

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

SAAKNOMMER: CC 482/85

DELMAS

1987-02-23

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:

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COURT RESUMES ON 23 FEBRUARY 1987.

MR BIZOS: My Lord I am sorry to interrupt but we usually do this early in the morning. Mr Vilakazi, accused no. 10, has to undergo surgery and subject to Your Lordship allowing him to absent himself we have a letter from Captain Hays in the Prison that arrangements have been made with a Doctor Naude for him to be admitted to hospital on Wednesday and ...

COURT: What is the date on Wednesday?

MR BIZOS: The 25th My Lord.

COURT: Yes.

(10)

MR BIZOS: And that it is probable that he will absent himself for four days to a week, depending on Dr Naude's ...

COURT: Yes, that permission is granted. I am sorry to hear that is it serious?

MR BIZOS: It is not serious but it has to be, it is also of some exploratory nature and it has to be done as soon as possible.

NAPHTALI MBUTI NKOPANE: v.o.e. (Deur Tolk)

VERDERE KRUISONDERVRAGING DEUR MNR HANEKOM: Mnr Nkopane ek wil net 'n paar stellings aan u maak vir u kommentaar. Eerstens (20) stel ek dit aan u dat mnr Shabangu op die vergadering van 9 Oktober 1983 by die stigting van VCA wel oor revolusie gepraat het met die gehoor en vir hulle gesê het mense sal die revolusie aanhelp as hulle deel neem aan die verkiesings vir raadslede? -- Ek aanvaar dit nie so nie want indien hy dit gesê het dan was dit 'n botsing met die goeie gees wat in hierdie vergadering was.

En ek stel dit ook aan u dat mnr Nkondo by dieselfde geleentheid gepraat het en gesê het hulle moet die blankes laat aansluit by die stryd sodat die blankes teen ander (30)

blankes/....

blankes kan veg? -- Ek ontken dat dit gesê was.

MR BIZOS: My Lord it is in conflict with the evidence of the State. The evidence for the State was that this was supposed to have been said at the meeting of the 27th and not at the meeting of the 9th.

HOF: Wie is nou reg mnr Hanekom?

MNR HANEKOM: Edele nou sal ek my maar moet wend soos die stelling wat dikwels in die hof gemaak is dat die rekord sal vir homself spreek.

HOF: Dit is nie nodig dat u daardie vraag beantwoord nie. (10)

MNR HANEKOM: En dan wil ek net laastens oor die vergadering aan u stel dat beskuldigde 13 by daardie geleentheid, 9 October 1983, gepraat het oor COSAS en 'n beroep gedoen het aan die jeug om by COSAS aan te sluit. -- Dit is nie so nie. Indien dit so was sou ek hom gesien het.

Dan oor die vergadering van 26 Augustus 1984 by die Rooms-Katolieke kerk wil ek aan u stel dat uself ten gunste van geweld gepraat het en onder andere gesê het die Raadslede moet gedood word? -- Ek ontken dit. Daar is eintlik geen getuies wat gesê het hier in hierdie hof. (20)

HOF: Die rekord sal vir sigself spreek.

MNR HANEKOM: Ek stel dit ook aan u dat by die geleentheid op dieselfde vergadering het beskuldigde 5 die Raadslede as "sell outs" en "puppets" beskryf en gesê hulle moet gedood word? -- Ek ontken dit dat daar enige melding gemaak was van dood.

En ek stel dit ook aan u dat beskuldigde 5 by daardie geleentheid gesê het mense moet nie skrik as hulle gearresteer sal word, verwysende na die optog van 3 September? -- Nie deur beskuldigde nr 5 nie, hy het nooit so woorde gewesig nie. (30)

En/....

En laastens oor die vergadering stel ek dit aan u dat mnr Masenya wel met die dood gedreig was op daardie vergadering? -- Nee dit is nie waar nie. Masenya het daar aangebly tot hy op sy eie later besluit het om weg te gaan. Hy is toe weg.

Oor die vergadering van 3 September 1984 net voor die optog begin het stel ek dit aan u dat Esau Raditsela gesê het Raadslede se huise en eiendom moet vernietig word, as hulle nie bedank of wil saamgaan Houtkop toe nie dan moet hulle gedood word? -- Ek stem daarmee saam nie, die stelling is verkeerd want geen melding was gemaak dat daar na die Raads-(10) toe moet gegaan word nie. Wat daar wel bespreek was was die kwessie van gaan na Houtkop toe.

Dan laastens stel ek dit aan u dat een van die oogmerke van die optog was onder andere om die Raadslede se eiendom te vernietig en hulle te dood en dat hierdie doelstelling inderdaad deur die massas verweesenlik is op 3 September 1984. -- Dit is nie so nie.

Dit is al dankie Edele.

RE-EXAMINATION BY MR BIZOS: Mr Nkopane a number of days ago you said that you had received a letter from the Adminis- (20) tration Board? -- That is correct, that is so.

Have you found it? -- Yes I have.

Have you got it with you? -- Yes I have it with me.

Please produce it. It has got some notes on it I see.

-- I am just scratching my notes on that note.

COURT: Was it necessary?

MR BIZOS: Would you show, I have not seen it My Lord, and I have not any copies so that ...

COURT: Look at it first. Maybe you do not want to hand it in.

MR BIZOS: Yes My Lord, it says ... (30)

COURT:/.....

COURT: Is it necessary to place it before Court, can you not just read it into the record, the portion that is relevant.

MR BIZOS: As Your Lordship pleases, that it is, that it is an account for R16,64.

COURT: Sixteen?

MR BIZOS: R16,64, from the Administration Board, Vaal Triangle, dated 18th of the tenth 1984.

COURT: 1984?

MR BIZOS: 1984.

COURT: And it was received a couple of weeks ago? (10)

MR BIZOS: Perhaps I should ask him about that, I am reading the dates.

COURT: I wonder whether it is the correct document that you got from the witness.

MR BIZOS: In any event a point will be made about 1984 as well. I understood the evidence to be that it was a current account.

COURT: Yes, but let us not mix things up. Is this the document to which you referred when you gave evidence, saying that you had recently received a letter from the Administration Board? -- Yes that is correct but I would like to explain something on that, about the receipt of this note, if I am permitted to correct something. (20)

Yes. -- My mistake there was that, as you can read there, this is pertaining to the year 1984 but now what happened is it was only handed to me now recently by my wife so I confused it for it having been just recently delivered to me whereas in fact it was a 1984 document.

Yes but now let us get clarity because this does not sound right. Your rent in October 1984 could not have been (30)

R16,64,/....

R16,64, it must have been much more? -- Yes that is true but this is for the electricity.

MR BIZOS: That is what it says. I am in Your Lordship's hands if Your Lordship wants to receive it or not but in 1984 the accounts were still sent out by the Administration Board. I think that that is the only point.

COURT: Yes pass it to the State and we will see what ...

MR BIZOS: That is the only point My Lord.

COURT: Yes go on with something else. If the State wants to ask questions on this particular one we can deal with that (10) when it arises.

MR BIZOS: As Your Lordship pleases. Dealing again in relation to the perceptions of the public you told us that Councillor Mofokeng described himself as a tsotsi councillor in the meeting? -- Yes that is so.

Did he stand for election in November 1983? -- Yes where he was elected.

Where he was elected. Now you told His Lordship that you read newspapers from time to time? This call for councillors to resign was this a call which was confined to you or to (20) your friends or to the Vaal Triangle or was there a wider call for councillors to resign? -- It was widespread in the area of the Vaal, that is within the community in the Vaal and that includes the people that I know.

Yes. Was it just for one reason or for a number of reasons that the call was made, as far as you were concerned? -- There were many reasons for that call.

Yes, I do not want you to repeat them, I just want to leave it at that. Now in relation to the meeting of 9 October 1984 when Dr Motlana spoke do you recall whether he spoke once (30)

or/....

or more than once? I beg your pardon, 1983 My Lord. -- He spoke on two different occasions there.

Yes. I want to deal with the period between 26 August 1984 to 3 September 1984. Was the fact that there was going to be a stay away kept a secret among a small number of people during this period or was it widely known? -- It was not kept a secret to a few people. It was a known thing to the majority of the people there because it was in fact being discussed for a period of one week before the day of the stay away.

