

SAAKNOMMER: CC 482/85

DELMAS

1987-02-09

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORE: MNR. W.F. KRÜGEL

PROF. W.A. JOUBERT

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

520.00

ORDER

PAGE 8786 - AWAITING RETURN OF REVISED ORDER

MAPHTALI MBUTI NKOPANE: d.s.s. (Through Interpreter)

FURTHER EXAMINATION BY MR BIZOS: Mr Nkopane you told us that you handed the resolutions over to Mr Raditsela? After the meeting of the 26th? -- Yes that is true.

Now during the meeting of the 26th do you recall whether or not Mr Raditsela announced to the meeting that similar resolutions had been passed at meetings which he had attended? -- No that is not so.

Now you told His Lordship at some length what happened at the meeting of the 26th. What I would like to ask you is (10) was there any discussion by name of the Black Local Authorities at the meeting of the 26th? -- Not at all. Black Local Authorities was not discussed. What was discussed there was the rentals.

Was any reference made to what are known as the Koornhof Bills? -- No not at all.

Was there any discussion about the fairness or unfairness or desirability or undesirability of the Tricameral system that was being introduced at the time? -- No not at all, that was not discussed. (20)

Was there any mention of the one million signature campaign at the meeting of the 26th by anyone? -- No it was not at all discussed.

Was there any discussion against the granting of independence of any portions of South Africa, what are known in some quarters as Bantustans, was there any talk about anything like that? -- No they were not discussed.

Was there any talk about the anti-conscription campaign, did anyone talk about that? -- No there was none.

Did you know whether or not any leaders of the UDF (30)
had/....

had been arrested shortly before the 26th? -- Yes I knew.

Was any resolution taken at the meeting or was any protest made or any reference made to it in any of the speeches? -- No not at all, nobody ever made mention of that.

The removal of sections of the population from the one area to another, sometimes referred to as the forced removal schemes of the government, were they discussed in any way at the meeting of the 26th? -- No nothing was said about that.

Did you know accused no. 2, Mr Hlomoka, before the 26th? -- No I did not know him. (10)

When did you meet him for the first time? -- I met him for the first time at the Johannesburg Prison.

Was this after your arrest? -- Yes that is so.

Was there any talk of AZAPO or its policy or its programme or its attitude at the meeting of the 26th? -- No nothing was said about AZAPO.

Now you recall that we reached the stage when there was a little caucus meeting of the people elected outside the hall at the Small Farms Catholic Church? -- Yes that is true.

Do you know anything about any steps that were taken (20) between the 26th and the 2nd to make known ..

COURT: Just for record purposes the 26th is 26 August, I presume, and the 2nd is 2 September I presume, both in 1984.

MR BIZOS: As Your Lordship pleases. During this period was, were any steps taken to make known what was to be done on the 3rd? -- Do you mean steps taken by whom?

By anyone in the VCA or by your committee or anybody to make known what the decisions in ... -- It was arranged that we are going to have a meeting on the 2nd.

Was anything to be done in the meantime to let people (30) know/....

know that there was going to be a stay away on the 3rd? --
Yes we agreed that the resolutions which were given by me to
Esau Raditsela will have to be printed in a pamphlet form which
pamphlet will later be distributed in the community so that the
community must take note of the day of the stay away and the
resolutions taken. That is including the march as well.

And was, did you see a pamphlet? -- Yes I did.

Now please look at AN15 and see whether in that you can
see the pamphlet that was ... -- Yes this is EXHIBIT AN15(2).

COURT: Is that the same as AN15(1) or is it different? (10)

It seems to be a bit different but is AN15(1) also a pamphlet
the emanated from you? -- No. AN15(1) does not emanate from us.

MR BIZOS: And you say that you saw AN15(2)? -- Yes.

Do you know who produced that? -- This was printed by
Esau Raditsela.

Does it contain all the resolutions that were passed at
the meeting? -- Not all.

Yes. Which particular one is missing? -- That is the one
pertaining to the march to be held or which will leave on the
3rd from the Roman Catholic Church. (20)

Do you know why that was left out? -- I do not know why
he left that out.

Did you get any of these pamphlets? -- Yes I did.

From whom? -- From Johnny Mokoena, accused no. 11.

And did you distribute them? -- Yes I did.

And in distributing them did you or did you not make any
mention of the proposed march? -- Because of the fact that I
became aware of this being not contained in the pamphlet I then
orally made it known to the people to whom I distributed the
pamphlet that there was going to be a march which will (30)

leave/....

leave the Roman Catholic Church on the 3rd at 09h00.

I now want to turn to the meeting of 2 September 1984, and as His Lordship has not had any evidence from anyone about this I am going to do it in some detail. Was the meeting held on 2 September? -- Yes the meeting was held.

Where? -- At the Roman Catholic Church, Small Farms.

COURT: In the afternoon? -- It was in the morning at 09h00.

MR BIZOS: And how long did it last? -- Up to until 12h30 approximately.

Will you please tell us who were the persons who were (10) present throughout the meeting and who were the persons who might have been there for a short while, or a long while, or not for the whole meeting. Start it zone by zone, you are from Zone 3? -- Yes I am from Zone 3.

Right, you were there? -- Yes I was.

Who else? -- Mr Jacob Hlanyane.

Accused no. 15. -- Mr Ephraim Dibathi, those are the people from Zone 3.

Right, let us take the next zone, Zone 7, who was there? -- David Mphuthi. (20)

Is that accused no. 7? -- Accused no. 7, yes. Esau Radit-sela.

Yes, do you know whether he was there in his capacity as a Zone 7 man or in his capacity as the Vice-Chairman of the VCA? -- No I do not know in what capacity he attended this meeting.

Who else was there at this meeting from Zone 7? -- Those are all the people from Zone 7 except Matlole and Ephraim Ramagula. Well they just happened to pass there, they did not stay in the meeting. (30)

COURT:/.....

COURT: Is one of them accused no. 17? -- Yes.

And the other one? -- And no. 9.

Just passed? -- They did come in there because they had come there to see us but they did not remain in the meeting. So they were just passing there.

Yes but does that mean that they remained for half an hour or does it mean that they just came and said hello and went along? -- We are now heading to the purpose of their having been there and what they did there.

MR BIZOS: Yes you can mention that. -- They were that (10)
morning busy announcing the march to the community using a loudspeaker. They came to us there to ask for money in order to buy petrol for them to go on and announce as they were doing.

Now remember we are dealing with Zone 7. You told us that accused no. 7 was there, that Esau Raditsela was there and that accused no. 9 and 17 came and went. Were there any other people from Zone 7 there? -- Yes a certain man who I later came to know as Modise Mthombeni, was also there.

Anyone else from Zone 7? -- No I nearly said they were all but there was another man, a Mr Mlambo. (20)

COURT: Now these two, Modise Mthombeni and Mlambo, were they on the Zone 7 committee? -- Yes.

MR BIZOS: Let us deal with Zone 12, was that zone represented as far as you remember? -- Yes it was represented.

Do you recall by how many people, or if you cannot recall just say so. -- They were two.

Do you know their names? -- No I do not know their names.

Can you remember whether there were representatives from any other zones? -- Yes people from Boiphatong, namely Johnny Mokoena, accused no. 11, and Mr Ernest Tsotso and another (30)

five/....

five people whom I cannot tell exactly from which zone they were. They could be from Zone 13, Zone 14 and Zone 11. I do not know exactly from which zones they came from.

Were there any people there who were not from any zone, or not representatives from any zone? -- The caretaker of the church, Mr Pitso Radibisi.

COURT: Pitso Dibisi. -- Radibisi.

MR BIZOS: Yes? -- Again another two ladies also came there from Zone 12. They came there under the impression that this was a mass meeting which was being held. (10)

Did they stay? -- Yes we allowed them to stay.

Was this a formal or an informal meeting? -- I am not clear in what way?

Perhaps the details might clarify it.

COURT: Well you can ask him was it opened by prayer and that sort of thing.

MR BIZOS: Well perhaps we should start with that. Was there a chairman or was there any person in charge? -- There was a chairman to the meeting.

Who was it? -- Mr Tsotso chaired the meeting. (20)

COURT: Why not Mr Raditsela? -- Mr Tsotso chaired the meeting on request of Mr Raditsela.

MR BIZOS: Perhaps the time has come to ask you this, what sort of speaker was Mr Raditsela? -- He was one person who would speak, taking his own time, relaxed, and again he was a stammer.

He was a stammerer? -- Yes he was a stammerer.

Right. So Mr Tsotso presided over this meeting? -- That is so.

What was the purpose of this meeting?

COURT: Well just before we get on this is the first time (30)
actually/.....

actually we have seen Mr Tsotso acting. Was he an important person in the VCA? Why pick Mr Tsotso and not yourself? -- I really do not know because it was my first time to see this gentleman as well. Another reason is I did not know other members of different committees in the area. Therefore I would not know what this man's position was.

MR BIZOS: Is Mr Tsotso a young man or an elderly gentleman? -- He is an old man, by far old to me. I estimate his age to be about 60.

Right. What was the overall purpose of this meeting? (10) -- It was to enable us to come together and put clear our grievances pertaining to rentals. By that I mean grievances which were to be advanced to the Administration Board. And again it was a planning of our march, as to how the march procession was going to take place.

