, were you to be a speaker on behalf of any other body? -- I was speaking as an area representative of the Vaal Civic Association.

Now can you tell the Court was accused no. 7 to be a speaker on that meeting? -- Accused no. 7?

Yes. -- No I cannot remember now. (20)

Did you not give, and accused no. 8? -- He was to be the Chairman.

Was he to be a speaker as well? -- Well he was to be an alternative Chairman.

Now, if the Court will bear with me a minute please. You see you cannot dispute that they were to be speakers on that meeting?

COURT: Which persons?

MR JACOBS: That is accused no. 7 and 8? -- Well I cannot dispute that. (30)

COURT: /....

COURT: What is your answer, do you or do you not? -- I do not dispute that.

MR JACOBS: That even no. 8 was to be a speaker on that meeting? -- I do not dispute it.

Did they speak at that meeting of the 26th? -- Well I remember accused no. 8 being the Chairman of the meeting.

Mr Vilakazi I asked you did they speak on that meeting, delivering speeches as speakers? -- No accused no. 8 did not speak as a speaker and I cannot remember accused no. 7 speaking. (10)

Why can you not remember whether accused no. 7 was a speaker? -- Because there is nothing reminding me of him speaking. If he spoke he could have spoken. Either I was in the meeting, I remembered it or I was outside the meeting at the time he spoke.

The pamphlets for the meeting, those used by your area committee or in your area of your action committee, who printed them? -- These were printed by one of the residents in Zone 3.

Was he a member of the Action Committee? -- He volunteered to print these pamphlets even before we decided on elect- (20)
ing an action committee.

I beg your pardon? -- He volunteered to print these even before we decided on electing an action committee and he was not a member of the action committee.

And where did he get the material from? -- He provided the material himself.

And did he at any stage, did he attend all the meetings, the house meetings, referring to the four house meetings referred to by you, and the fifth meeting, the joint meeting between area 7 and 3? -- He was not at the meeting of the (30)
area/....

area Zone 7 and the people from Zone 3, that is the fifth meeting, and with regard to the four meetings I cannot remember if I attended only three. I think he attended only three but I cannot remember if I am correct. I would not be sure if that is the correct version as I would not remember now.

Did he at any stage intimate to you or inform you at one of the meetings that there was no use in printing this pamphlet as there was no venue available? -- He did not.

Did anybody ever say so? -- Nobody said so.

I will come back to that. Now the pamphlets, when did (10) he deliver them? -- He delivered the pamphlet between the 16th and the 17th of August.

So it was long before the meeting? -- That is so.

And who distributed these pamphlets? -- Members of the Action Committee distributed these pamphlets.

Which member did that? -- I did, Mr Nkopane, accused no. 8 did, Mr Olifant did and Mr Maropeng did. Reverend Mahlatsi did.

And when were they distributed? -- They were distributed between the 24th and the 25th. (20)

What do you mean between 24th and 25th, is it during the night? -- Those are the two dates that I personally distributed them.

I beg your pardon? -- I personally distributed them during the two days.

Were any pamphlets ever distributed by children? -- Yes those members of the Action Committee who had children gave their children these pamphlets to distribute.

Who? -- Those members of the Action Committee who had children gave these children the pamphlets to distribute. (30)

Were/...

Were you present? Were you present? -- When what?

When they handed the pamphlets over to the children?

-- Well I saw children distributing pamphlets. I was not present when their fathers gave them to them.

When you saw children distributing the pamphlets was it your pamphlet being distributed? -- That is so.

And what children are you referring to? Are they scholars in high school? -- They were in primary school.

When did you see them distributing pamphlets? -- Saturday the 25th. (10)

COURT ADJOURNS UNTIL 14h00.

C.508 COURT RESUMES AT 14h00.

MR BIZOS: My Lord just before My Learned Friend continues could we have Your Lordship's bail application because certain supplementary affidavits and a new index and a new schedule is going to be added. (Fault on tape)

COURT: Just after the adjournment?

MR BIZOS: Not immediately My Lord.

COURT: Will you send somebody for it just as we adjourn.

MR BIZOS: Just as we adjourn. (20)

COURT: It seems to have been put in the cupboard somewhere.

BAVUMILE HERBERT VILAKAZI: d.s.s.