Now there has been a suggestion that the fact that (10) there was going to be a march was kept a secret until the last moment so that the police could not make proper arrangements. What do you say to that suggestion? Was the fact that the march was going to take place kept a secret? -- No I do not agree with that because at our meeting of the 26th when we dispersed from the meeting the majority of the people who had been there knew already about this, therefore it could not have been kept a secret. To an extent that they were even discussing it with other people in the township.

You told us that there were announcements by loudhailer, (20) although you yourself did not take this, did not do this personally, on the morning of the 2nd, whilst you were having the meeting of the 2nd other people were out announcing? Now I do not want you to tell me what they announced because you were not there. We will hear from them but was there any decision at the meeting of the 2nd that the fact of the march should not be announced? -- On the 2nd in fact the main purpose of the announcement was to make known about the march.

I want you to try and give His Lordship some idea of what the position was before 3 September and not afterwards. (30)

Prior/...

Prior to 3 September did you have any neighbours who were members of the police force? -- Yes that is so.

In the...

COURT: By neighbours do you mean in the same block or next door neighbours? -- I am talking about people who are living in the same street with me. Some of them were about two to three houses away from my house.

MR BIZOS: And did the policemen living in the Lekoa area did they live in any special place or did they live scattered throughout the area? -- They were scattered, living amongst (10) the community all over, living at the places of their own choice.

Of your own experience, let us talk about prior to the 3rd, was there any general hostility against your neighbour police officers? -- No there was none. We used to lead a very good life with them.

Would it have been possible to organise the stay away and/or the march without the police officers living within the area coming to know about it? -- No it would not have been.

Do you personally know whether any police officers (20) attached to the security police in the Vaal Triangle lived anywhere near you or not? -- No not in the immediate vicinity where I lived. The only people who I call police living in the immediate vicinity of where I live were the Town Council police.

And any from the South African Police? -- Yes.

COURT: Just a moment. So there were no security policemen living in your area, there were South African policemen living in your area and Town Council policemen? -- Yes that is true. And some members of the army, soldiers.

MR BIZOS: Yes there is a regiment, I understand, nearby. (30)

--Yes/...

-- Yes, from Battalion 21, Lenz, they were living in my area.

From the 26th to the 3rd did anyone ...

COURT: Now just a minute, from 26 August 1984?

MR BIZOS: 1984 to 3 September, did anyone come to you and tell you that there was anything wrong with what had been decided at the meeting of the 26th that you presided at? -- No nobody ever approached me about that.

You were asked whether you knew what had happened at Sharpeville and you said that you knew little about what happened but that did not influence you in making yourself (10) party to a decision to take part in the march?

COURT: I am not very clear on the question. Is the witness clear on the question because I do not know exactly what you are referring to.

MR BIZOS: He was asked My Lord, if my memory serves me correctly, by Your Lordship as to, having regard to the experience of Sharpeville in 1960 ...

COURT: Oh the previous 1960 Sharpeville, yes. Yes now I remember. Well put it in that way.

MR BIZOS: Yes, the experience in Sharpeville in 1960, and (20) you said you were young and you remembered little about it? -- Yes that is so.

Do you know whether or not there was a march on 21 March 1960 or not? -- Yes I do.

Well was there a march as far as you know? -- Yes there was.

To the police station? -- Yes.

Did the trouble arise during the march or at the police station as far as you know? -- About Sharpeville as I said I have a very little knowledge of what happened there but from(30)

what/...

what I heard the trouble started in the vicinity of the office, or at the office there.

The office being, the administration offices or the police offices? -- I do not know what office it is they are referring to. All I know it was an office in Sharpeville.

MR BIZOS: Right. Now by way of contrast what might have happened in Sharpeville did, had you heard of a march of some 30 000 people that marched to Parliament from Langa about a week after Sharpeville, the Sharpeville events on 21 March? Yes I heard about that one as well. (10)

Now do you know whether or not those 30 000 people caused any trouble or whether they dispersed at the request of the police? On a promise made to a young man called Phillip Hosana?

COURT: Are you going to lead him still further on? Just ask him what he knows about the march, was it a peaceful march or not.

MR BIZOS: As Your Lordship pleases. -- It was a peaceful march. What I can add to that is from my own experience now, on 21 March 1960 there was a march which was held in Evaton, that one I saw. I did not hear about it but I saw it. (20) Which was a peaceful march which proceeded to the police station and back peaceful.

Mr Nkopane when you were at the meeting of 2 September 1984 did you or the other people present there know what the attitude of the authorities was or ...

COURT: Could you limit it to what he knew.

MR BIZOS: As Your Lordship pleases. Did you know what the attitude of the authorities was to small delegations of people purporting to represent the residents or the community or a greater number of other people, what was their attitude, (30) did/....

did you know? -- What I knew was when a delegation of a few people have to go to the authorities to represent the community about their grievance then the authority would not believe that, they did not accept it as being a truthful grievance from the community.

Was this discussed at your meeting of the 2nd? -- Yes it was discussed in our meeting of 2 September because already we were discussing the question of having requested the community as a whole to take part in the march which would proceed to the offices. May I just correct this, what I mean is at the (10) request of the community that there be a march which will proceed to Houtkop we were then discussing that on that basis on 2 September.

Now on, or at the meeting of the 26th was there, as far as you remember, any discussion as to whether ...

COURT: 26 August.

MR BIZOS: 26 August, as to whether 100 percent of the people were expected to stay away? -- No what we expected was those who are able to take part will be able to stay away and not everybody, therefore which could not have been hundred per- (20) cent. What we had in mind was say for instance it was 80 to 90 percent stay away then that would have sort of evidenced that the majority of the people were prepared to make known their feeling pertaining to the rent.

You mentioned that ambulances and police and nurses would be excluded. At the meeting of 26 August 1984 was there any discussion as to who was not expected to heed the call? Or was it in general terms? -- There was a talk about essential services which included the emergency vehicles, which were being exempted from stay away. (30)

Was/....

Was there any talk or any understanding that vehicles would be not coming in into the Lekoa area? -- No there was no talk about that.

Did you expect vehicles from outside to come in or not? -- We expected them to come in.

COURT: Except the buses I take it? -- Expected them to come in.

Except the buses? -- Yes excepted the buses provided our request was accepted by the bus people.

And taxis, were the taxis stationed in Sebokeng or did (10) they also come in from the outside? -- The taxis are all stationed within the townships in the Vaal and therefore operating within the area of the Vaal townships.

MR BIZOS: The evidence in relation to what happened in Tumahole prior to 3 September was put to you and you gave certain answers. -- Yes that is true.

Now I want to put the evidence that there is before His Lordship of an event after 3 September, 10 September.

COURT: Is that relevant as to his knowledge on 26 August?

That was what the question was about. (20)

MR BIZOS: Well it is sufficiently near in time and the reason why I am putting it is that if it was possible to have a peaceful march on the 10th and have a discussion, as there was, an agree to leave the rent at the same level then the people dispersed, now whether his expectation on the 3rd was any different to what happened on the 10th.

COURT: But that is irrelevant Mr Bizos, that is for argument. That is argument, comparing something afterwards with what he thought in advance. That is just argument.

MR BIZOS: As Your Lordship pleases, I will leave it at (30) that/...

that. Now I want you to please have a look at the EXHIBITS AN15 in view, AN15(7) as an example. You see some of the pamphlets have been interpreted, or it was suggested to you that the proper interpretation of some of the pamphlets was that residents, children, parents and workers had separate meetings. Do you remember that that was put to you? Please have a look at AN15(7) which also calls on residents, parents, workers and children. Was there an intention to have more than one meeting or just one meeting, on 9 September 1984? -- This was going to be only one meeting, invitation to one meeting. (10)

Did you only try to book one hall? -- Yes that is so.

Thank you My Lord I have no further questions.