Yes. Right, could you please tell us in your own words what happened at this meeting? -- We first discussed the question of the increased rent and looked into the resolutions which were taken on the 26th, that is at the meeting of the 26th and we again looked into the resolutions which were (20) taken at other meetings.

COURT: Now which meetings were those? -- Boiphatong and the meeting which was held on the 25th in Zone 13.

MR BIZOS: Yes, please carry on. -- It was as a result of our having assessed and looked into the resolutions of all these meetings I have referred to that we the people from Zone 3 then decided to draft a memorandum according to the resolutions.

INTERPRETER: May I just clarify something for myself? -- When I am talking about resolutions I am talking about (30)

resolutions/....

resolutions pertaining to the rental and the resignation of the councillors which resolutions were taken by different meetings. That is those were the only resolutions which were going to be contained in the memorandum we were going to draft.

COURT: That is now rental and councillors? -- Rental and councillors.

But now was Zone 3 going to draft the memorandum? -- No the position was that Zone 3 people proposed that there be a memorandum drafted which memorandum was going to be drafted by the members of the people attending this meeting there, (10) after our proposal as the people from Zone 3.

So by all the people at the meeting? -- Yes it was going to be drafted by all the members together there at that meeting, which meant it was a memorandum for all of us there, though proposed by Zone 3 people.

Now just one more question, the Boiphatong meeting, had that been on 26 August? -- Yes it was on the 26th.

MR BIZOS: Yes, Zone 3 you say made this proposal? -- Yes that is so.

Who was the spokesman for Zone 3? -- I was the spokes-(20) man.

And how was your proposal on behalf of Zone 3 that there should be a memorandum received? -- It was accepted peacefully.

And was a memorandum drafted at this meeting? -- Yes there was one drafted.

Who was the scribe, who was the person who wrote down? -- Mr Tsotso was. Myself and Mr Esau Raditsela were just assisting him. By arranging facts for him.

Now is this memorandum still available? -- No it is not available. (30)

We/.....

We will come to the end. What was the purpose of this memorandum, to who was it going to be handed? -- Vaal Administration Board was to be served with the memorandum.

When was it to be handed over to the Vaal Administration Board? -- On 3 September.

By whom was it to be handed over? -- There was a delegation delegated to that, to hand over the memorandum to the superiors of the Administration Board.

Now we will come to those details. Who actually, at the end of the meeting ... (10)

COURT: Well just a moment, was the delegation appointed at this meeting? -- Yes.

Now who was the delegation? -- David Mphuthi.

That is accused number? -- Accused no. 7.

Yes? -- Naphtali Nkopane, accused no. 8, Esau Raditsela, Johnny Mokoena, accused no. 11, Mr Ernest Tsotso, those are the people.

MR BIZOS: Yes, right it is as well we have got that down. Now is there anyone else or ... -- Oh sorry, accused no. 9, Ephraim Ramagula. (20)

Alright. Now having got that we will come during the course of the discussions how they were appointed but who actually at the end of the meeting had this memorandum? -- This after the meeting was handed to Esau Raditsela.

Do you recall whether more than one copy was made at this meeting? -- Yes this memorandum was drafted in duplicate.

And what was the intention, where was the one to go and the other to go? -- We were going to retain the copy and hand over the original to the Administration Board.

And we know that you did not reach your destination (30)

on/...

on the 3rd of September, who had these copies of the memorandum?

COURT: One copy or more than one copy?

MR BIZOS: Well the one or both copies. Do you know who had them? -- Esau Raditsela had the copies with him.

Both? -- Yes.

COURT: Well the one was an original and the other was a copy. -- It was an original and a copy which had a carbon paper.

MR BIZOS: And it is common cause that you did not reach your destination and you told us that Mr Raditsela had the original and the copy. Do you know what happened to them after that? (10) -- If I were to tell the Court as to what happened to the memorandum I would say this memorandum must have been destroyed in his house which was set alight on 4 or 5 September, I am not quite certain, and therefore this must have been destroyed in the fire which was burning in his house.

Right. Now do you recall what you said in this memorandum? -- Yes I do.

Alright, in your own words please could you try and tell His Lordship what was contained in this memorandum that you were going to hand over to the Administratin Board? -- The (20) contents of this memorandum was to inform the Administration Board that at our meetings which were held the community resolved on this, that the increased rent will not be paid by the community, then the reasons were given as to why this increased rent was not going to be paid.

I want you to please try and cut short the reasons why they were, you said this, for the sake of brevity. Do not describe them in great detail, just mention them because we have heard a lot about the reasons in the case already and we do not have to rehear them but just very briefly what the (30) reasons/....

reasons were that were set out in the memorandum? -- Briefly the reasons were that the rent we were paying at the time was rather too high according to us because the previous year they had just increased rentals by R10, this is in 1983 and we indicated in it our dissatisfaction about the improvements in the township if compared with the rentals which we are paying. We made them aware again that we are paying high rent here. Despite our paying that kind of rental whenever there is a fault at your house if you report that fault once they come and repair it you still have to pay for the repairs on whatever (10) they have done in repairing your house. Again we were dissatisfied about this electricity laying or installation to houses for which one had to pay R50 or R60 switching on fee and then again, and then we had to pay an extra R5,60 per month for tubing to reach a certain amount which was set as a tubing fee to be paid. On top of that the houses which were already electrified do also get some increments to be paid by them on electricity, that is which is paid monthly. Those were approximately the reasons given pertaining to the rental and in fact what I can say was the major reason was that the (20) majority of the people were out of employment due to retrenchment.

COURT: Was that also set out? -- Yes it was.

MR BIZOS: Well those were the reasons that you remember advancing in the memorandum why the increased rent would not be paid? -- Yes about the rent.

And you also told His Lordship that the memorandum also was to contain matters relating to councillors? -- Yes the resignation of councillors.

What was said in the memorandum about the resignation (30)
of/....

of councillors? -- About that we made it clear in this memorandum that we, the residents of the Vaal, have lost any trust to the councillors. The reason being that they do not fulfil their promises. Because at the time of their election they promised the community that they will try and keep the rentals low or ...

COURT: What you are saying now is what was put down in the memorandum? -- Yes. They will try and keep the rentals low or at the same level as they were or see to it that they do not increase rapidly. And what was put in that memorandum (10) again was that because of their failure to communicate with the community prior to taking any decisions, namely that they do not contact the community first before increasing any rentals. We again made it clear that there is a dissatisfaction about frauds and briberies which were being received by councillors from the community, which bribes were in fact pertaining to the issuing of houses to different people and business sites were also mentioned in that.

MR BIZOS: Yes, can you recall anything else that was put in the memorandum? -- That is all I can remember thusfar. (20)

COURT: Did you then sign it and say on behalf of the residents, or what did you say at the bottom? -- It is not yet complete, the memorandum is not yet completed on that. We were in that case outlining the perception of the people, that is the community, towards the councillors. That was the second point.

MR BIZOS: How did the memorandum go on? -- We went on to mention the demands now.

Yes. Can you recall what demands were made in this memorandum? -- Yes I do. (30)

Can/....

Can you mention the demands please? -- We demanded they stop of letting the community pay the switch on fees. As well as the tubing fees.

COURT: What exactly is the tubing fee? Do you mean thereby the wiring of the house? -- When I talk about tubing what I mean is the getting of the power from the street, power into the yard which will then be distributed in the house itself.

MR BIZOS: Yes, we are dealing with the demands. -- Our other demand was that the pensioners were not to be made to pay rent. Alternatively they will have to pay the lowest rent (10) possible to be paid by a person because their income was very low to compete with any other person in rental. The other demand was that the organisations in the area of the Vaal must be permitted to acquire a venue wherever they want to make use of a venue for their meetings. We demanded the abolishing of the kangaroo courts which was being run by the councillors to the dissatisfaction of the community. Those were the demands mentioned in this memorandum.

And what about the councillors? -- I have already earlier mentioned that the councillors were to resign because (20) the community had lost trust in them and the bribes they received which were given as reasons for the demand that they, the councillors, should resign.

In answer to His Lordship's question did you sign it or not, or did anyone sign the memorandum? -- Yes we did sign it on behalf of the residents.

COURT: Did you all put your signatures on the document or did you say "On behalf of the residents" only? -- We signed our signatures on the document and further said, mentioned this "On behalf of the Vaal residents". (30)

MR BIZOS:/....

MR BIZOS: The march had already been decided on at the meeting of the 26th? -- Before we talk about that could I just mention something? In the memorandum a request which was also contained in the memorandum?

COURT: Yes. -- That was in, our request was if the councillors resign we request that the Administration Board takes over the running of the affairs of the community. That is of the townships.

MR BIZOS: You told us that the march was already agreed on on the 26th? -- Yes that is true, we had already agreed on (10) the meeting of the 26th.

Now did you have any discussion as to what should happen, and what should not happen and the form this march was going to take at the meeting of the 2nd? -- We discussed this march at length.

Would you please in your own words, as you remember it, tell us what the discussions about the march were? -- In preparation for the march which was to be held during the morning of the 3rd we had to choose people or elect people who were going to supervise the march, namely the marshalls. We (20) again discussed the people who were going to be leading the march.