FURTHER CROSS-EXAMINATION BY MR JACOBS: Mr Vilakazi is it, do you agree that the meeting of 26 August 1984 was a meeting to mobilise the people to reject the Black Local Authority system? -- I deny that allegation.

Did you try, and was it ever tried during that meeting to have the system being rejected by the audience at that meeting? -- Can I have the question again please?

Do you agree that it was tried at that meeting to have (30)
the/....

the Black Local Authorities system and councillors to be rejected by the community or the audience? -- That allegation as put to me I deny.

Would you agree that it is an important factor to have the people reject councillors and the Black Local Authority system?

COURT: Important to who?

MR JACOBS: To you people in the Vaal, and the UDF? -- Not at this meeting.

At this meeting were there any calls that councillors (10) must resign? -- That is so.

And if they do not resign they will be rejected and boycotted and were made out as puppets of the government? -- If they did not resign their businesses were to be boycotted.

Yes. And they are to be rejected by the audience, by the people? -- There was no call of rejection by the people at that meeting as the people in the Vaal had already rejected the councillors.

And they are made out as puppets of the government? -- They were not made out to be but that is what the people (20) saw them to be. Even before that meeting.

COURT: Well were they called puppets of the government? -- I cannot remember specifically that term being used at this particular meeting.

Were they called puppets? -- Generally.

Were they just called puppets, not puppets of the government but puppets? -- At this meeting?

At this meeting. -- I cannot remember that being used but it may have been used in that context.

MR JACOBS: And if there was evidence to the effect you (30) cannot/....

cannot dispute it? -- That they were referred to as puppets, yes.

Yes. Have you got any difficulty in answering the question? -- I have answered the question.

Do you agree that you cannot dispute it, is your answer yes or no? -- If the evidence was that they were puppets I will not be in a position to dispute that.

Why is it so important that the councillors must be regarded as puppets of the government? -- It was not important to anybody for them to be regarded that way. That is how (10) the people regarded them.

And the speakers also regarded them as puppets? -- The speakers where?

At the meeting? -- As I said I cannot definitely say this was put at that meeting and if a speaker said that it would be with the understanding that this is how they are regarded, as being puppets.

Do you regard them as being puppets of the government? -- I do regard them as puppets.

Did you depict them as puppets of the government at this (20) meeting? -- Well I cannot remember if I did specifically call them puppets at that meeting.

Is it not so that this meeting of the 26th was also an important part or factor in the national struggle for liberation? -- I disagree with that proposition.

Tell me was it arranged before this at the joint meeting between the Zone 7 and Zone 3, call it committees or people, that you and Miss Edith Lethlake would jointly take down the minutes of this meeting? -- That is so.

Did she turn up at the start of the meeting? -- When (30)

I/....

I arrived at the meeting she was not there.

Did she, was any explanation given why she was not there?

-- Well I cannot remember if I got the explanation at the beginning of the meeting or at the end of the meeting.

Did you try to find out where she was? -- Yes when I tried to find out the people I spoke to at the meeting at that time I cannot remember them telling me that they knew where she was.

COURT: Well what was the explanation? -- The explanation which I got I think that is I got later was that she had gone out to address another meeting. (10)

MR JACOBS: Is that a meeting at Bophelong held at the same time? -- I do not know if that meeting was held at the same time and it was not in Bophelong.

COURT: Where was it, where was the other meeting? -- I remember that she had gone to address a meeting in Boiphatong.

MR JACOBS: And where was Esau when you arrived at the meeting and when the meeting started? -- I did not see him when I arrived at the meeting.

Was it not important for him as the Acting Chairman of the VCA to be present at this meeting? -- Well this meeting was (20) arranged for the by the area representative for Zone 7 and the area representative for Zone 3.

And both of them are part of the VCA? -- That is so but there was nothing binding him to be present at this meeting.

COURT: And Esau lived in Zone 7? -- That is so.

So it was actually his area that was holding a meeting? -- That was his area, yes.

MR JACOBS: And he was at that time also the Acting Chairman of the VCA? -- That is so.

So was it no important for him to be present on this (30) meeting?/...

meeting? -- Well I did not think it was important for him to have been present.

Will you agree that, did you try to find out where Esau was or was it explained there? -- No I did not try to find out about Esau.

COURT: Well did you later on find out where he was, where he had been? -- Well I later found out that he had driven Edith Lethlake to Boiphatong.