COURT: There is one thing I want to put to you and that is I do that because, not because of your intimate knowledge of the document but because I think it is proper that this be placed on the table at this stage. I obtained a copy of the Government Gazette of 30 March 1984 and in it there is a notice by the Minister of Law and Order dated no. 579 of 30 March 1984 which reads as follows:

"Prohibition of gatherings in terms of Section 46(3) (20)
of the Internal Security Act 1982

Whereas I, Louis le Grange, Minister of Law and Order deem it expedient for the maintenance of the public peace I hereby prohibit in terms of Section 46(3) of the Internal Security Act 1982, Act 74 of 1982, any gathering in the Republic of South Africa from 1 April 1984 up to and including 31 March 1985, except in the cases of gatherings

(1) Of a bona fide sporting nature or

(2) Taking place wholly and for as long as they last (30)
within/.....

within the walls of a building, or

- (3) At any time expressly authorised by me or the magistrate of the district concerned."

This notice is then stated to be dated at Cape Town on 5 March 1984. This notice has to be read in conjunction with the definition of a "gathering" in Section 1 of Act 74 of 1982. A gathering is a gathering, a concourse or procession of any number of persons having a common purpose, whether such purpose is lawful or unlawful. So in fact this notice states that with certain exceptions, which are not at the moment (10) relevant, between 1 April 1984 up to 31 March 1985 a procession was unlawful, whether it was for a lawful or an unlawful purpose.

MR BIZOS: My Lord before the witness answers a question ...

COURT: I have not put any question to him yet.

MR BIZOS: But on the assumption that Your Lordship is about to ask the witness a question the State chose not to place this notice on the table as Your Lordship has indicated. We do not believe that it was by accident that that was so and it was perhaps it knew that this notice was declared ultra (20) vires in the case of S v MAHLANGU 1986 (1) ...

COURT: Just a moment, what is, State?

MR BIZOS: Versus MAHLANGU 1986 (1) SA 135, a judgment of the Full Bench of this Division consisting of ELOFF, J., SPOELSTRA, J. and NESTADT, J. dissenting.

COURT: Yes, now what is the position?

MR BIZOS: Now what I would appeal to Your Lordship is, I am not unmindful of the Court's powers not to be merely an arbiter in a criminal case but to leave it to the State to work out its case if it can. (30)

COURT:/.....

COURT: No I do not think that is quite fair Mr Bizos. I will tell you why I put it on the table at this stage. I discussed it with my Assessors and I hold the view that rather than at the end of the case pull this thing out of the hat and say that in terms of my powers I have to clarify issues which are left in the air because one cannot refer to a notice and not have it before the Court, that would be improper, I would rather do it at this stage so that it can be debated and I am glad you raised this case about which I did not know, so that it is in the air. But this notice would in any event (10) be relevant.

MR BIZOS: My Lord if it is a nullity, if it is a nullity as the Full Bench has held then I submit, with the greatest respect, that Your Lordship cannot put it to this witness or to anyone else.

COURT: That may be Mr Bizos but the evidence so far is that it was an illegal gathering, is it not? Now it is better to have the document before the Court and rather than debate whether it was in face ex facie the document an illegal gathering without looking at the document. (20)

MR BIZOS: Well My Lord I am not quarrelling about that.

COURT: So whatever we make of it eventually I rule that it is better for all concerned to have it fairly and squarely on the table.

MR BIZOS: No I have nothing to say about that but I do not know that Your Lordship wants to put any questions to the witness if in fact what I have informed Your Lordship is correct and I checked it last night.

COURT: At the outset I said that I doubt whether you will be able to know much about what I am going to put to you. If (30) you/...

you want to comment you are at liberty to do so. If you do not want to you have got a right to remain quiet. -- Well I did not know about that notice.

Yes. In any event I think it is proper to place it before the Court and we will give it an exhibit number. It will be CA2.

NO FURTHER QUESTIONS.

TEBELLO EPHRAIM RAMAGULA: d.s.s. (Through Interpreter)

EXAMINATION BY MR BIZOS: You are numbered accused no. 9 in this case Mr Ramagula? -- Yes that is so. (10)

Would you give His Lordship your age please? -- 37.

Married? -- Yes I am.

Children? -- That is so.

And where were you born? -- Evaton.

COURT: And I will say to you as I said to the previous witnesses that if at any stage during the examination or cross-examination you are getting tired you are at liberty to sit down. -- Thank you My Lord.

MR BIZOS: How much schooling have you had Mr Ramagula? -- I have never been to a day school. I attended some classes (20) at night.

And what was your occupation at the time of your arrest? -- I was an auto electrician employed by Putco in Turffontein.

COURT: In? -- Turffontein, Johannesburg.

Putco? -- Putco yes.

That is the bus company? -- The bus company.

MR BIZOS: And how much were you earning a week or a month? -- I was earning R80 per week.

For how many members of your family? -- Seven.

Is your wife or any other member of your family working?(30)

-- No/....

-- No nobody else.

Now I understand that in addition to the R80 because of your knowledge of auto electricians that you also helped people where you could during the weekends with their motor car problems? -- Yes that is quite so.

Did you earn a lot of money at that or not? -- Not at all. What would happen sometimes a guy would come there with a very minor problem, a globe for instance. Then after finding out the fault being a globe and then you do not even charge him money. Instead you tell him well get us a bottle of beer (10) there let us enjoy it.

Yes. You finished up as an auto electrician. What sort of jobs have you done in your working life? -- When I started working I was employed by Wispeco, it is a contractor. In my capacity as a steel fixing. Then from there I was employed by another firm known as Capgate. I was a loader then.

Yes. And have you done for all practical purposes a labourer's job? -- That is so.

How come you did not go to school? -- Well the reason is that I am from a very poor family which was struggling to (20) make ends meet. I had an uncle who was staying on a farm in the vicinity of Grasmere. He had some cattle there. On request of this uncle of mine I was taken to go and stay with my uncle by my father because my uncle did not have a son. As a result of which then I became a herdboys. That is how again it was contributing towards my not going to school.

When did you get married? -- It was in 1973 when I got married according to my custom.

And when did you get a house of your own? -- In 1977.

Where did you get the house? -- Zone 7, Sebokeng. (30)

Did/....

Did you get it right away or did you have to wait for some time? -- I applied for the house during the year 1976. I was only allocated a house on 1 March 1977.

Do you recall what you were earning in 1977? -- I remember I was employed by a firm GKN in Vereeniging, I was earning R30 by then.

COURT: Per week or per month? -- Per week.

MR BIZOS: Now did you just move into the house or did you have to pay anything before you went in? -- What happened is that I was notified by the authorities that there is a house (10) available for my name in the applications and I had to go to the offices. On arrival there I was told that that house was owing rental for four months. On condition that I pay those four months which were being owed by the previous occupant of the house I can move into that house. Which money I had to pay before moving into the house.

Do you remember what that amount was? -- Because of the snag that I am not able to calculate but then if my memory serves me well during those periods the rent was R11 or R13 which is now per month, which I had to pay for four months (20) which was in arrears in respect of that house.

And you moved into the house? -- What happened is the following: After having been to the office and after having been told that I will have to pay the arrears I went to this house to look at this house and see what the condition of the house was. On arrival there I found that the floor to this house was not satisfactory, not at all, it had some holes, it was not even. And another thing I noticed was the outside doors were rotten in the sense that they were rusted. They were not closing properly. I then went home to get the (30) money/....

money which was wanted for the house in arrears for me to move into this house.

COURT: Very interesting Mr Bizos but what does it have to do with the events in 1984 in September? I mean you can make the point that he had to pay when he moved in but that point you have made. Now where are we going from there?

MR BIZOS: My Lord Your Lordship will hear from this witness, and I am asking Your Lordship to exercise some patience in that regard, the struggle that he has had with this house and a number, his door was removed, the struggle that he has had (10) in order to move into this house and the practices that were employed by the Administration Board there. The issue before Your Lordship is whether this person heeded the UDF or some other unlawful organisation or acted from within his own personal deeply felt grievances and unless he gives Your Lordship an account of this Your Lordship will not be able to assess it, with respect.

COURT: Yes but one can cut out some of the detail Mr Bizos.