Yes? What else did you discuss about the march? -- We again discussed the order of the march while it being on procession on the 3rd, as well as the placards which were to be displayed at the time of the procession of the march this day.

Do you recall what else you discussed? -- In view of the resolution which was taken at a meeting that this day nobody will be going to work we then discussed the question of (30) transport./....

transport. On discussing transport this day of the march we came to know on the 2nd that preparations have been done already by informing in writing the transport people, that is the Vaal transport people, pertaining to their operation this day and the taxis were also informed about the transport situation on this day.

You have also told His Lordship already that the delegation to go to the Administration Board was elected and you gave the names. Now I want you in your own words please to tell us whether there was any discussion as to what may (10) or may not happen if the police came across your way or you came across their way? -- In discussing that as a result of the questions which were asked on the meeting of the 26th we, on the 2nd at that meeting, discussed it again and agreed on the following, that should it happen that we come across the police on our way while being in the marching process we are going to talk to them and explain to them to allow our march to proceed to Houtkop, that is in case they decided to stop us or stop the march as such. The agreement was that we are going to plead with them to let us pass, let the march proceed to its des- (20) tination and should they refuse us permission to proceed then ours will be to talk to the marchers, that is the community in the march, to disperse.

And what, would you give up the idea of going to Houtkop altogether? -- No we would not leave it at that. What was going to happen was the following, that the march was going to disperse but the delegation who had the memorandum to hand over to the authorities would still ask for permission to be allowed to proceed, that is the delegation only, to proceed with the memorandum to the authorities. (30)

You/....

You yourself, insofar as you can speak for the other people at the meeting of the 2nd, what did you hope to achieve by this march on the 3rd? -- What I hoped to achieve was the following, that our being in the company of the community in the march procession to the authorities of the Administration Board taking the people's grievances to them the Board will be able to assess that this is the people's feeling and this will carry more weight and convincing to the Board. that what we have there as grievances emanate from the community. By that I mean that would make them believe that it is true that we (10) are no longer able to cope with the rental which is high, especially this increase on the rental which was to be put in operation was going to be affected by the presence of the community. We therefore hoped that our request or grievance which we are putting forward will be easily acceptable with the presence of the people and the weight attached thereto.

You told us that you were going to have marshalls and people leading the march. Can you please tell us what the discussion about that was? -- Our discussion pertaining to that concerning the march and the marshalls was, the following, that (20) all the area committees will have to be present at this march procession and they be responsible for the behaviour of the people in the march. We further agreed in this meeting that those elderly responsible people who are prepared to give a hand in being marshalls here will also be allowed to do so. As a result of which then we could not conclude the question of marshalls at this meeting, it was therefore postponed until the 3rd, which is the following day, after everybody has arrived that we are now going to discuss that or make it clear to whoever will be responsible. (30)

And/....

And was there any discussion as to who would lead the march? -- Yes it was discussed as to who the people were to lead the march.

Tell us what the discussion about that was please? -- At our discussion there what was said was the following, that three people will be leading the march. One from Zone 7 and one from Zone 3 and then the third person can be from any other zone.

Was it intended that the leaders of the march should be leaders rights through the march? -- What was intended was (10) that those who would be leading the march procession from the beginning were going to lead this march up to until at Houtkop which was the destination. At the time of arrival at Houtkop the delegation then would move forward, that means would be nearing the head of the march which is the up front.

And ...

COURT: Well can I ask you this, was Houtkop the end desination of this march, were you going to disperse at Houtkop? -- No what I mean by destination the people in the march, the march itself, the people were going to wait at Houtkop waiting for (20) the delegation to go and deliver the memorandum to the officials, until they come back.

C.521

And then when they come back what was to happen? -- No the position was that the delegation was going to go into the offices and hand over the memorandum to the officials there. Then the community would wait outside. If there was anything to be said on the memorandum by the officials then they would wait for the officials to come and talk to the community outside there and address them, I beg your pardon, the position is this the officials there were going to talk to us as (30)

a/....

a delegation on what is contained in the memorandum while the community is waiting for us outside.

MR BIZOS: And I think what His Lordship, with respect, wants to know is that when that happened and the delegation came out what would then happen to the people who had been on the march? -- What was going to happen there was the delegation would come out and report to the community, that is the people in the march, outside the offices there as to what the reaction of the officials is about the memorandum which was handed to them and then thereafter we were going to march back (10) home, we were not going to disperse there but still march back.

COURT: By the same route? -- On the same route until up into the township where people then would take their different directions and file out from the march to their different zones once we entered the township.

MR BIZOS: You told us that there would be leaders of the march and then the, right at the end when you reached Houtkop the delegation, the representatives, would go forward. Was there any discussion as to who was going to speak to the police if you were stopped by the police along the way? -- Yes that (20) was discussed.

Yes, what was discussed about that? -- We said because Esau Raditsela is the Vice-Chairman it would be necessary for him to be the first person to approach the police. That will be done with the members of the committee accompanying him. From the delegation that was there I was one of the people who were going to act that way with him.

COURT: Now he was to speak to the police and the members of the committee would accompany him. Which committee? There were a number of committees there. -- By the committee I (30)

mean/....

mean the people who were responsible for the memorandum. Those are the people who were going to accompany him to go and speak to the police.

That was virtually the whole meeting? -- No I mean the delegation which had to do with the memorandum, when I talk about those responsible for the memorandum.

MR BIZOS: Do you mean the people that were to go to the Board? -- Yes.

And you have told His Lordship you were one of them? -- I was one of them. (10)

ASSESSOR (MR KRÜGEL): Could we just get clarity on the Vice-Chairmanship of Esau Raditsela that you mentioned. Are you referring now to his Vice-Chairmanship of the VCA? -- Yes that is true.

MR BIZOS: Now, well let us ask the question directly in further answer to the Learned Assessor.

COURT: Why should one ask indirect questions in-chief?

MR BIZOS: As Your Lordship pleases. Was this a VCA march? -- No it was not a VCA march, not at all. It was the community march led by some VCA leaders. (20)

You have given us a list of the people that were, of the people that were at the meeting of the 2nd. Was the Reverend Lord McCamel there? -- No he was not.

Was the Reverend Lord McCamel discussed at all at this meeting of the 2nd? -- Yes he was discussed.

You told us that you also, well what was the discussion about Lord McCamel? -- We only asked whether he will be present at this march.

Who did you ask? -- From Esau.

Was an answer given? (30)

COURT: /

COURT: Did Esau ask or did you ask Esau? -- We were enquiring from Esau. In reply to that Esau said that McCamel will not be at this march.

MR BIZOS: Was any reason given? -- No no reason was given.

You also told His Lordship that there was discussion about placards. Could you please tell us what the discussion about placards was? -- What was discussed was that the placards will have to bear some slogans of our demands.

Were the slogans of your demands discussed? -- Yes we discussed those slogans. (10)

What was the discussion, the decision, or both? -- We agreed on the following that we will have placards with the following writing on them "Asinamale", others with "Away with Rent Hikes", others with "Councillors must Resign".

Was there any talk as to whether perhaps you would go to printers or silk screen writers in order to prepare your posters? -- No not at all.

How were you going to prepare your posters? -- Well they were going to be handwritten.

On what? -- On cardboard boxes. (20)

COURT: Who was going to do it? -- At our discussion there we did not pick on somebody special to do that. All we agreed upon was that those would have to be written on cardboard boxes and this will have to be done by some of the committee members the morning of the 3rd.

MR BIZOS: Was any arrangement made as to who would bring the material, the boxes? -- No not at that time.

This meeting, do you want to add anything else about the meeting of the 2nd, I see an air of you want to say something, what is it you want to say about the meeting? -- Yes I (30)
wanted/...

wanted to say something.

COURT: I understood the witness to be a man of a few words. Maybe one can say that that is an impression created because his words are far apart.

MR BIZOS: Yes? -- It was at this meeting where we came to know about another march which will come from Boiphatong.

Oh yes, I beg your pardon, yes of course, I am sorry.

ASSESSOR (MR KRÜGEL): Is that now at the meeting of the 2nd?

MR BIZOS: At the meeting of the 2nd, yes I beg your pardon. Yes you are quite right. Was a report made about another (10) march? -- Yes it was.

COURT: Who told you about that march? -- This we heard from the people from Boiphatong, Johnny Mokoena and Ernest Tsotso.

MR BIZOS: That is accused no. 11 and Tsotso. Yes, what did they say about that? -- The discussions in this meeting had a bearing on them as well, that is the people from Boiphatong. What was said in this meeting here is that Johnny, accused no. 11, and Ernest Tsotso, and their committee, will come along from Boiphatong with their people from the community.

Come along to where? -- To Houtkop, at the Adminis- (20)
tration Board offices.

COURT: Would they go directly to Houtkop or would they join up with you at some stage? -- It was decided at our meeting on the 2nd that we are going to meet with them at Houtkop.

MR BIZOS: Which is further away, Boiphatong to Houtkop or Catholic Small Farms Church to Houtkop? -- I am not quite sure under correction but if my memory serves me well I think Small Farms Roman Catholic Church is further than the distance from Boiphatong to Houtkop.