MR JACOBS: Is it not so that Esau was out on his duties in co-ordinating the meetings at other places? -- Well that (10) did not come to my knowledge.

You see I am going to suggest to you that that is actually what happened? -- Well the information I received was that he had driven Miss Lethlake out to Boiphatong.

Because Mr Mahlatsi gave evidence in this court to the effect that Esau Raditsela was present at the time of the beginning of the meeting, that meeting of the 26th, opened the meeting and announced that accused no. 8 would be Chairman and then he said to the meeting that he had to attend three other meetings in regard to the rent increases. -- That evidence (20) is false.

You say it is false? -- It is false.

When it was given did you inform your counsel that it was false? -- I gave instructions.

Did you inform him that it was false? -- I gave instructions to that effect, yes.

And then Mahlatsi further gave evidence to the effect that he then handed over a list of speakers to accused no. 8 and then he left. Is that, do you agree with that? -- Well I did not see him giving any paper to accused no. 8 because I did not (30)

see/....

see him when I arrived at the meeting.

So do you say that that evidence is false or do you only say that you do not know? -- Well I will say that evidence is false. My reasons were that when I arrived at the meeting Esau was not there and his car was not there. Edith was also not there.

So did you also instruct your counsel that this was false evidence? -- I gave instructions with regard to my arrival and the presence of Esau and Edith.

Did you give instructions that this evidence was false?(10) -- I gave instructions that when I arrived Esau and Edith were not there and having been arrived with Reverend Mahlatsi myself so that evidence was false.

You told that to your counsel? -- That is so.

And that Esau, he also gave evidence to the effect that Esau and Edith returned to the meeting with a red banner later on during the course of the meeting? What do you say to that? Is it correct or false? -- Partly correct.

In which way partly correct? -- Esau and Edith arrived at the meeting later. (20)

Yes? -- And they were not carrying a red banner.

Was there a banner when they arrived? -- When they arrived there was a banner.

What banner was it?

COURT: Well did they bring the banner along? -- When they arrived there were people who came to the hall with them carrying a banner.

MR JACOBS: And that banner, was it brought to the platform and held there by the people? At the platform? -- This banner was held at the back of the platform by these people. (30)

COURT:/.....

COURT: It was a red banner? -- It was not a red banner.

MR JACOBS: What banner was it? -- It was a banner written on it "Vaal Civic Association" and it also had a UDF logo.

Was anything else written on this banner? -- Well I cannot remember if there was anything else written on this banner.

Do you remember that when they returned Edith was wearing a cap with the words "UDF" on the front of it? -- Well I did not see her wearing a cap when she entered the hall so I cannot ...

COURT: Or a sunshield? A sun visor? -- Well those are (10) details I will not remember.

MR JACOBS: The witness Mahlatsi also gave evidence to the effect that ...

COURT: What are your references, what pages are you referring to? I do not want all the detail but just in general.

MR JACOBS: Well the first statement about Mahlatsi giving evidence to the effect that Esau was present at the time, the beginning, we will find that in Volume 41 pages 1937 to 1938. About the list of speakers 1938 and Esau and Edith returning to the meeting with a red banner is 1953 and the other part (20) that I am going to put now is at page 1954. That Esau, Mahlatsi gave evidence to the effect that Esau told the meeting, that is your meeting, when he returned that the resolutions adopted at your meeting, this meeting, were the same as those adopted at the meetings at Sharpeville, Bophelong and Sirrela. What do you say to that? -- That is false.

False? -- That is false.

You told that to your counsel as well, that it was false? -- I gave instructions that Esau did not address this meeting.

And that what he said about this, that the resolutions (30) adopted/....

adopted at your meeting? -- He could not have said those without addressing the meeting. Unless he spoke to Mahlatsi privately.

No that is not what I put to you, I put to you, I am putting to you that what he said to the meeting, he addressed the meeting and he told the meeting that the resolutions adopted at this meeting, your meeting, were the same as those adopted at the meetings at Sharpeville, Bophelong and Sirella? -- Well that is false.

And you instructed your counsel on this as well? -- That (10) is so.

And that will be found on page 1954, and another thing that he told the Court that Esau said one of the resolutions was that there would be a march on 3 September, that was adopted at other places. You will find that on page 1954. What do you say to that? -- That is false.