MR BIZOS: Can cut out some of the detail. Was the house, do not give us all the details, was the house, and more parti- (20) cularly the door in disrepair? -- No it was not repaired.

Oh, was it in disrepair I think was the question. -- I beg your pardon?

Was it in disrepair? -- If they wanted to repair those doors they would have repaired that without any difficulty.

Yes, and were the doors repaired by the Council? -- Not at all until at some stage when I replaced the doors at my expense.

Did you complain between the time that you paid the four months in arrear and your rent and the time that you (30) yourself/....

yourself fixed the door, did you complain? -- Yes each time when my wife had gone to pay rent I always told her to tell the people and remind them that my things are being damaged or being wasted because of the doors which are not proper here.

Did you yourself take any steps to go and complain personally? -- Yes after a year, in 1978, I went to tell them that since you people allocated me a house and there were things that you were to repair you did not do any repairs.

What was the response? -- The superintendant there said to me I must go and see the councillor I elected. He then (10) asked me who I voted for during the elections. I told him that I voted for a person known as Monakhotla, on which then he said go and see him.

Did you go and see Mr Monakhotla? -- Yes I went to see him.

Did you tell him about the state of your house and more particularly the doors? -- Yes I explained to him.

What did he say? -- All he said was that he himself will go to the township manager's office where he will tell them to come and fix the doors for me. There was no progress at all.

Did you take any further steps? -- Yes I cannot quite (20) remember whether it was 1979 or 1980, between the two years. I went back to them again after having sent my wife for some time to report this to them and where I told the superintendant that I reported here the condition of my house, nothing has been done to the house which was allocated to me in 1977, up to now. I then told him that at the present moment even the walls to that house are cracked. On which then the superintendant said to me look here there is no law that was there now, that old law does not exist any more, that is the law to repair the house. You have to pay for any repair that is to be done. (30)

On/....

On which I said in my argument look when the house was allocated to me it was in 1977 and during which time the Administration Board was still repairing whatever is damaged without the occupant having to pay any money and therefore I am entitled to the repairs of whatever is damaged there because it was not damaged during my time. They then said to me there is no such a law which still exists.

Yes, did you accept that they would not fix your door or do any other repairs? -- Yes I accepted that and then went to get a door for me to replace it. (10)

What did it cost you? -- R78.

Did you have the R78? -- No I did not.

How did you pay? -- On account, I was making payments on that, paying it off. What was happening is this I was paying for this door from the seller while the seller is keeping the door until I paid it off then it will be delivered to me.

COURT: Was it a steel door? -- No a wooden door.

What type of wood, Meranti? -- Those who know on the knowing side call it Meranti. I do not know.

Yes, thank you. (20)

MR BIZOS: And did you put the door up? -- After paying it off yes. Difficulty to.

When you, how long did it stay on after you put it on? -- Until some time in 1983, I am not quite certain when, but the Administration Board came there and removed that door and said I was owing rent, I am in arrears, therefore they took that door.

COURT: And were you owing rent? -- I beg your pardon?

Were you owing rent? -- Yes I was.

MR BIZOS: How much in arrears were you? -- For a month. (30)

Do/....

Do you remember whether it was summer or winter when your door was taken away by the Administration Board? -- I think it is between June and July.

Did you go and try and find your door? -- What happened is the following that because I knew that with the Administration Board in Sebokeng if you are owing one month in arrears by the time you go and pay after they have been to your place then you have to pay for the other month in advance. So what I did was I went to my employers and asked for a loan to go and pay that rental. They gave me a cheque for two months. I (10) went back to these people to go and pay them the rental as I know it how to be paid only to find that the door was not there with them and nor was it at my house. As a result of which the superintendant checked from a book in front of him there and told me that that door of mine is at a certain house in the same street with me where I lived. I went to that house and found the door there. I found it without the locks. I took the door from that house to my place, that is my house, I put it back on the wall, on the frame, fitted it on but I did not have the locks. I had to go and buy other locks. (20)

COURT: And what did the occupants of the other house say when you took their door away? -- It was just stored there in that house. I found a woman there from whom I made an enquiry. She said to me this door was brought by the Administration Board there without locks.

MR BIZOS: Was it your door? -- What had happened to the locks she does not know, so I just took my door and went home to fit it on.

It was your door that had been stored in this woman's house? -- Yes my door which I paid money for which money (30)
in/....

in fact was supposed to have been paid in for the rental which rental caused them to come and take this very door. In fact that is the door I am talking about which is mine.

Now you told us that you had sought the assistance of Mr Monakhotla, your councillor that you had voted for, in this matter? -- Yes I sought his assistance on referral by the superintendant to go and talk to him about my complaints because I voted for him.

Did you know Mr Monakhotla? -- Yes quite well.

When you voted for him what was he doing? What was his (10) job? -- He was employed at Metal Box, Vanderbijlpark.

As what, do you know? -- Unfortunately he was not my co-worker. I do not know. All I know he was employed there.

What was he doing at the time your door was taken away, what was his job then? -- He was a rich man by then, in 1983.

What was he doing? -- He was owning two shops, he was self-employed.

Did you hear about an election of councillors that was going to take place in 1983, towards the end of 1983? Did you hear about that? -- Yes I heard about that being announced. (20)

Yes. And did you hear whether or not Councillor Monakhotla would be standing for election again? -- During that period really it was known that there were elections to be held but then it was not known whether he was still going to stand as a candidate because he was already swimming in troubles. He had taken moneys from people and it was not clear whether he was still going to stand as a councillor or not.

What sort of troubles was he swimming in? -- His troubles were that there were allegations that this man is receiving bribes from people to allocate houses. He was being accused (30) in/....

in fact of doing that by the community. The majority of the community there did not like him any more. I do not know how he felt about it, he himself.

Did you, despite your experiences did you go to any meetings of councillors or people aspiring to be councillors, towards the end of 1983? -- No I did not.

Yes. Do you know a man called Mokoloko? -- Yes I do.

Do you know anything about the Mahlasedi Party, M-a-h-l-a-s-e-d-i? -- Yes I know the Mahlasedi Party.

Did you go to any meeting of theirs? -- Yes on my way (10) from work some time towards the end of the year I attended a Mahlasedi Party meeting.

Was Mr Mokoloko there? -- Yes he was there.

And did you recognise him, what had he been doing before? -- He was known to me as a clerk employed by the Administration Board in Sebokeng.

And what was he doing at the meeting? -- He was addressing the people there canvassing for his election. In his address while canvassing for elections he said people had elected the previous councillors who did not do a thing for the community. (20) They, meaning himself and the new people who are going to be elected if people decided that they vote for him, will prove a point that the previous councillors did not do their work properly.

Did you recognise him as doing any particular work for the Administration Board before that? -- Yes I knew him as the very official who was locking people outside houses on behalf of the Board.

Well did you make any decision in your mind as to whether or not you were going to participate in the forthcoming (30) elections?/.....

elections? -- As a result of my previous experiences from the superintendant who referred me to the councillor which was elected because of my votes and what I was told by the superintendant that we are going to pay from our pockets for whatever damage is done on the houses I felt I am not going to fall for the same trap again, not for the second time. Therefore I am taking no part whatsoever in the elections. What I mean by that is I had taken a decision that I am not voting for any councillor. Not at all.

You have a brother living in Zone 12? -- Yes I do. (10)

And do you recall whether in October 1983 you went to visit him or not? -- Yes that is so.

Did you eventually go to a meeting in Zone 12? -- Yes that is correct.

COURT: With or without his brother?

MR BIZOS: Alone or with your brother? -- I was alone.

Why did you go to visit your brother? -- During those years my brother was not very healthy. He had a knee problem as a result of which he was not working. This day I had decided to go and pay him a visit. That was the reason why (20) I went to his house.

After you visited him did a meeting come to your notice? -- When I alighted at the bus stop on the way to my brother's place I saw children who were distributing pamphlets, in fact pieces of papers which is called pamphlets. This had some message on it which was written in Zulu. I am not good at reading Zulu. All I could see there was the word "Mahlangano", to be held at 13h00, which mahlangano means a meeting.

COURT: To be held at one, one that day? -- Yes at one on that day. Which will be held at the Roman Catholic Church in (30)

C.549

Zone/....