Whatever that may be do you recall whether there was (30)
any/....

any discussion as to the starting times from Boiphatong and the starting time from Catholic Small Farms? -- Yes we were supposed to have left from Small Farms at 09h00 and the people from Boiphatong were supposed to leave from that end at 08h00.

COURT: So they could not walk as fast as you could? -- Well it is because we were going to walk uphill.

MR BIZOS: Very well if that is how you, is there anything else you want to add about the meeting of the 2nd? -- No, no that is all.

COURT ADJOURNS FOR TEA. COURT RESUMES. (10)

NAPHTALI MBUTI NKOPANE: d.s.s. (Through Interpreter)

FURTHER EXAMINATION BY MR BIZOS: Yes, you took part in this march on 3 September 1984 Mr Nkopane? -- Yes I did.

And did you also act as a marshall? -- Yes that is so.

Now I want to put to you what the State says you did in relation to this, or why you did this. They say that you did this because of an agreement between you, the African National Congress, the South African Communist Party and the UDF. What do you say to that? -- I do not agree to that. I dispute that. Because at our meetings we met there with residents dis- (20)
cussing our problems as residents of the area.

They also say that you did this in furtherance of a campaign of the ANC and the South African Communist Party and the UDF in order to incite people to riots and revolt and violence. What do you say about that? -- No I do not agree with that.

Yes, you have told His Lordship what the purpose of the march was as discussed on the 2nd? -- Yes.

Now would you please tell us what time more or less you arrived? What time you arrived the morning of the 3rd? (30)

COURT:/.....

COURT: At the Roman Catholic Church?

MR BIZOS: At the Roman Catholic Church? -- As a result of the agreement by us at the meeting which was held on the 2nd, that we the people from the committee must be there early I arrived there at 07h45.

Alone? -- I was accompanied by Mr Jacob Hlanyane, Mr Olifant.

COURT: Is there a number to the accused? -- No. 15. Mr Maroping and Reverend Jacob Mahlatsi.

MR BIZOS: How did you get from your home to Small Farms? (10)
Did you walk or did you ride? -- We had to walk on our feet.

On your feet. Did you, whilst walking along, see any obstructions of any nature on the road while you walked there, on any road?-- No.

Were there any people at the quadrangle of the church complex when you arrived? -- On arrival there the following people were already present, Esau Raditsela, Sam Matlole.

COURT: No. 17. -- Yes. And a small group of people.

MR BIZOS: Were there any materials there to do the posters as you had agreed on the previous day? -- Yes there was. (20)

What sort of material was there? -- Cardboard boxes.

And ... -- Cokey pens.

And did you do anything with the cokey pen or pens? -- Myself and Jacob Hlanyane, accused no. 15, volunteered to write the placards.

Did Raditsela do anything? -- He was also there assisting us by cutting these cardboard boxes whilst we were busy writing.

Did you, were there only the two of you that wrote these placards? -- There were other two men who were helping in tearing or making pieces of the cardboard boxes. (30)

Do/.....

Do you recall what you wrote on the cardboard? -- Yes.

What did you write on the cardboard boxes? -- "Away with Rent Hike", "Asinamale", "Councillors Must Resign".

Did you see any placard, did you make any placard or see any placard which is supposed to have said "Kill Mahlatsi and his brothers - away with Councillors"? Did you make or see any such placard? -- No such a placard was made, nor did I see such a placard.

Had you seen such a placard would this have been in accordance with your preplanning meeting of the 2nd or any (10) of the resolutions that were taken at any of the meetings or any of the discussions that had taken place at any of the meetings? -- No placard was there with something opposite to what was agreed upon or resolved to at this meeting.

I want to show you EXHIBIT AAO, which has on it a placard covering partly the body which we have been told is the body of Mr Caesar Motjeane. Is that a placard that was written at Catholic Small Farms or not? -- No this one was not written at the Catholic Small Farms.

Why do you say that? -- Because if you look at this (20) placard here in examining it I find that the writing itself is on a piece of paper which piece of paper was pasted on a piece of cardboard box to make this placard.

Is that how you made your placards? (Witness was saying something) I am sorry. -- Even the writing on it is entirely different, it reads as follows "Asinamale, Away with the Rent Hikes" and at the end it says "We Say". And if you look at the writing here it would appear as if the writer hereof was making use of a stencil or alternatively this person was not making use of a stencil, this person had enough time taking his (30)

or/...

or her own time in writing this to be so neat like that.

Yes. -- And if you look at it further I see that this placard had the folding parts of the original cardboard box on the sides. In ours the flap sides which were the folding sides were cut off or torn off so that the holder hereof could be able to hold it direct from the placard itself in the middle, unlike this one which left the flap side. And another difference here is that on this placard you have two slogans, namely "Asinamale" and "Away with the rent hikes". And our placards were written in the following manner, each slogan was written (10) on one placard, not two slogans on a placard. And ours we wrote being in a hurry for time because we did not want to run out of time.

Whilst you were making your ...

COURT: Just a minute, could I have a look at it? Yes?

MR BIZOS: Whilst you were busy writing your slogans on your posters were people coming to the quadrangle of the Roman Catholic Church? -- Yes that is true.

Did they all remain out in the open? -- The queue marshalls there who were in fact supervising the march and the march (20) itself how to form a march were there calling on the people who arrived to go into the yard of the church and not in the street. Therefore the people who were there to attend the march were in the yard of the church.

COURT: Why could they not stay in the street, why could they not be set up in the street? -- What I am saying is the committee members who were supposed to be queue marshalls there or supervisors of the march are the people who instructed the people who were attending the march to move into the yard, that is the premises of the Roman Catholic Church. That was happening (30) while/....

while we were still busy writing the placards. And before the scheduled time, which is 09h00, when we were supposed to have left from that point.

Yes, my question is why could they not in the meantime set the people up in line in the street? -- No according to us it was not yet convenient or convenient time to do that.

MR BIZOS: How far is the street from this quadrangle, is it next to the street or is it some distance away? -- The yard itself is not far from the street from where this march was going to take place. The only thing which was far from the (10) street itself is the church building. The church building from the gate which leads you into the street is approximately ten metres away.

I see. Now did all the people remain outside in the quadrangle or did they go somewhere else whilst they were waiting? -- Some of the people did go into the church building.

Whilst you were doing the posters there what were the people doing in the building, do you know?

COURT: Were they posters or were they placards?

MR BIZOS: I beg your pardon, placards. (20)

COURT: Because they have gradually now become posters again.

MR BIZOS: I am sorry, placards? -- Some of the people were in the church building.

And what were they doing, if anything? -- They were singing.

Do you recall what they were singing? -- I do not recall everything that was sung there, that is every song they sung, but there is one which they sung more than the others, that is the one saying, the wording is "Siyaya epitole". That was sung on many occasions. (30)

Do/....

Do you know, did you yourself go inside? -- No I did not.

Did you go into the hall or the building or any building in that complex at all on the morning of the 3rd? -- No not at all.

Do you know whether anyone addressed the people inside the hall? -- Even though I was not there I believe Esau Raditsela could have been the person who addressed the people there.

But of your own personal knowledge you do not know? -- No not at all.

COURT: Could you hear somebody addressing people? -- No, (10) not at all.

MR BIZOS: Whilst some people were inside the hall and singing were there other people outside? -- Yes there were other people outside.

COURT: Could we just recap, I have forgotten. Is there a church building and a hall and other buildings? -- Yes there is a church building, a hall and then two other structures on the same yard.

And all these meetings were they held in the hall? -- Yes all the meetings were held in a hall. (20)

MR BIZOS: And what were the people outside the hall doing whilst some were inside the hall? -- They were just moving around on the premises there, waiting for the time scheduled for the march.

What would you estimate the number to be both inside and outside? Just before 09h00, before the march was to be... -- I would say inside the hall the people were 200 plus.

And outside? -- Outside I would say it was 300 plus.

Now did the people in the hall remain in the hall or did they come outside? -- It was just before 09h00. It could (30) have/....

have been about 08h55 or 08h50 when we finished writing the placards. We then sent for those people in the hall by asking Esau to go and get them out of the hall. At the time Esau was with us outside. We requested him further to inform those people there that we are now starting with the march. We further requested him that as discussed on the 2nd he will have to inform the people that the march is heading for Houtkop and he must tell the people to behave themselves on this march.

And did Mr Raditsela go and do that? -- Yes he did.

Did he stay there for a while or a long time, or not (10) at all? -- It was for a short time, some few minutes.

And after he was in the hall for a few minutes what happened? -- After that short while the people came out of the hall. We then also went nearer. Then after having come out of the hall the people stood outside just in front of the hall. After they all came out of the hall Raditsela was the last person who came out. He then asked the people on the premises there to come together and come nearer.

Is this the people in the quadrangle? -- Yes that is so.

Did he say anything to them? -- Yes he said something (20) to them.