And you gave instructions that this was false? -- I gave instructions to the effect that the evidence that Esau spoke at this meeting, or addressed this meeting, is not true.

And that he did not tell this meeting that the semi- (20) resolution was adopted at the other places? -- He did not.

That is page 1954. Then ...

COURT: Yes you need not repeat the page unless you are going wide off that particular page.

MR JACOBS: I am going to 1955 for the next one. Esau, Mahlatsi said that Esau also informed the meeting that the people of Sirella and Sebokeng would gather for the march at a certain crossing. Did he say that or not? -- Esau did not speak at this meeting.

Yes. When Esau arrived back at the meeting at what (30) stage/....

stage did he arrive back? -- He arrived at the stage when we were completing the reading out of the resolutions.

I beg your pardon? -- When we were completing the reading out of the resolutions. .

After they were adopted? Were they already adopted or not? -- They were being adopted.

And when he arrived where did he go? Did he go and sit at the table at the platform or did he, where did he go? -- Well he sat on a bench on the platform.

With the other dignataries at the platform? -- There (10) were no dignataries at the platform, there were people who belonged to the area committee of Zone 7 on the platform and the people from Zone 3 and members of the audience were also on the platform as the place was full.

Did he speak to anybody at the platform, you or any of the other people there? -- What I saw is the Chairman of the meeting talking to him.

So where did you hear that he took Edith to another place? -- I got that from Edith later.

When? -- At the end of the meeting. (20)

The end of the meeting, during the meeting you did not hear anything about this? -- I did not know anything about that.

Now during the cross-examination of Mahlatsi it was never disputed, the first point was never disputed that Mahlatsi said that Esau Raditsela was present at the time, at the beginning of the meeting, opened it and told them that no. 8 will be by the chairman and that he had to attend three other meetings. Can you give any comment on that? -- Well I cannot remember if that was not disputed. But I gave instructions.

It was also not disputed that he told the meeting (30)
that/....

that the resolutions adopted at this meeting were the same as those adopted at the meetings at Sharpeville, Bophelong and Sirella. Have you got any comment on that? -- Well I gave instructions to the contrary.

And it was never disputed that one of the resolutions was that there would be a march on 3 September, adopted at the other meetings? -- My instructions were that Esau did not speak to address this meeting.

And it was also not disputed that Esau also informed the meeting that the people of Sirella and Sebokeng would gather(10) for the march at a certain crossing? -- Well I still disagree with that.

You see Mr Vilakazi I am going to put it to you that it is what actually happened, Esau did go to the other places, the three places mentioned, resolutions were adopted there, Edith addressed another meeting held at the same time, and then came back to that. -- I was not with Esau in the car, I never travelled with them anywhere and what I knew is that Edith had been driven by Esau where she was going to address a meeting and the place was Boiphatong and not three places. (20)

But what I am putting to you that that is what actually happened and that is why it was not disputed and I put it further to you that you are only changing your evidence afterwards? -- My evidence?

Yes. In your evidence-in-chief you changed it to suit yourself, to suit your case? -- Well that is a false accusation.

COURT: Did it not strike you as rather strange that an important person like Esau Raditsela would occupy himself, when a meeting like yours is on the go, with transporting Edith all over the place? -- He was not transporting Edith all (30)

over/....

over the place? -- It was not all over the place, the way I saw it it was his responsibility that if Edith has been invited to speak, though I cannot say she was invited to speak in Boiphatong, but if she has got that appointment to attend to in Boiphatong and she is going to address a meeting and she needs transport it was also Esau's responsibility to drive her down to that appointment.

MR JACOBS: Why was it his responsibility to drive her to another appointment? -- Well because Edith asked him to drive her there, she did not have a car herself. (10)

When did she ask him, were you present, or are you only making up this now again to suit yourself? -- Well I am answering to that question because I explained that when they left I was not there but the question is why do I see it as important and I am explaining why I see it as important, not that I was there.

You see what, now where is there a duty on, you said that there was a duty on Esau to drive her there. So why is there a duty on Esau to drive her, that was the question? -- Because a member of the Vaal Civic Association was required to speak (20) at a place and when she needed transport it was the duty of another member of the Vaal Civic Association who was available and had transport to assist this other member.

Who introduced the speakers to the audience in your meeting of the 26th? -- That was done by the chairman of that meeting.