Zone 12. As a result then when I went to my brother I reached my brother's house I knew already about that meeting. That is how then from my brother's house I went to this meeting.

MR BIZOS: Did you get there before the meeting started? -- Yes that was before.

How far is the church from your brother's house? -- It is about the fifth house or the sixth house from the church building to my brother's house.

Did you see any movement there around the church? -- Yes there was quite a number of people. (10)

And did you decide to go to this meeting? -- Yes that is so.

And as you approached it did you see whether or not there were any posters stuck around there? -- Yes I saw one which was put up on a fence wall called "Stop Nonsense".

Was the poster called "Stop Nonsense"? -- The name of the fence is generally known as "Stop Nonsense". It is a precast wall.

I see. So you saw some posters on the Stop Nonsense wall? -- Yes it was put up on that. (20)

Could you read it? -- No not quite well.

Did you know what organisation was responsible for it? -- No I did not know a thing about that.

Before you went to this meeting had you heard of the UDF? -- No not at all.

Yes what was the first thing you remember happened at this meeting? -- On arrival there there was some singing going on.

What sort of singing, were you familiar with it? -- Those I remember one Rea woka morena, those were hymns. (30)

You/...

You remember only that one? -- So far yes, that is the only one I remember.

Was that the only one you were familiar with? -- No not that that is the only one I am familiar with, that is the one I can remember it was sung there.

Did anyone speak soon after your arrival? -- Yes somebody did speak.

What did he say? -- What I heard this man saying at that time was that the meeting has not yet been opened because they are still awaiting on somebody who is in fact going to chair(10) the meeting. He mentioned this person's name as McCamel.

And did this person that was mentioned come? -- Yes he did.

And as soon as he came what did you do? -- On arrival of Mr McCamel the speaker who had said that they are waiting on Mr McCamel then said to the people there, the audience, that now he is giving over to Mr McCamel to take over the leadership of the meeting, which he did.

Having taken over the leadership of the meeting what did McCamel do? -- He first asked for an apology from the (20) audience. And said that there were some reasons which caused him to be delayed.

And then what did you do as soon as he made his apologies? -- What he said was an address now to the audience saying that he is very grateful that this meeting is held there because now at this meeting, this is where the people are going to discuss their problems that they are experiencing. He then asked for a co-operation from the community.

Did anyone offer a prayer? -- Yes after having said all that, that is Mr McCamel, he then requested somebody to (30)

open/.....

open the meeting by a prayer. I just cannot remember what the name of that person was, the one who opened the meeting by a prayer.

Did you know McCamel? -- Yes I knew him as a minister of religion and a person who had a very big house, owning a very big house in that area there. That is how he was in fact known.

Did a number of speakers speak thereafter? -- Yes quite a number of them.

Do you remember who spoke first and who spoke second and who spoke third or not? -- If my memory serves me well that (10) I can remember pertaining to three speakers only.

Who was the first speaker as far as you remember? -- Mr Shabangu.

Did you know him before? -- No not at all.

Was he introduced to the meeting? -- Yes he was introduced by Mr McCamel, the chairman, as a speaker who originates from the Soweto Civic Association. And then he made known this person's name. That is how I came to know what his name is.

Do you recall what language Mr Shabangu spoke in? -- Yes he did not speak a pure language. He spoke a mixed language (20) mixed in Southern Sotho and Tswana.

Did you understand what he said? -- Here and there, not everything.

COURT: What is your home language? -- Southern Sotho.

MR BIZOS: And just by the, whilst we are on this question of languages we might as well deal with the whole thing. When this trial started in English and Afrikaans which were you better at? -- Well it is just the same but I understand Afrikaans I think better than the other language.

And what about Zulu, do you understand Zulu? -- No (30)

I/....

I find it very difficult to follow Zulu, really just here and there otherwise sometimes I just cannot follow.

Were you on the farms at all, well you told us about Grasmere. Were you on other farms? -- No.

Very well. Now do you recall what Mr Shabangu said?

COURT: Well just a moment. Was his speech not interpreted?

-- No.

MR BIZOS: What do you remember of Mr Shabangu's speech?

-- What I remember he was making mention of a strike long ago, years back. He was making mention of a strike called (10) Azikwelwa(?). I think there was some increase in fares of about a tickey or a sixpence. Mentioning Alexandra. That he said and then later he made mention of councillors.

Can you recall what he said about the councillors? -- As I earlier said I had a difficulty with his language but the little bit I understood him to be saying was the following: He had said something about the councillors that they are not the real representatives for the people or something to that effect to say that they did not have the powers in their representing people. Well to go on further than that the (20) theme of his speech was that he did not agree with the council system. That is as far as I can remember.

And who was the next speaker? -- Well the second person was introduced as Motlana, Doctor, by Mr McCamel. He was also introduced as a person who comes from the Soweto Civic.

What language did Dr Motlana speak in? -- I did not follow a thing from what he was saying because his address was in Tswana and English. I did not follow a thing from what he was saying.

Was his speech translated? -- Not at all, there was (30)

no/....

no interpreter there.

And the next speaker? -- Mr Nkondo.

As far as you remember how was he introduced at the meeting? -- In the same fashion, he was also said to be from the Soweto Civic.

What language did he speak in? -- English only.

Was his speech translated? -- There was an interpreter, yes, into Sotho. From English to Sotho.

COURT: That is now into your language? -- Yes that is so.

MR BIZOS: Can you recall what Mr Nkondo spoke about? -- (10)
Here and there yes.

What is the here and there that you remember? -- His address was about education.

Can you remember anything else other than the general theme of his address? -- Yes I will try and tell His Lordship what he was saying. In fact though it will be a bit difficult for me to elaborate and give His Lordship exactly what he was saying because of my having not been to institutions of education otherwise what I can remember was that he was comparing the types of education saying that the Black education is (20) inferior. What his comparisons were that I cannot elaborate on due to the lack of knowledge about education. He also made mention of the councillors in his address, said something about them. He said certain things about the Tricameral Parliament which was interpreted to me of course. I am not really in a position to tell exactly what he was saying except to say that I understood that what is being said there is that we are left out of the Parliament. Which things I find very difficult really to explain in detail.

What he said about the councillors, did it give you (30)
any/....

any indication whether he liked them or did not like them?

-- It was quite clear when he started making mention of this word "puppet" and then later it was supported by saying that they are not the real representatives of the community, that to me it indicated that he does not approve of them at all.

Yes. Well was that any different to your view? -- I quite agreed with him on what he said although initially I did not understand this puppet, what does that mean, but later when it was explained to me what that means coupled with the statement after the use of the word "puppet" I quite agreed with (10) him. I do not know whether I should explain why I say I agreed with him.

Well I think His Lordship must have got the idea by now from your experiences, unless you want to add something. -- Oh well yes.

Now all these people that you have mentioned up to now were on the platform? -- Yes those are the people who were on the platform.

COURT: That is now four people we have plus somebody who opened with prayer, plus somebody else who ... (20)

MR BIZOS: Plus somebody else. Well the persons that you mentioned, now I want to direct your attention specifically to accused no. 22, Mr Ratsomo. Do you recall seeing him there at the meeting? -- Yes I recognised him on our way to Pretoria where we were being charged that this man, here is this man who was there.

ASSESSOR (MR KRÜGEL): Where Mr Ramagula? -- By that I mean this is the man who said McCamel has not yet arrived.

COURT: He was the man who was speaking when you entered the meeting or when you came to the meeting? -- Yes. (30)

COURT/....

COURT ADJOURNS FOR TEA. COURT RESUMES.

TEBELLO EPHRAIM RAMAGULA: d.s.s. (Through Interpreter)

FURTHER EXAMINATION BY MR BIZOS: Do you recall whether any other people spoke at this meeting? -- Yes there were other people who spoke.

Can you remember the names of any of them? -- No they were strangers to me.

And did you know the Reverend Moselane, accused no. 3 before the Court, did you know him at all before this meeting? -- No I did not know him. (10)

When did you meet him for the first time? -- At Diepkloof Prison.

And did you know ...