What did he say? -- He addressed the people there saying that as you know we are now going to leave on a march for Houtkop, people will have to behave themselves in a proper manner. He also made mention of the fact that there are going to be marshalls who will be supervising the march on our way to Houtkop and also made mention of the fact to the people there that it may happen that on our way we come across the police and further said to them should that happen people must not panic, they must just stay together. Why because the (30) people/...

people who would be heading the march will be the people to speak to the police should the police stop the march and then they will explain to the police as to where this march was heading to. He further made it clear to the people there that if the police were to say that the march is to disperse we are going, meaning the heads of the march, were going to plead with the police to allow the march procession to proceed to Houtkop with a view of going to put forward the grievances of the community. And further said to the people that we will have to disperse of course if they were refusing us altogether (10) even after pleading with them to allow us to proceed with the march, then we will have to disperse. That was the address from Raditsela.

Did anyone else speak while outside? -- Yes there was somebody else, that is namely myself.

Yes. Firstly why did you speak at all? -- I found it necessary and deemed it fit for myself to say a word to those people there because of my being a Chairman from Zone 3 and here were people from my area also there. I just felt let me say something about it. (20)

Did you make a long speech or a short speech? -- It was a short speech.

What did you say? -- My request to the people was that they must watch for the marshalls. They are the people who are going to direct the march as to how to go about with the procession. I also addressed my speech to the marshalls that they must not make the march to be fast because we have elderly people here who may not cope with a fast moving march procession. Therefore they must not lose sight of that. I in fact elaborated on that as to what I meant, namely the (30)

following, /...

following, should the queue marshalls or the marshalls there realise that there were gaps opening within the march procession they will be the people responsible for stopping those who were right at the up front of the march for the others who are now staying behind to come along and cover up the gap before they can proceed. Briefly that was my address.

Did anyone else speak? -- Yes there is somebody else who spoke there.

Who? -- Sam Matlole, accused no. 17.

Do you know why he spoke? -- I do not know of a particular reason as to why he spoke but I think he just decided to speak like I did because he is a committee member from Zone 7. And again I thought perhaps because of his age he deemed it necessary to have something to say to the people there. (10)

Do you recall what Mr Matlole, accused no. 17, said?
-- Yes I do.

What did he say? -- I cannot quote exactly his words what he said but the gist of his address was about to warn the people how to behave in this march.. (20)

Now His Lordship has had evidence of a somewhat different nature from two witnesses but I try and combine their common factor, from IC8 and the Reverend Mahlatsi. Firstly that you yourself spoke in the hall. Is that correct? -- No that is not correct.

Then that Raditsela and you and if my memory serves me correctly a second speaker, I do not remember if they said Mr Matlole, that Raditsela, you and another incited the crowd to kill the councillors, to destroy property. One said before you got to Houtkop, the other one after you were coming back(30)
from/....

from Houtkop. The one said after you gave a chance to the councillors to explain themselves and the other without giving them a chance but anyway be that as it may was any incitement to violence of whatever nature, either by Raditsela or by you or by any other person, either in the hall as far as you know, or in the quadrangle on that morning? -- Not where I was present. No such talk was ever made by any of us to the community there. I dispute that, that there ever was somebody who ever said something to that sort. The allegation that I was in church that one I deny emphatically. I was not in the church. (10)
Let me put it this way, in the hall.

Yes, well the confusion may arise. Was this hall originally a church and a new one built? -- Yes.

Now did, you recall that you told us that at the meeting of the 2nd there was talk about certain people leading the march. Was there any arrangement there that morning as to who would lead the march along? -- What happened is this, it was said in this meeting that committee members would have to serve on this march procession as marshalls and people volunteered to be the leaders, that is those who will be leading (20) the march, those volunteered themselves. Nobody was ever told "You are going to lead the march".

Who were the volunteers? -- The people who ended up leading the march were Ephraim Ramagula, that is accused no. 9, Reverend Jacob Mahlatsi and another person from Zone 7 whom I came to know later as Modise Mthombeni.

How did the march start off from this quadrangle? -- What happened is the following, the leaders of the march went through the gate that is leaving the premises of the church yard and then called those with placards to come immediately behind (30) them./....

them. Then the community which was in fact forming the march followed those that I have already mentioned as being right in front. While that was happening as arranged we then discussed it with the committee members to take positions, that is at different points of the march. There were those people from the community who volunteered in assisting as marshalls which they carried out also.

I want to pause here for a moment. What would you say about the age group or groups of people that came to the quadrangle to take part in the march? What sort of age group or groups (10) were they? -- According to my judgment I estimated the majority of the people on the march there, or those who were there to attend the march, to have been between the ages of 30 to 60. And then thereafter the difference I could make of the ages was the following that people between the ages of 18 to 30 were the next most people attending the march.

Did you consider any of the people on the march as children? -- No not at all. There were no children at all.

And if you were to give us a percentage of the people between 30 and 60 and 18 to 29 or 30 what was the majority of (20) the people on this march as it started off? -- The people between the ages 30 and 60 were in the majority.

COURT: Yes you have already said so. What percentage were they of the total? -- About seventy-five percent.

So one quarter of them were between 18 and 30 and three quarters of the group were between 30 and 60? -- That is true. According to my estimation.

MR BIZOS: You also told us that in your remarks or speech you said that it must be remembered that you had elderly people and you must not go too fast. Were there any people older than 60? (30)

-- I/....

-- I believe so, if I were to think back, yes.

And now the leaders and the placards were there and the people fell behind them. Did the march start off? -- Yes the march then started off.

Yes.

COURT: At what time? -- At about 09h00 or just some minutes or few seconds after 09h00.

MR BIZOS: You started off and did you, when you got off the quadrangle what sort of road did you march onto? -- What happened is the following, when the march procession (10) started Esau Raditsela, Sam Matlole, accused no. 17, and myself remained behind to see that everybody had left and to see to it that the hall is locked.

When you went along did you, what sort of road did you go onto? -- We followed the tarred road from Small Farms leading to Zone 7.

Shortly after you got onto the tarred road did you have to make a turn? -- Yes we had to make a turn to our right.

MNR JACOBS: Edele ek wil 'n versoek rig, en ek vra dit met alle respek, dat mnr Bizos nie sal lei nie want die (20) getuie het nooit gesê hulle het 'n draai gemaak "shortly after" nie maar mnr Bizos stel dit "Shortly after they got on the tarred road did they make a turn to the right". Ons sal verlang dat die getuie sy eie getuienis gee en mnr Bizos dit nie hierso stel nie.

MR BIZOS: I am sorry My Lord I thought that this was the evidence, I do not remember his name, of the Board inspector under cross-examination. I thought it was common cause but I will try to avoid the ...

COURT: Well let me just ask a question here. Why did you (30) not/....

not take the shorter route alongside Zone 8 directly in the direction of Zone 11? -- It is because we found this tarred road as the most comfortable road to be used for people walking.

MR BIZOS: Is the other road tarred or not? -- No the other road is not tarred and secondly just outside Sebokeng, Small Farm I am sorry, then that road referred to by His Lordship makes a dead end street there into the veld. So therefore to proceed from there then you have to walk into that open veld.

COURT: Did you know the names of the streets you followed? (10) Does Nyembezi ring a bell? -- Yes if my memory serves me well that is the street between Zones 7 and 8.

Well is that not Vilakazi? -- I am not so well acquainted with the area in Zone 7 to know the streets and therefore I am not in a position really to mention them by names.

Very well. Where did you turn to the right? -- At the Commissioner's offices we turned right.

MR BIZOS: Now did anything untoward happen to the Commissioner's offices, was it attacked in any way? -- No nothing happened there. (20)

Do you know whether the Commissioner was observing the stay away or not? Or were there people working there at the Commissioner's office?

COURT: Well was not the evidence that it was a very old Commissioner's office that had been used previously, it was not the real Commissioner's office. It started off as the commissioner's office but the Commissioner moved to Houtkop.

MR BIZOS: To Houtkop. Was this, but it was used as another...

COURT: Well some sort of an office, yes.

MR BIZOS: Some sort of a government, well anyway nothing (30) happened/....

happened to it? -- Nothing happened.

And you told His Lordship that you had to walk uphill. Is that straight road that leads to Houtkop eventually, is that an uphill road? -- From Zone 7 that is an uphill up towards Zone 11 and 12.

Yes. Now as you were marching along were the numbers increasing or decreasing? -- The number was increasing.

Were people joining them? -- That is so.

His Lordship was told by one or other of the two witnesses who gave evidence for the State that people were (10) forced to join this march. Is that so? -- No I did not see that happening, not at all.

COURT: How long was this march? -- As the march procession was going on we ended up at some stage which I estimated it to be 500 metres, that is from the head to the tail of the march.

MR BIZOS: And as ...

COURT: And were you at the back? -- No I was approximately in the middle of the march.

MR BIZOS: Where was Raditsela, do you know? -- He was also in the middle of the march, slightly ahead of me which I (20) estimate to have been about six metres from where I was.

And what were you and Raditsela doing whilst the march was going along? -- We were supervising the people to keep into the march, that is to be on the tarmac of the street and not off the tar because off the tar, that is on the shoulder of the street, you would find that there are potholes or holes or uneven parts of the road.

The people doing anything whilst they were marching? -- I beg your pardon?

Were the people doing anything whilst they were marching?(30)

-- There/....

-- There was some singing.

What were they singing? -- Siyaya e Houtkop is what they sung.

Yes. Were there any obstructions along the road as you were marching? -- Nothing was put up as an obstruction on the road.