So it was important for accused no. 8, the Chairman, that was accused no. 8, is that correct? -- Accused no. 8 was the chairman at this meeting.

So it was important for him to know who the speakers (30) are/....

are and also to know to which organisation or other information to give to the audience. Did he have a list? -- Well he was referring to a list during the meeting.

So he had a list? -- That is so.

So the fact that there was a list bears out the evidence that Esau gave that list to accused no. 8? -- It does not.

So where did accused no. 8 get that list from? -- I do not know.

Can you tell us how he introduced the people, how did he introduce the first speaker, accused no. 17? -- He said "We (10) call upon Mr Matlole to come and speak".

And to speak about what? -- To speak about the Vaal Civic Association.

Only about the Vaal Civic Association or did he elaborate? -- That is what he said.

Only about the Vaal Civic Association? -- That is so.

COURT: Is that all he said? -- That is what I remember him saying.

He did not tell the audience who Mr Matlole is? This is a resident of the area for so many years, an important person(20) in the church and community and that sort of thing? -- I cannot remember him attaching those things to his introduction.

MR JACOBS: How did he introduce Rina Mokoena? -- He said we will have a nother speaker and he said "This speaker will be Mrs Mokoena."

Yes, and what will she talk about? -- Well I cannot remember if the Chairman did say that Mrs Mokoena is going to talk about what.

How did he introduce accused no. 5? -- Well he called upon accused no. 5 and accused no. 5 was not there. Then when (30)

accused/....

accused no. 5 was there and he said "We will have the speaker that we have been calling and that is Mr Malindi" and he asked Mr Malindi to come to the front.

And how did he introduce accused no. 5 to the audience?

-- I remember him calling upon Mr Malindi by name.

Yes but how did he introduce him?

COURT: Was this a chairman of few words? -- Well I can say so. I know him to be a person of few words myself.

MR JACOBS: Did he tell the audience that Mr Malindi was going to speak about the youth? -- Well I cannot remember (10) that.

Did he not tell the audience that Mr Malindi was from COSAS and he will speak about the youth? -- That he definitely did not say.

So that you surely can remember. -- Yes because that did not happen.

But you cannot, how can you tell the Court that it did not happen? -- I would have remembered because I would not expect Mr Malindi to be a member of COSAS during 1984 because I knew Mr Malindi to be employed in Johannesburg at that (20) stage.

COURT: Had Mr Malindi been a member of COSAS? -- I do not know during his school days whether he was a member of COSAS.

MR JACOBS: How did he introduce you? -- He introduced me as Vilakazi from Zone 3.

And what did he tell the audience, what are you going to speak about? -- Well he said I will be a speaker for the Vaal Civic Association.

Yes, and did he tell the audience the topic you are going to handle in your speech? -- Well I cannot remember him (30)

referring/....

referring to my speech. And I doubt if he knew what the contents of my speech would be.

You see it is strange that he knew what accused no. 17 was going to speak about. How did he know that? -- Well he knew that accused no. 17 was going to speak about the Vaal Civic Association and as such he also introduced me as a speaker from the Vaal Civic Association.

No but I am asking you now how did he know ... -- I do not know how did he know.

... that the topic of accused no. 17's speech would (10) be the Vaal Civic Association? -- He could have discussed it with him earlier on, I do not know.

I put it to you Mr Vilakazi he knew what everybody was going to speak about because you discussed it before on your house meeting when you decided on the speakers? -- Well I did not know if the chairman knew what each and every speaker was going to speak about.

It is strange that we know what -- And at the house meetings we never did discuss what each speaker was to speak about. (20)

Is it not strange that you, that two people's speeches were known, what they were going to speak about, and that is accused no. 5 as a representative, as a person going to speak about the youth and accused no. 17 being the person going to speak about the Vaal Civic Association? -- I do not find it strange but if he knew he knew.

And was not accused no. 17 also going to speak about the successes since the inauguration of the VCA? -- Well he spoke about that yes.

But was it announced like that when accused no. 8 (30) introduced/....

introduced accused no. 17? -- Well that was part of the introduction that he was going to speak about the VCA.

Now what are the successes since its inauguration? -- Well he spoke about, he confined his speech to the VCA in Zone 7. He did not go on the VCA as a whole.

Let us get it like that. Were there any successes for the VCA after its inauguration? -- That is so.