COURT: What is Diepkloof Prison called? -- Sun City.

Sun City. Not Sin City? -- No I do not know it is known to me as Sun City.

Yes, thank you.

MR BIZOS: Did you know Mr Vilakazi, accused no. 10, before this day? -- Yes I knew him.

Do you remember seeing him at the meeting? -- Yes I (20) saw him at this meeting.

Do you recall whether he spoke at all? -- I did not see him speaking.

Well did you know Mr Sam Matlole, accused no. 17? -- No I did not.

Do you recall whether or not you saw him at the meeting? -- I cannot remember seeing him there that day.

Do you recall whether you saw accused no. 13? Simon Nkoli? -- I cannot remember seeing him.

Do you remember seeing accused no. 5, Mr Malindi, at (30) this/...

this meeting? -- No I do not remember seeing him there.

Did you know either no. 5 or no. 13 before this day? --
I did not know them at all.

Did you know Mr Kabi? -- No I did not.

Did you know Mr Mofokeng? -- No I did not know him until
when he introduced himself as Mofokeng.

COURT: At the meeting or elsewhere? -- At the meeting yes.

MR BIZOS: What did he introduce himself as, do you recall?
-- He introduced himself as a Mofokeng, a former councillor.

Do you recall what he had to say? -- Not everything. (10)

Well can you remember some of the things he said? -- Yes.

What do you remember him saying? -- As a former councillor
what he said in his experience at Houtkop what is happening
there is the councillors are only having their own interests
about what is happening. He further said that why he says so
is because they take some food parcels there, that is the
councillors themselves take some food parcels to Houtkop in
order to look after their own interests. By that I mean they
take for instance meat from the township to go and give to
those White officials there. And he further said that (20)
they do in their own interest. For instance if they wanted
something done for themselves let it be done without any query,
and again he made mention of the blankets for instance that
are meant for the pensioners, that the councillors would keep
these blankets until such a time when it is about time for
elections. Then start distributing them to the pensioners.
What happened is the following according to him: Somebody was
supplying the blankets, I do not know if it is the government
or the Administration Board but from somewhere. Then the
councillors would keep these blankets with them until such(30)

a/....

a time when the votings are just about to take place, then start distributing them. That is about all I remember him mentioning.

Now do you recall whether any decisions were made? -- . Yes just before the meeting was declared closed.

And do you recall whether there were elections? -- Yes there were.

Do you recall which took place first, whether there were decisions or the elections? -- If my memory serves me well the formation of the organisation came first. Well what I can (10) add to that is while Mr McCamel was making mention of that then he distributed some pamphlets or papers or documents to the audience at which time he said in due course there is going to be some proposals asked for then so that everybody can consider a proposal that is why he distributed these papers I am referring to.

Right let us deal with the decisions. Do you remember which the first decision was? -- Yes the formation of the organisation was the first decision.

Do you recall whose suggestion this was? -- I cannot (20) recall that, as I say some papers were sent to the audience to come back to the Chairman so therefore I do not know who suggested that.

This proposal that the formation of the Association, did you vote for it? -- Yes there was some voting.

COURT: No, no, did you vote for it? -- Yes I did.

MR BIZOS: Did you vote for the formation of the Association? -- Yes that is so.

Why did you do it, why did you vote for the Association? -- I was very much pleased to learn about a formation of (30) this/....

this organisation which will represent the community, that pleased me. That is why I decided to take part and vote.

Why did it please you? -- In view of my previous experience which I have already mentioned to His Lordship and here comes a formation of an organisation which will attend to these things that were giving me trouble. I felt it was pleasing for me to have people with whom to discuss problems together.

You remember what, you obviously remember what the organisation was going to be called? -- It was discussed at that meeting as to what the name of this organisation was (10) going to be until it was agreed upon that it was going to be called a Civic.

Its full name was going to be what? -- Vaal Civic. Which is I think Vaal Civic Association.

Now the allegation against you Mr Ramagula is that you helped and voted for this association as part of an unlawful agreement with the African National Congress, the South African Communist Party and the UDF in order to overthrow the South African government? -- No that is not correct.

What, before this case started what did you know, if (20) anything, about the African National Congress? -- I do not know what is that.

And the South African Communist Party? -- I know nothing about that.

And before this trial started what did you know about the UDF? -- All I knew was there is a UDF and there are organisations which have to do with the UDF together.

Nothing else? -- No that is all I know.

It is further alleged that the purpose why you voted for this organisation was in order to disorder and riots (30)

and/....

and damage property? -- No that is not true. Because the sole reason for my having voted for the Civic was to come together and discuss with my fellow Blacks, my fellow people, to discuss the problems we have. That is with reference to the Administration Board. That is not true. If that was the purpose then we would not have said that the purpose of our agreeing there is to go and discuss problems with the Administration Board.

Do you remember the other decisions that were taken at this meeting? -- Yes I do.

Now without any assistance will you be able to remember (10) what all the decisions were? -- Due to the time that it is long that this happened I will not be able to remember exactly everything. I will very much appreciate it if somebody could help me in remembering that.

Well....

COURT: That is a request to be led.

MR BIZOS: Well I do not know what the attitude of the State is going to be in your case Mr Ramagula. Let us get this first of all. Did you only vote for some of the decisions or did you vote for all the decisions? -- I voted for all. (20)

COURT: Were you very happy? -- Yes according to the way in which they were explained they were very much pleasing, they were clear and pleasing.

MR BIZOS: Now I will leave it to My Learned Friend if he wants to take you through the resolutions and what you understood by them and why you voted for them.

COURT: Could I just ask a question not on the resolutions but to have clarity. You told me that you went to night school as well. Well not as well you went to night school or had some night classes, not day school? -- Yes. After work. (30)

Did/....

Did you attain any standard? -- There were standards at this school, the night school I was attending, but what I can say is when I left the classes, that is attending the school, I could only write my name and I was able to read some Sotho, the little bit of Sotho I am mastering now. That is about all. Therefore that means I am not in a position to tell His Lordship what standard I was in when I left this school.

So is the position then that you cannot read English or Afrikaans or any other language and only a little bit of Sotho? -- Quite so, that is quite correct, and of course (10) Zulu. A word or two maybe I can read and understand or follow what it means.

Yes, thank you.

MR BIZOS: I will not take the witness through the resolutions My Lord. Were there elections at this meeting? -- Yes there were.

And were people elected to office? -- That is true.

I am not going to ask you to name the office bearers because it appears to be common cause but was anyone elected from your area? -- Yes. (20)

Who was elected from your area? -- Edith Lethlake.

COURT: Did you know her previously? -- No I did not.

MR BIZOS: And were you interested after the meeting in her election as your area representative? -- Yes I was.

And what did you do about that? -- You mean at the same meeting?

Yes. When she was elected did you go and speak to her or did you know how to go and get hold of her? -- I went to her place of residence after a week or two.

How did you know the address? -- What happened was (30)
after/....

after the elections those elected to represent the areas their addresses were made known to the people there that should you want to see this person as a representative this is their address. So that is how I came to know the address. As a result of which then when it was made known what the address was I wrote in on my cigarette box.

The house number? -- Yes.

And did you go and visit? -- Yes that is true.

And was there a discussion between the two of you? -- Yes.

How long after the 9th was it that you went to Miss (10) Lethlake, Edith Lethlake? -- About a week or two.

And what was said between the two of you? -- My purpose of having gone there number one was that I wanted her to explain to me in details about the organisation which was being formed the day of the meeting. Secondly to explain to her what my problems were.

Were the two of you alone or were there other people there? -- On my arrival there we were the only two except members of her family who were also present.