COURT: No stones? -- Not at all, not a stone at all.

Did you not see any stones on the road or any other obstructions on the road until the march eventually ended?

-- Not at all, I did not observe any stone. (10)

Or other obstruction? -- Not at all.

MR BIZOS: Now are there any, well let us deal with the allegation in the indictment for a start. It is alleged in paragraph 77(9) of the indictment that when you arrived at the offices of the Vaal Transport Corporation the mob stopped and destroyed the office building of the Vaal Transport Corporation. -- Not that I observed, there was none of that kind of a destruction.

COURT: Where are the offices of the Vaal Transport Corporation? Did you pass the open the piece of ground and get (20)
C.522 to 12 and 11, Zones 12 and 11? -- With the Court's permission prior to replying to His Lordship's question can I correct something there before I answer the question.?

Well could you first answer my question then bring in your correction. -- From Zone 7 to Zone 11 there are no Vaal Transport offices there.

Yes, now where is it? -- All that is there is kiosks, that is from where the bus tickets are sold and not the offices. There is one in Zone 7 in the immediate vicinity of the old Commissioner's building, there is one in Zone 11 immediately(30)

after/....

after passing the BP garage.

Now do you know of any Vaal Transport Corporation offices on the whole route that the march took? -- There are no offices at all.

Yes well so on the whole route there were no Vaal Transport Corporation offices? -- No not at all.

Now one more question, the BP garage is that situated in Zone 12 or Zone 11? -- Zone 12.

Is that when you enter Zone 12 coming from the direction of Zone 7 or is it further on? -- It is quite some distance (10) into Zone 12 from Zone 7, that is along the route between Zone 11 and Zone 12 but on the Zone 12 side.

Yes but just when you entered Zone 11, just after you have entered Zone 11 but when you have passed Zone 12 for some time you get to that BP garage, is that correct? -- What happens is when you get into that area you start passing or entering Zone 12 first for a short distance and then you come to the garage. Immediately when you come to the garage then on the other side of the road then starts Zone 11.

Do you know a place called the Favla Bus Terminus? (20)
Fowler, F-o-w-l-e-r? -- Yes Fowler.

Now the bus terminus, the Fowler Bus Terminus, is that where the BP garage is? -- Not exactly on the same spot. What happens is you pass the BP garage first from the direction of Zone 7 and then find the Fowler bus terminus.

How far? How many houses in between? -- About, maybe about twelve, between twelve and sixteen.

Is there an open piece of land opposite the BP garage?
-- Yes.

Yes, thank you.

(30)

MR BIZOS:/.....

MR BIZOS: Now just to make it absolutely clear in answer to His Lordship you say that there are no, there were no Vaal Transport Corporation offices along the way. It goes without saying that there was no office building along the way? Those are the words of the indictment My Lord. -- Not at all.

Not at all. Yes. Just in case somebody says that these kiosks were the things that ...

COURT: Why do you tell us why you ask the question. Just ask the question.

MR BIZOS: As Your Lordship pleases. Do you know whether (10) these kiosks were in any way attacked or destroyed? -- I did not see any attack on the kiosks.

When you passed them....

COURT: Just a moment, is the kiosk a structure with, on a couple of poles with a window or what sort of thing is it? -- What I am talking about a kiosk this is what I mean, you find a bus shelter, then on the one end of the bus shelter you find a structure of some kind made of corrugated iron, that is the sides and the roof, and this has got only a window through which a person selling tickets can serve a person (20) from outside, and the room inside there is just sufficient for the seller who is the employee there, and his kit that he carries into this thing that I referred to as a kiosk.

So it is about as big as a corrugated iron toilet? -- Slightly bigger than that, just for this person to make a move inside.

MR BIZOS: Has the Vaal Transport Corporation office buildings much more substantial than that?

COURT: We hope so Mr Bizos.

MR BIZOS: Yes, thank you I do not think you need to answer.(30)

You/....

You said that you wanted to correct something. Have you had an opportunity to do that?

COURT: I think that was in connection with the kiosks and the offices.

MR BIZOS: Is that what you wanted to correct? -- Yes.

Thank you. Just one other aspect, did you see obstructions on the road after the march was dispersed? -- Yes I did.

We will come to what happened after, how the march was dispersed and what happened after that. Now the next allegation in the indictment is that after the attack on the (10) buildings of the Vaal Transport Corporation ...

COURT: Paragraph?

MR BIZOS: 77(10). After the attack on the buildings of the Vaal Transport corporation the mob moved on to the house of Councillor Caesar Motjeane where they allege that a number of things happened. What do you say about the allegation that you were really a mob? -- I do not agree with that. Because our march was an organised one.

Well what do you say to the allegation that the mob, as it is referred to, the march moved to the house of Coun- (20) cillor Motjeane, what do you say to that? -- No I do not agree with that.

Did you know the house of the late Caesar Motjeane before this? -- No I only knew him, I did not know his house.

Did you hear anyone as you were going along on the march shouting his name and saying that the dog must come out so that he can be killed? -- I did not hear those words being uttered.

Did you yourself leave the tarred road at any stage to go up any lane to any house which, well to the house of Caesar Motjeane? -- Not at all, I never deviated from that route.(30)

When/....

When you, was the road to Houtkop so to speak absolutely straight or did you have to take a turn at the top of the hill? -- In Zone 11 just after passing the kiosk then we take a turn to the right.

In order to go on to Houtkop? -- That is true.

Now as you were going along were people joining the march ...

COURT: To the right?

MR BIZOS: To the right. It veers rather than ...

COURT: Is it, well let us ask the witness that. Was it (10)
a ninety degree angle? -- No it is not a ninety degree corner,
it is just a curve to the right, a sharp curve as described.

Is the kiosk you referred to, is that now the Fowler?
-- Yes that is the one.

MR BIZOS: Now you told us that people were joining as you
went along? -- Yes that is so.

Were they joining always as individuals or not? -- They
were just joining as individuals, a person deciding to join the
march. There were those of course whom I would describe
were joining in small groups like say friends being to- (20)
gether, coming together to join the march.

To join the march. And was that happening all along the
way? -- That is what was happening all along the way up until
in the vicinity of Zone 11 where I would say a big group of
people, far bigger than these I have just described, joined the
march.

COURT: Where did they come from? -- In the vicinity of the
curve I have just described, in the immediate vicinity of
Zone 11, these people came from our opposite direction, that
is the route we were going to follow. (30)

So/....

So they were on a head-on collision course with you?

-- No what happened is this, while we were still heading for the curve these people were coming from the opposite direction. Just at the curve they decided to stop and wait there, which I took they were waiting for us to reach that point.

MR BIZOS: And how far were you from the front of the march as you were approaching this curve? -- In the vicinity of the kiosk.

As you were going up do you recall ...

COURT: Were you personally in the vicinity of the kiosk (10) or was your march in the vicinity of the kiosk? -- What happened there is the people at the front of the march were already in the immediate vicinity of the curve which I have just described and my position was in the vicinity of the kiosk, that is the part of the march which was in the vicinity of the kiosk was parallel with me at the kiosk.

So is it then correct to say that the other group and the leaders of your group reached the curve at approximately the same time? -- What happened is this, as I was walking there I was not all the time looking up front to see what was (20) happening but at some stage while being there I noticed that some people had stopped there or they are still moving but slow in the vicinity of our people who were right in front of the march, meaning the group which came from the opposite direction. I do not want to bind myself and say they were stationary at the time when my people came to them or they were still moving. That I am not in a position to tell exactly what they were doing.

MR BIZOS: Could you tell His Lordship as you were going up, as you were walking up towards the curve were you on the (30)

left-hand/...

left-hand side or on the right-hand side of the column or marchers? -- I was on the left-hand side.

And where you were at the kiosk did you see any other marshalls around? -- Yes I did.

Who? -- Esau is one of them, Ephraim Dibathi and some other elderly men who were also assisting us in marshalling the march. That is the area at which I was at the time.

As you were approaching the curve did you see anything unusual or anything strange in the vicinity there? -- Yes just after passing the BP garage. (10)

Yes, what did you see or hear? -- I noticed that there was a group of people on both sides of the road, that is the side of the kiosk and the side which is on the right, there were people off the road. In fact what was happening there some people were just milling around there, some moving up and down. There was some movement of people in that immediate area.

Yes, and ...

COURT: Well that is not strange. That will not be strange. -- That is not strange, not at all, but at this thing it (20) was quite obvious to me that there is something happening there which resulted in these people milling around there and taking part in that kind of movement. On looking around there into the direction of Zone 11, that is from the curve, I noticed a smoke.

Where did you notice the smoke? -- Just at the curve, that is where this road curves, on the Zone 11 side was the smoke. It was quite a short distance from the tarred road to the scene or the point from where I noticed the smoke.

MR BIZOS: Did you go away from your job as marshall to (30) find/....

find out what was happening or did you continue? -- I just continued with my duty there.

Now ...

COURT: So the march marched on? -- Yes.

MR BIZOS: Took the turn? -- Yes.

COURT: And took the turn? -- Yes the march proceeded and took the curve.