What successes were there for the VCA? -- Well we were able to establish at least three area committees.

But they were part of the VCA and not successes of (10) the VCA? -- Well that was successes in growth.

Not successes, successors?

COURT: Well I was wondering what do you mean by successors, that is those that succeed, that follow upon?

MR JACOBS: Follow upon.

COURT: Not that make a success of things?

MR JACOBS: No sir, not according to the evidence as I found it.

COURT: Well it may well be that that is a typing error that you are referring to. (20)

MR JACOBS: Yes, then he can tell me so and then we can go on that.

COURT: No but he cannot tell you that because he does not know the record and neither do I but I gravely doubt whether anybody said that anybody spoke on the successors of the VCA.

MR JACOBS: Can you explain precisely what did he say about this so that we can have no ...

COURT: Did he speak of the successes of the VCA? -- He spoke about the successes of the VCA and by successes I mean achievements. (30)

Yes./...

Yes.

MR JACOBS: Now can you tell us what did accused no. 17 say in his speech? -- He spoke about the successes of the Vaal Civic Association in Zone 7 in getting scholars back to school after they were thrown out of school because of the age limit and other issues like the failing of classes and he also spoke about the successes where the Vaal Civic Association had intervened where people were going to be evicted for having failed to pay their rentals in time.

What did he say about that? What were his words, what (10) was the gist of his speech? -- His speech was to the effect that the VCA in Zone 7 had been able to intervene where a number of families were being evicted in the area and also indicated that there were other problem areas where even the Superintendent claimed that he did not know that such families were evicted and the councillor in that ward knew about the evictions but would not discuss this with the Vaal Civic Association when in fact the Superintendent was prepared to talk to the Vaal Civic Association with regard to these evictions.

Yes, what else did he say in his speech, is that all? (20) -- Well those are the areas I remember him touching on.

You cannot remember anything else of his speech? -- Those are the areas I remember him touching on.

Mr Vilakazi answer my question. Can you or can you not remember anything else said by him in his speech? -- Well I do not remember anything else.

He only touched on these two points? -- That is what I remember.

Now the second speaker, well you were the second speaker, is that correct? -- That is so. (30)

Did/...

Did you speak directly after accused no. 17? -- Yes. I spoke directly after accused no. 17.

What did you say? -- I introduced myself as an area representative for Zone 3.

Yes? -- And I informed the meeting that ever since the inauguration of the Vaal Civic Association it had been my task to establish a branch of the Vaal Civic Association in my area in Zone 3 and so, and also to assist the residents into electing their area committee in the Vaal Civic Association.

Yes? -- I explained to them that it is one of the aims (10) of this meeting to elect such a committee as this committee will be of assistance to me in my work as an area representative, that it was important for the people to elect a committee so that they will be in a position to give direction to this committee in its service to the community.

Yes. Did you tell them, the people, why it was necessary that there must be an area committee? -- Yes I told them it was necessary to have an area committee so that the area committee can be in a position to deal with the people's problems in the area. (20)

Did you tell the people how the area committee can deal with the problems? -- I told the people that it was important for them to participate in electing the area committee because they will have to give guidance to the committee on how to deal with these problems.

Yes. So that is on the area committee. What else did you speak about? -- Well I spoke about the number of problems that I had received from people.

Yes what problems did you touch on? -- For instance where people did not know what problems can be handled by the (30) community/....

community organisation and problems that could be handled by a trade union.

Yes? -- And I said it was important as such that with the establishment of an area committee the committee would be able to reach out to the people and to advise the people on these matters.

Yes what else? -- I also spoke about the rent increase as one of the problems that people came to me about.

So what did you say about the rent increase? -- I said some people came to me to seek advice on the rent, how to (10) deal with this rent increase and these people, some of them were of the feeling that they should involve their trade unions directly in dealing with these problems.

Yes? -- And I had advised the people that it would be important to realise that the trade unions cannot be involved directly on community matters but it is for the community organisations to be guided by the people in dealing with these problems.

Is that all that you said about the rent increase? -- No I did not say all that. (20)

Because you are repeating yourself now on what you said previously. I am asking you what did you say about the rent increases? The problem of the rent increases, what did you convey to the meeting? -- But this is part of what the problem was, that the people were worried about the rent increase, that it is going to be heavy on them.