And what was your discussion about? -- I beg your pardon? (20)

What did she say and what did you say? -- This is what she briefly explained to me, that this organisation which was being formed there was being formed by the people with the understanding that we must be able as people to come together and discuss our problems. She elaborated on that by saying that we were to be together and discuss our problems and voice our problems being together so that what we say can carry more weight than when you all by yourself go and say something about your problem. In other words that explained to me that this formation of this organisation was meant that the people (30) must/....

must come together and speak with one voice. It is after that was explained to me by her that I then started relating my problems to her as I have already told the Court how many occasions have I been to the offices of the township and how I was met. I even went further to say to her that is the kind of thing I wanted to discuss because for instance in 1979 I had a problem. The problem was the tank in the toilet, the one above against the wall was leaking and I went to report this to the Administration Board that it must be repaired or replaced on which I was told I will have to pay an amount (10) of R60 for that to be attended to. I then explained to her about the doors which I had to replace and how much money I paid on which she said "You are not the only person with such kind of complaints. The thing is what is important we must come together and speak in one voice about the problems we are encountering here". She further said to me people have already started meeting every Saturday and if I find it possible I can come and attend the coming Saturday at about 15h00. We agreed on that, on what we have discussed there and that was the end of it. (20)

And did you go the following Saturday? -- I on a Saturday attended which I cannot remember whether it was the first coming Saturday after the discussion or another Saturday but it was on a Saturday I did go.

Did you go there alone? -- I was accompanied by Sefakwo Mokoena, the husband to Rina, Rina the one who gave evidence here as a witness.

Is he a neighbour of yours?

COURT: That is now at the house of Edith? -- Yes that is where we went to. (30)

How/....

How old, what is the age of Edith? -- It is very difficult, I do not know exactly what her age is but she is above 20.

20? -- Above 20.

Was she living with her parents? -- Yes.

Yes, thank you.

MR BIZOS: I am informed that there will be evidence from those who know her better that she was approximately 30.

COURT: One normally has some difficulty in guesstimating a woman's age.

MR BIZOS: One should also err the other way. And you went (10) with Mr Mokoena there. Was it by chance that you went along or was it at anybody's request or how did Mr Mokoena come to go with you? -- What I can remember is that we were at my uncle's place where we discussed the civic. We ended up going together to Edith's place, that is myself and Mokoena.

ASSESSOR (MR KRÜGEL): He is not your uncle is he? -- He is my uncle.

COURT: Is Mokoena your uncle? -- When I am talking about my uncle I mean Mokoena himself is my uncle.

MR BIZOS: And did he know about the Civic and Edith or did (20) you tell him? -- I cannot quite remember that, whether he knew about the Civic or not. All I can tell you is that we ended up discussing the Civic. Whether he had heard about it or he knew about the existence of the Civic that I cannot tell but we ended up going together to Edith's place.

Was he also interested in what you had heard from Edith? -- Yes he was also accepting Civic.

Did you go to the house of Miss Lethlake? -- Yes that is true.

Did you find her there? -- No she was not in. (30)

Were/....

Were you directed to any place? -- Yes at her residence we were told she is perhaps gone to Esau's place. We did not know where Esau's place was. As a result of which we were given a number to go and look for Esau's place.

Did you go to Esau's place? -- Yes we got there.

And who was there? -- On arrival there I found the person I knew was Mphuthi, David.

That is accused no. 7? -- That is true.

Who else was there? -- Not known to me, no.

COURT: Was Edith not there? -- No not at my arrival. She (10) arrived later while I was there.

MR BIZOS: Did you have any problem at this time? -- Yes I had problems about the house.

Yes. What was the problem? -- I still had the complaints about the house, the condition of the house, which was not really better than what it was.

Right, we do not have to have any of the details. Did you have any other complaints about anything else other than the house? -- No except about what later happened about children, that is my child and my uncle's child at school. (20)

Yes, was that at a subsequent meeting? -- Yes.

Right let us deal with this first meeting when you went to Raditsela's house. What happened there? -- I do not want to bind myself about trying to relate what exactly happened there. I cannot remember except to say we had just to greet one another. That I still remember but exactly what was discussed materially I cannot tell.

Did you know, how many people were there at the meeting, or was it a meeting? -- According to my observation there it was not a meeting. (30)

Alright/....

Alright let us leave this one out for the time being and please come to the first actual meeting that you had at which Edith was present. -- Right.

Do you remember the date more or less when that happened, or the month? -- It was some time during January 1984 if I am not mistaken, January.

Did you have a problem then? -- Yes about my child at school.

What was the problem? -- She was, the child was told not to come back to school because she had failed the previous (10) year.

Was that the only child that you were concerned with, your own daughter or someone else as well? -- There was quite a number of children who were told not to return at this particular school, Sokwazi(?).

There was your daughter, any other relative of yours? -- My child was not a girl, he was a boy, and two of my uncle's children were also, those were girls now, were told not to return to this school and many other children.

Yes, these two girls, your uncle's daughters, did you (20) have any responsibility for them? -- No their parents were responsible for them.

COURT: Were these Mokoena's daughters? -- Yes.

Rina Mokoena's children? -- Yes.

MR BIZOS: And you say that the children were told not to go back to school. Was that a matter of grave concern to you? -- Yes it had to do with my son who is still young and I am the only person who must look after his interest and he is still so young that one could not do a thing about him except to send him to school. There is a problem here, in fact (30) this/....

this child is an orphan, it is my uncle's son. His parents passed away. He was therefore staying with me. I was his guardian, not my actual child. He was my child in the sense that I was his guardian. So I had to see to it that he is kept at school.

Just for the record how old was he and in what standard was he? -- I think if my memory serves me well he was sixteen.

I do not quite remember.

In what standard? -- Form two.

And why was he told to go away? How long did he go (10) to school?

COURT: He had failed?

MR BIZOS: Oh yes, he said that, sorry. -- Yes.

Now did you go with this concern to a meeting at which Edith Lethlake and others were present? -- That is so.

Please tell us who was present at that meeting? -- Myself, Sefakwo Mokoena, Rina, Mr Mphuthi was also present that day.

That is accused no. 7. -- Mr Matlole.

No. 17. -- Mr Modise Mthombeni, Edith was also present.

Edith Lethlake, yes. -- And others whom I cannot now (20) remember.

And what was the discussion? -- The problem was about discussing the children who were being chased away from school because of having failed. Then we were there to find a solution now as to what is to happen to these children at their ages. They are so young and what is one to do with them. We then agreed that as parents we will have to come together and unite in order to approach the authorities, whoever is in charge of the school, in order to get these children back to school. After that was discussed and then Edith came with (30)

her/....

her suggestion that it could be that the only person who can help us pertaining to this problem was Mr Nkondo. Now I remembered Mr Nkondo having given a speech about education when the organisation was formed. It is after we had taken a decision that we would be going to school on Tuesday to go and present this case that Edith came with the suggestion about Mr Nkondo. We then had a problem here that who is now going to contact Mr Nkondo because we did not know his residential address and a way of communicating with him.

Did anyone make any suggestion? -- Yes it was later (10) then suggested that the best thing to do for us is to see Mr Raditsela who may be able to tell us or to find him where he lives. As a result of the discussion which was held there it was later decided in this meeting that Edith will have to approach Esau Raditsela in finding out how to contact Mr Nkondo and should she find Mr Raditsela who is able to contact Mr Nkondo he must contact Mr Nkondo by going to see him personally or whichever way but come what may if he is available whoever goes there or contacts Mr Nkondo shall have to come with Nkondo on Monday so that the people could go to (20) school on Tuesday as arranged. That would have meant that either Edith or Raditsela or both of them will have to bring Nkondo along on Monday.

Was a meeting arranged for the Monday and if so where and at what time? -- In fact I did not start it with the correct sequence. What happened is prior to our having held this meeting where we discussed it with Edith and the other parents, we had met a Mrs Mapisa with other parents ...

I have it spelt as M-a-p-i-t-s-a. Mapitsa. -- Discussing this problem. Now this day when we held this meeting Mrs (30) Mapitsa/....

Mapitsa was not present at this meeting. So at this meeting when we were talking about the Monday, that is the Monday on which Nkondo was supposed to come with Edith or Esau or both of them we agree that Edith, Mrs Mokoena must go and talk to Mrs Mapitsa who was not at the meeting at the time about the venue being her place of residence for the meeting to be held on Monday with Nkondo. That is the Monday before going to school the Tuesday.

Was a meeting held on Monday? -- Yes it was.

Was a person from outside the Vaal present? -- Yes (10)
this person arrived.

Who? -- Mr Nkondo.