MR BIZOS: Now although I do not, well I must avoid introductions. Did the march go up the lane that was untarred or did it stay on the tarred road? -- The march did not go into (10) the lane.

Did Mr Raditsela continue being in front of you or did you lose sight of him, what happened? -- He was in front of me.

COURT: How far? -- About six metres as I have already earlier said. He was all along approximately six metres ahead of me but at the time when these other people came to join us, that is those I described as people who were coming from the front, the opposite direction, he was for some time or at some stage amongst those people and therefore my view was obscured, I could not see exactly where he was. (20)

Well now amongst those people was, did he then join the leaders of your group to mingle with the group that came from the opposite direction? -- According to my observation there what was happening is the following, the oncoming group from the opposite direction came up to us and behind the leaders of our march and those who were carrying placards in order to join the march from that point on, that is towards the back of the march, infiltrating into the march itself.

And then what happened to Esau? -- It happened for some time that all I knew was that he is amongst the people (30)

where/....

where the march, behind the leaders of the march was congested as a result of the people joining our march and therefore there was a disorder of some kind in the march at that point. Until such a time when the march was again in order the march was a bit slower there, which the witness describes as the joining of these people caused a slow down of the moving procession.

And did Esau then remain in front or did he come back to the place where you were? -- He remained just ahead of me as I described earlier on the same side with me.

Well I do not understand that because you have just (10) explained that he was part of the conversion, where they converged on each other? -- No that is not what I am saying. What I am saying is this the oncoming people at the point of joining our march obstructed the movement of our march to an extent that there was some confusion during which I could not see and I am not in a position to tell exactly where Esau was during that confusion. I do not mean that he was amongst the people where this confusion was taking place but from where he was originally when we had to stop when these people were joining our march I could not see. (20)

MR BIZOS: This period of time that you lost sight of Esau Raditsela do you know whether or not he left the march and went up the lane?

COURT: Well can he say? Just ask him how long the period was. .

MR BIZOS: For how long did you lose sight of Mr Raditsela?

-- It was for a very short time, less than five minutes.

Did you hear Mr Raditsela addressing the march as you were approaching the curve? -- No I did not hear him addressing.

Did you yourself take any steps in relation go the (30)
march/....

march whilst there was this disorder or confusion? -- Yes I did. Because of the duty I had there as a marshall and there being a confusion I had to take part there by putting the people into order so that the march can be orderly again with people in their correct positions of the march.

COURT ADJOURNS FOR LUNCH.

C.523 COURT RESUMES.

NAPHTALI MBUTI NKOPANE: d.s.s. (Through Interpreter)

FURTHER EXAMINATION BY MR BIZOS: Whilst approaching the bend or whilst on the bend or when you were going away (10) from the bend did you hear any shots? -- I did not hear any shots.

Did you hear any person who was a marshall of the march or any person who had anything to do with the organisation of the march calling on the people to leave the march and to go up the lane? -- Not at all, I did not hear anybody saying that.

Did you hear anyone at all referring to any person as a dog or making any other disparaging remarks about anyone? -- No I did not hear anybody.

When did you hear about the late Caesar Motjeane's (20) death for the first time? -- I only heard about it the following day.

And when did you hear for the first time about damage to his property? -- On the 3rd.

At what time more or less? -- It was after some time that the march had dispersed that I heard of this.

Now this lane that leads off the bend of the tarred road did ...

COURT: Could we just get clarity, previously in the evidence, just for record purposes, this section of the road had (30) been/....

been referred to as the intersection so I think it would be more correct to refer to it as a curve or a bend, but just for clarity sake.

MR BIZOS: Thank you My Lord. Now this, did you notice or do you know whether there is a lane leading off the bend of the tarred road? -- Yes I do know that.

Did you see any movement of people up and down this lane?
-- Yes I did.

Were these people people who had been on the march or were on the march? -- No they were not from the march. (10)

Who were they, where did they come from, when did you first notice them? -- I do not know who were they and nor do I know where they came from.

COURT: So are you saying that nobody from the march went up the lane? -- That I saw deviating from the march into the passage, into the lane.

MR BIZOS: You told us earlier this morning, late this morning, that there were groups off the tarred road and in answer to a question that I put to you whether you saw anything strange. -- Yes. (20)

Did these people who were off the tarred road, did they remain stationary or did they do anything? -- Some of them were just standing there.

Yes. Did you see any of them moving up or down the lane?
-- No not from the people I referred to as being on the side of the road, except the people I saw in the lane there were people moving in opposite directions in that lane.

What do you mean in opposite directions? -- By that I mean you would find some walking in a direction, say up the lane, and the others coming down the lane, in that sense. (30)

And/....

And how were they moving, were they moving slowly and peacefully or in a state of excitement? -- I could notice that these people were fast in moving.

Now you have already told us that you yourself did not go up the lane and you did not see anyone that was on the march going up the lane, did the march take the bend and continue along the tarred road? -- Yes the march proceeded.

This group of people that mingled with the march and became part of it there, I think the word used by the interpreter was "infiltrated into the march", did any of them (10) have anything with them? -- They had placards with them.

Yes. And when they infiltrated into the march did they leave their placards behind or did they bring them in? -- They infiltrated with the placards.

Were you able to see what their placards, what messages their placards had? -- From the distance I was I could not see what the message was on the placards.

Now I want to deal with the evidence of the Reverend Mahlatsi who told His Lordship that his courage failed him and he ran away as soon as the march approached the bend. (20) What do you say to that evidence Mr Nkopane? -- I do not agree with that. The reason is that Mahlatsi went with us up to the point where we were dispersed by the police.

COURT: Where was he? -- I beg your pardon?

Where was he in the march? -- He was right at the front of the march, with the people leading the march.

MR BIZOS: We will come to what happened shortly before you were dispersed by the police but before we get there, did you pass the Post Office? -- Yes we did.

COURT: Of Zone 11? -- That is true.

(30)

And/....

And did you take a turn there? -- Yes we took a turn there, he also took a turn.

In which direction did you turn? -- To the left.

MR BIZOS: And what was your destination? -- Heading for Houtkop, the road in which we turned there was leading us to Houtkop.

COURT: Now between the bend and the Post Office did anybody leave the march? -- Not from the vicinity where I was walking, no.

MR BIZOS: Did the march continue on the tarred road? -- (10)
Yes the march continued on the tarred road.

Now I want to read to you the allegation in paragraph 77(11):

"After the arson and murder at the house of the late Councillor Caesar Motjeane the mob at the scene screamed that they are now finished with Caesar and must now go on to other councillors."

Now we do not recall anyone having given evidence to this effect for the State but what do you say to this allegation?

COURT: Why should he give any evidence on this? Your (20)
evidence is he was not there and if he was not there how can he comment on this?

MR BIZOS: Well I was doing it by way of introduction as to what their true purpose was in continuing with the march.

COURT: Well you cannot lead evidence on events he knows nothing about.

MR BIZOS: As Your Lordship pleases. As far as you were concerned were you still going to Houtkop whilst you went past the Post Office? -- That is as far as I know, yes with the people in my company we were on our way still to Houtkop. (30)

Do/...

Do you know Mayor Mahlatsi? -- Yes I do.

Where did you know him from? -- He was once my co-worker.

As what? -- We were both employed by a furniture shop as invoice clerks.

Yes. Did you know where he lived? -- Yes I knew where he lived.

Had there been any intention on anybody on that march to go to other councillors would it have continued along the tarred road as you have described or would it have taken a turn? -- If that was the intention of the people in this (10) march process then the march was going to deviate from the tarred road into Zone 7 and then again into Zone 11. What is surprising is this, if really that was the intention of the march to go to the councillors residence is that how would this march have gone to Zone 3 which is opposite the place from where we left because now we had left the area behind us.

What area are you referring to? -- That is Zone 3. Why I mention Zone 3 is because from the point where we left in this march procession we were walking far, walking away (20) from Zone 3.

Are there councillors in Zone 3? -- Yes Zones 3, 7 and 11 and 12 there are councillors. Those are now the places we passed.

I do not remember whether I asked anything about the Post Office. Was the Post Office damaged in any way? -- I do not know whether it was damaged or not because at the time when I went past the Post Office it was not damaged, not knowing of course after I had passed as to whether anything happened to it. (30)

Do/.....

Do you know whether or not there is a garage near the place where the march was dispersed? -- Yes I know, the march was dispersed in the immediate vicinity of Hunter's Garage.

COURT: Is there also a Malantwa's Garage? -- Not in the area I am talking about.

Now where is Hunter's Garage? -- After having turned left, immediately after the Post Office you go up that road. Just at the end of Zone 11 there is a garage. That is Hunter's Garage.

MR BIZOS: As you were approaching Hunter's Garage did you (10) notice anything? -- Yes as we were approaching Hunter's Garage I noticed police vehicles emerging from the opposite direction. Amongst the police vehicles I am referring to are these other vehicles described as a Hippo.

How many police vehicles were there? -- I would say about seven.

And were there policemen about? -- In those vehicles, yes there were police.

And how did the marchers react to the sight of the police? -- We continued marching towards the police. (20)

At the same pace as you had been before? -- At the same pace, yes.