Yes we know the complaints of the people but what did you say about rent increase? -- And I said I shared the same problem with the rent increase with the people and more particularly when we had had promises from councillors (30)

that/....

that instead of rent increases they will do all within their power not only not to have the increase but also to seek ways and means of even lowering the present rentals. And I mentioned a particular councillor who himself had given me an assurance that if I elected him into office as a councillor then he will be in the position to deal with the financial problems of the council from within the council and if he was not in a position to succeed then he would resign his seat. Then I said because of these promises that were made and that now are not being fulfilled by these councillors I do see it (10) fit that we can also ask the councillors to resign.

Who are the "we"? -- We the community.

So the community. ... -- And I gave an example of the Rotunda council that resigned after being called upon by the community to resign and I said to this meeting I saw this as a democratic process that the residents had the right to exercise.

Yes, is that all? -- That is all.

On the rent question. Did you ask the, you said you identified the rent and the audience also identified, or (20) the people identified the rent increases as a problem. -- That is so.

Did you seek the audience's leading on this issue?

COURT: Did you ask for a mandate on this issue? -- I do not understand that.

Did you ask for a mandate on the issue of the rent increases? -- On the rent increases?

Yes. -- Well in my speech when I referred to the election of the area committee I did make it a point that with the election, by the participation by the people in electing (30)

an/....

an area committee they will be in a position to give this committee a clear mandate on the problems that they are faced up with.

MR JACOBS: So did you ask them for a mandate on this particular issue? -- Well that was asking them for a mandate to the committee that was to be elected later on all the problems as they were in the community. That would include also the rent increase.

Yes what other problem did you touch on? Or problems?

-- Well I referred to that problem of the rentals. (10)

Yes, you finished with that now, is that correct? -- Well I also touched on. ...

COURT: Now could I just get clarity. YOU have a meeting here, the hall is packed. Why do you not ask this meeting for a mandate to do this or that? Why tell them when we have an area committee then you can give that area committee a mandate? -- What my speech was all about was that I was asking for a mandate from the people with regard to the committee that was to be elected later.

The mandate being what, what mandate did you want? -- (20)
The mandate we wanted was broadly on what the people think should be the matter that should be handled by the committee, and the VCA as such.

By the VCA as such or the area committee? -- The VCA, at that meeting I anticipated that there will be suggestions towards the committee itself if possible and if there was there would be also a situation where you have a mandate directly to the Vaal Civic Association and such a mandate also would affect this committee.

So in fact what you wanted was complaints to be voiced (30)

at/....

at this meeting so that you could know what the community felt?

-- That is so. And also how to handle these complaints, what the people suggest is the manner of handling these complaints.

MR JACOBS: What other problems did you refer to? So you finished with the rent? -- Well in my speech when I referred to problems I isolated particularly the rent problem.

You did not isolate any other problem? -- Well I was not the only speaker at this meeting and I would not take up the meeting's time because these problems were spoken about in the community, they were known problems and I only addressed(10) myself to one problem at this meeting.

Only to one problem, and that is the rent? -- And also the problem of being alone as an area representative without an area committee. That was one problem to me.

YOU are sure now it is only one problem that you touched on in your speech?

COURT: One general problem and one personal problem. The personal problem of being alone and the general problem of the rental? -- That is so, that is what I remember speaking about.

MR JACOBS: And the rent problem you told the people about (20) that as you have just explained in court, is that correct? You did not take up a lot of time, you just explained this as you have explained it to the Court now? -- Well I cannot say that it was precisely as it is. This happened in 1984 and this is now 1987 and I am trying to use my abilities in recollecting how far my speech went and to what effect.

COURT: I take it you spoke with more enthusiasm than you do now?-- That would be one difference.

MR JACOBS: Now did you make a statement about this to your counsel, did you make a statement of what happened on this (30) meeting/....

meeting as far as your speech is concerned? -- Well I have made a statement to counsel.

And did you read it over again afterwards, refreshed your memory? -- I did read my statement.

And you also discussed it with your counsel before you gave evidence, in consultation? -- Well we did discuss the statement when I was making it, when it was being written down.

And before you have given evidence it was also discussed with you in consultation? -- Well I cannot remember whether I discussed it before giving evidence. (10)

Did you consult with your counsel before you gave evidence? -- Did I consult with him?

I beg your pardon? -- Did I consult with them?