And as, where were you in relation to the front of the march? -- On noticing the police vehicles emerging from the front I then walked faster, hurrying up to get to the front of the march. On my way while doing that, walking faster in order to reach the front of the march, I got Esau who joined me, the two of us walked fast together.

Why did you do that? -- We did that because we knew that the police were going to make some enquiries pertaining to (30)

the/....

the march, for instance wanting to know where are you people getting to in such a big number.

And did you and Esau Raditsela proceed towards the front of the march? -- Yes until we reached the front of the march.

Yes. What was your intention, what were you going to do? -- The reason why we did that was for us to go and answer whenever the police wanted to know what is happening and what is the march for, so that we can give account on behalf of the march procession.

I think that you made some reference that there had (10) been a discussion at your meeting of the 2nd at which the march was prepared? -- Yes that is what was prepared.

And when you got to the front of the march did the police officer come up to you to ask what you were doing, where you were going? -- When we came right at the front of the march the police had parked their vehicles in such a way that they obscured the road. With that obstruction the police were also standing in a line which is further blocking the way for people to pass along that street or road. When we were just preparing ourselves to go and talk to them, that is we the (20) people who were supposed to go and speak, that is the other marshalls including myself, then the police started shooting.

Was there no order given to disperse before you were shot at? -- There was no order at all, they just started shooting.

No opportunity given to you to go away before they started shooting? -- Not at all, much as they did not give us any chance to say anything they did not say anything either.

What would you have said to the police if you had been given an opportunity to do so? -- If they had given us an (30) opportunity/....

opportunity to come to as far as they were to talk to them we were going to in the first place show them the memorandum which contained the message which was being taken to the Administration offices and also explain to them what the purpose is of being in that march. Another thing is at the time when they started shooting the area there was noisy because of an helicopter which was flying just above us.

How near did you get to the police before they started shooting? -- This is subject to correction, I estimate the distance to be about forty metres from the point where the (10) police were to our point when they started shooting.

COURT: What did they shoot with? -- I beg your pardon?

What did they shoot with? -- Rubber bullets were used. Well I do not know whether during that time other kind of ammunition was also used but I know about the rubber bullets.

MR BIZOS: Did they shoot anything else other than rubber bullets or other type of ammunition, did they shoot anything else at you? -- Tearsmoke.

Yes. As soon as the police started shooting rubber bullets and tearsmoke what did the people on the march do? (20) -- They dispersed and ran into different directions. We also told the people who were in the immediate vicinity of us there to run away. So that we run away with them in fact.

Did you yourself run away? -- Yes that is so.

Were you together with any of the accused before His Lordship at that stage? -- When running away I took the direction of Zone 11. Just when I entered Zone 11 itself, the boundaries of Zone 11, I caught up or I met Mr Matlole who was also running in that direction.

That is accused no. 17? -- That is so. (30)

Now/.....

Now you told us that the police shot at the march, or the marchers, were they behaving in any disorderly fashion at the time that the shooting took place? -- The people in that march were well behaving. They were so well behaving in such a way that we did not even see one of them lifting a stone, throwing it at the police.

How did the people on the march react to this police action? -- The people in the march ran away.

What was their mood after the shooting by the police of rubber bullets and tear smoke? -- After the shooting by the (10) police using the two, namely the rubber bullets and the tear smoke, the people appeared to be angry about that. As a result of which then they started shouting and calling the police dogs. Because as a result of the tear gas which was used there people who were standing outside in their yards had to run into their houses, running away from this tear gas. A big number of people in that area were choked by the tear gas which was used and some were shot with the rubber bullets.

COURT: Did you see that? You must give us evidence of what you yourself perceived? -- There is a young man or youth (20) whom I attended after having been shot with a rubber bullet.

ASSESSOR (MR KRÜGEL): You did not see him being shot? -- The person I am referring to was in our group immediately after this shooting I saw this person deviating from our group, running away lifting his arm (as demonstrated by the witness) as a result of the shot on him.

Was that now shooting when the procession stopped forty yards from the police, are you talking about that shooting now? -- Yes that is the stage I am talking about.

MR BIZOS: And the people affected by the people, were only (30) the/....

the people on the march affected by the tears smoke? -- No this included people who were in their houses.

You told us that the people appeared to be angry. Were there any, how did you gauge that, how did you gauge their anger? -- That I could assess as a result of the remarks and shouts which were made by the people, for instance saying why are these people being shot at now without having done anything wrong.

You told us that you ran away and that you rendered assistance to this young man. Did you see anyone who gave (10) evidence in this court for the State?

COURT: He saw lots of people giving evidence for the State.

MR BIZOS: At that stage My Lord, after the dispersal.

COURT: On the dispersal?

MR BIZOS: On the dispersal, I am sorry I did not make it clear.

INTERPRETER: I beg your pardon, I did not follow that one.

MR BIZOS: Did you see anyone who gave evidence for the State after the march was dispersed? -- Yes Mahlatsi.

Anyone else? (20)

COURT: Which Mahlatsi? -- Reverend Mahlatsi.

MR BIZOS: Anyone else. If you cannot remember it does not matter. -- I cannot remember the other person.

You ran away and where did you go to? -- Myself and accused no. 17, Matlole, attended to this young man who was shot. We first, we then went to look for somebody who could assist in taking this young man to the hospital. We could not find anybody as a result of which we took this young man to his parents home.

And what did you do there? -- From there then we (30)

left, /....

left, going to our places of residence.

On your way back after you had rendered whatever assistance you could to this young man did you see any obstructions on the road ...

COURT: Just a moment now, now I am at a loss as to where the witness is. Where was the home of the parents of the young man? -- Zone 11.

And then you went to your homes where? -- Accused no. 17 lives in Zone 7.

And you? -- I live in Zone 3. (10)

Yes now where did you, did you see any obstructions and if so where? -- Yes on our way towards the shopping complex on the tarred road there were stones and other rubbles which were put on the road to obstruct that road.

MR BIZOS: Had you passed that road on your way to Hunter's Garage? -- We ran into the zone, that is Zone 11, where we found ourselves on a tarred road right in the centre or in the middle, the built up area of Zone 11. That is where we found the first obstructions. We then went along back to the main road which is the road we had used in the march. On our (20) coming there, which is the outside main road now which is also a tarred road in that vicinity leading to Zone 7 we again found some obstructions on that road now.

COURT: Beyond the BP garage or on Zone 11 side of the BP garage? -- We emerged along the tarred road which is on the other side of the stadium coming back to the main road which was initially used by us in the march, which means we came through onto that road some distance far further than the garage, the BP garage. One could from that joining point see the stones or obstructions on this tarred road from the far (30)

end./....

end.

I am not clear. Where is the stadium that you refer to? In which zone is the stadium? -- Zone 11.

Now you came onto the main road again in Zone 11? -- Yes we joined the main road again in Zone 11 but further down towards the side of Zone 7, in the direction of Zone 7, further lower down from the garage.

ASSESSOR (MR KRÜGEL): Did you have to cross open veld to get to this point where you joined the main road again? -- We went through the veld, that is right. (10)

MR BIZOS: Now when the march went past that point were there any ...

COURT: Just a moment, let us now determine where these obstructions are. So the obstructions were beyond the BP garage in the direction of Zone 7? -- Yes and looking up the road into Zone 11 towards the curve the obstructions were visible there.

Yes now these obstructions between Zone 7 and the BP garage were they still opposite zone 12 or were they beyond Zone 12? -- They were opposite Zone 12, along the tarred road opposite Zone 12. (20)

And the nature of the obstructions? -- What I noticed were stones and some dirt for instance ash.

MR BIZOS: Can you give His Lordship a time more or less when you saw these obstructions? -- At the time when the march was dispersed I estimate the time to have been then 10h45. Taking into account the time wasted by us when trying to find transport for this young man I estimate the time then to have been after 12h00 when I noticed the obstructions.

Were the obstructions there in the morning when you were marching to Houtkop? -- No there was nothing when we went (30) past/....

past there.

Did you pass any shopping centre? -- We went through Zone 11. On our way there I did not notice that we were any way closer to the shopping centre there, that is any shops except for the damage I noticed at a bottlestore which is also in Zone 11. At the time when we went past there on my noticing that there were people busy looting from this bottlestore.

The general allegations in the indictment are that this sort of destruction of property and looting arose out of the march, to use the words of the indictment. What do you say (10) about that? -- I do not agree with that. Why because we left Small Farm on foot heading for Houtkop with the view of going to submit the people's grievances.

COURT: Tell me did you see this bottlestore being looted before or after you attended to this young man? -- After having assisted the young man and after having taken him home then I saw this looting.

MR BIZOS: At what time would you say that this looting took place? -- At about 11h50 or 12h00.

Was this bottlestore anywhere along the route of the (20) march? -- No it is quite far from that route, it is right in Zone 11.

COURT: Near the Administration Board's offices? -- No I do not know exactly as to where are the Administration offices situated in Zone 11.

MR BIZOS: What sort of people were busy looting there? Well could you give us the age groups or could you give us any sort of description what sort of people were looting the contents of the bottlestore? -- I estimated the ages of the people who were busy looting there between 18, 19, 20 and (30)

21./....

21.

I am going onto a new topic My Lord.

COURT ADJOURNS UNTIL 10 FEBRUARY 1987.