Yes, on your evidence to be given in this case? -- Well I have been consulting with my lawyers with regard to the case as a whole.

And did you, in that consultation did you go over your statement before you started giving evidence-in-chief? -- No.

Did you say anything in your speech to the people about the councillors must resign? -- I said in my speech that (20) it is only right for the community to call upon the councillors to resign and as such because the councillors themselves have always said that the people who elected them should call upon them to resign and I said now it was the democratic process that the people had the right to exercise to call upon the councillors to resign.

Did you say anything about people boycotting the councillors? -- No I limited my speech to the call for councillors to resign.

Did you say anything about the stay away on the 3rd? (30)

-- That/....

-- That was not on my mind.

Did you say anything? I am not asking you what was on your mind. -- I never spoke about it.

Did you speak about the march on the 3rd? -- I did not speak about it.

So you said nothing about that? And after you had spoken what happened next? -- Well there were other speakers who followed.

Directly after you had spoken who was the next speaker? -- Well my recollection is that it was Mrs Rina Mokoena (10) who spoke after me.

Did she speak directly after you had spoken? -- My recollection is that she spoke directly after I had spoken.

And did she say anything about councillors? -- She based her speech on the rent increase and the Vaal Organisation of Women.

What did she say about the rent increase? -- Mrs Mokoena's speech about the rent increase, she spoke about the difficulty that the rent increase will bring to people in the townships and she mentioned that she herself was at loss as at that (20) time she was already in arrears with her rentals, she did not know what would she do now with the rent increase, more particularly because she had a number of children at school and whose schooling the families do finance and her family too, like other families would suffer greatly because of the rent increase.

Did she blame anybody for her predicament? -- She blamed the rent increase on her predicament.

And did she blame anybody for the rent increase? -- Well I cannot remember if she referred to anybody on the rent (30) increase./....

increase.

Did she refer to the councillors? -- Well I would not remember now whether she referred to councillors.

Did she say anything about councillors being, must be boycotted? -- She definitely did not come up with that proposition.

Definitely did not. Did she say anything about the stay away on the 3rd? -- No. She did not.

Is it also definitely not?-- She did not.

Yes. And did she say anything about the march on the (10) 3rd? -- She did not.

Did she call the councillors anything like puppets or sell outs? -- She did not.

And you say she did not call for their resignation? -- Well I cannot remember if she called for their resignation but she did not call them puppets and sell outs.

I beg your pardon? -- I cannot remember if she did also call for their resignation.

So as far as your recollection goes she only mentioned her own experience as far as the rent increases? -- Yes but she (20) did not see it as her only, her experience of her family alone, she saw it as the experience of her family and other members of the community.

Did anybody speak directly ...

COURT: Are you concluding this point?

MR JACOBS: Can I just get this point then we can carry on with this, there is only one point sir.

COURT: Yes.

MR JACOBS: Can you tell us directly after Mrs Mokoena finished her speech what happened? -- Other speakers came (30)

up./...

up.

Was it then that accused no. 5 came up? -- Accused no. 5 was one of the speakers on the platform who came up after Mrs Mokoena.

And was he the next speaker after Mrs Mokoena made her speech? -- From the platform, yes. But I cannot remember if she was, if there was any other speaker in between the two.

I just want to finish this point off. As far as you are concerned, as you have told the Court up to now, Mr Mashenya, from the start of this up till the time when accused no. (10) 5 started his speech, he never was a speaker on that meeting?

COURT: Masenya?

MR JACOBS: Masenya, the witness. -- I would not agree with that proposition.

Well I tried to find out from you and you could not tell the Court. Why can you not agree then? -- I would not agree because Mr Masenya I take it could have spoken after myself or after Mrs, no, no, after Mrs Mokoena before Mr Malindi spoke.

But I asked you after Mrs Mokoena spoke whether somebody else did speak. -- Well I said there were members of the audience who spoke. I could not remember whether it was precisely at that time in between those speakers or after I had spoken. And if you had asked me about Mr Masenya I would have thought about Mr Masenya and the time that, precisely the time that Mr Masenya spoke and I would have thought back and would have told the advocate at what instance Mr Masenya spoke.

So I must help you. -- If you can yes.

COURT: Will you do that tomorrow morning.

COURT ADJOURNS UNTIL 4 FEBRUARY 1987.