Right. How many people were there at this meeting on the Monday? -- Thirty plus.

And who were they? -- Myself, Mrs Mapitsa, Mr Matlole,
• Mr Modise Mthombeni, Rina Mokoena, Esau was also present, Mr Nkondo, those are the people I still remember were present there.

Was Edith Lethlake present? -- No she was not present that day. (20)

And were there people there that you did not know? -- Yes there were.

Who were they? -- I up to now do not know them, they are not known to me.

Not their names, I am sorry I should have, what was their business there? -- They came there to discuss together with us the question of their children who were chased away from school.

COURT: Were they also parents? -- Yes. And some of the children whose case was being discussed were also present (30)
there./....

there.

Were these children first failures or had they already failed that specific standard previously? -- I do not know about the others but the one on whose behalf I was talking was the first time that he was failing.

MR BIZOS: Was the matter discussed? -- Yes it was.

Was there anyone there that was able to give you any advice as to what ought to be done? -- On his arrival there we put our case to him, that is Mr Nkondo, and told him what we have decided but then we told we sought for your advice (10) because we may have erred in deciding on this, what is your feeling. He approved of our decision that we go to school as parents and therefore, that is he merely supported our decision that we go to school and present our children's case. In that then what I will say is that he advised us to go on with our decision.

Yes. To go on with your decision to go to the school. Did you go to the school? -- Yes we did.

Just a delegation or a large body of people? -- We went there in a big number. (20)

COURT: What is the name of the school again? -- Sokwazi.

MR BIZOS: And how big a number of people turned up there? -- I am not in a position to tell exactly what was the number approximately but what I can tell you is that after this meeting probably some children advertised this that there was going to be parents going to school to represent their case as a result of which we were quite a big number of parents together going to school, by far more than the number which I just mentioned was the number at the time when we attended this meeting. (30)

And/....

And who went, was it the parents or the children or both? -- We had gone there with the children. Well the majority were children accompanying us. What I must add here is this at this meeting on Monday it was decided that certain people will be the speakers on our behalf, that is on behalf of the parents. Therefore we went there in a big number but we knew who our speakers were.

Who were going to be the speakers? -- I was one of them. Mr Matlole, Mr Modise Mthombeni, Rina Mokoena. Those are the people who were chosen as speakers to present the case (10)

COURT: Now Modise Mthombeni and accused no. 17, did they also have children that had failed? -- No they did not.

MR BIZOS: Why were they there? -- How they happened to be there was because it was decided by the people there, that is the parents, that we all come together in putting up the case for the children and as a result then it was not said that only those with children will have to take part in solving this problem. It was said whoever is there who is deemed fit by the community will present the case for the people, for the children at school. (20)

COURT: Now these two, no. 17 and Modise Mthombeni, did they have children in the school, never mind whether they failed or not? -- Yes Mr Matlole had children at school. Well I am C.550 hesitant about Modise, I do not know but if I remember well he did not have a child at school.

MR BIZOS: And did this body of parents and children go to the school? -- Yes we went there.

Do you remember the date on which you went to the school? -- I do not quite remember, under correction I say it was on the 11th. (30)

COURT:/.....

COURT: Of? -- Of January 1984.

MR BIZOS: Yes, did you meet the Principal at the school? --
That is so.

And did you speak to him? -- Yes we did.

And do you know whether he contacted anyone? -- After having spoken to him he asked us for a short time, he will see if he cannot communicate with the inspectors. Not very long the inspector arrived. We met the inspector. He then said to us this is the person to whom you can explain what your problem is. We tried to explain to this inspector what our(10) problem was about the children. What happened is that on arrival there the inspector a hall, a school hall was made available to us approximately the size of this courtroom where we were addressed and then where we also addressed our problems to the inspector about the children's ages who will not be able to cope with working. We explained to him that our problem was that if these children are being chased away from school and they are now going to be in the township for the rest of the day they will end up being hooligans or turned into tsotsis and then later they will not have anything to do in (20) life. The inspector then said to us he was going to take it up with the Department of Education and then we suggested to him that in the meantime because he says the classrooms are full it is fine, as long as we know that they are at school you can teach them outside in the sun there, let them be at school on the school premises, we are satisfied. We were left in this hall by the inspector and the principal for some time. After a short while they came back, he came back, the inspector, saying to us now in that hall those of you with money which can be spent on paying school fees can start (30) paying/....

paying now. We left the moneys with the children to pay for the fees, that is the school fees, and we went home.

Now, and your child or the child of which you were the guardian remained at school? -- Yes I left him at school.

Do you know how many children were actually readmitted as a result of this action? -- From what I heard from children yes they said at the time when they were being readmitted they were 300. Well that is what I heard from the children.

COURT: Could you believe it, how big is the school? -- Well it is quite big but I am not in a position to say how big (10) it is.

How many classrooms? -- I have not counted them before, I do not know.

MR BIZOS: Now did this have any lessons for you, this experience Mr Ramagula? -- The lesson I learnt from that was being parents together, putting our case it was met and it was solved and therefore in future then should there be a problem for parents if they were to come together and discuss their problems and put their case being together it was then therefore easier for them to be heard what their complaint is. (20)

Did, you told us that you had already before this had a discussion with Edith Lethlake? -- Yes that is so.

Did you have any discussions with her after this school experience? -- Yes I did.

Please tell us about your meetings with her and others? -- After having been to school we had a meeting at Edith's residence. As we knew that Edith was elected with a view that she will have to work for a putting up or electing of a committee in Zone 7 we then felt it was important to work hard for the election of this committee. Why because we thought(30) it/....

it wise that if we know who our committee members are and who to go and see with a problem then it will not be that difficult for us to convey what our problems are and what is to be discussed because you will know exactly who to go and talk to. We then agreed and he taught us a lesson that we now elect a committee under the wing of the VCA as she was elected to serve under the same wing amongst the community. It was agreed on that. We worked there until we elected the committee.

Yes. Who was on the committee? -- Which committee now, the one at school or the one which was elected? (10)

No the one that was elected there. -- Edith Lethlake was elected as the Chairman, assisted by Mr David Mphuthi.

COURT: That is no. 7? -- The Vice-Chairman, no. 7 yes. Then thereafter the secretary was elected. Mr Modise Mthombeni, assisted by Elizabeth Moyeng. Then a treasurer was elected, Mr Matlole was elected in that position, assisted by Ephraim Ramagula.

MR BIZOS: That is you? -- That is myself.

COURT: I think not only, except in your own case let us refer to the other accused by number. (20)

MR BIZOS: As Your Lordship pleases. Yes it was no. 7 and no. 17. Now was this at a small meeting or at a large meeting that this election took place? -- It was a large meeting which was called.

When was that large meeting called? -- If my memory serves me well it was 19 February 1984.

COURT: Where was it held? -- Roman Catholic Church, Small Farm. Incidentally I had not finished counting the people who were elected there in that committee.

MR BIZOS: Yes, who else was elected? -- Sefakwo Mokoena (30)
was/....

was also elected. A gentleman, Mr Mlambo was also elected. And others, I cannot remember who they were but in all we were fifteen people elected to that committee.

How did all this, you say that there was a large meeting, how did all the people get there, how did they know about the meeting? -- While we were still meeting there without having been elected to any office we agreed that there be some invitations written to invite people to this particular meeting.

COURT: Was this a meeting of a specific area? -- That is so.

Which area? -- Zone 7. (10)

MR BIZOS: And did you have anything to do with the preparation of this meeting, to get people together, to call them together? -- Yes.

What did you do? -- After the issuing of the pamphlets or after they were made or drafted I also took them round giving them out.

Openly or secretly? -- Openly My Lord, I was carrying them in a Checkers carrier bag, plastic bag, and I was giving them to children. Some of them I was distributing them myself.

Do you recall who presided at this large meeting in (20) your zone? -- Yes I do.

Who? -- IC8.

Yes. About these pamphlets who paid for them? -- Us, the people who came together there prior to being elected to office paid for these pamphlets, we made some contributions.

You told us that IC8 was the chairman, who were the speakers at this meeting? -- The majority of the speakers at this meeting originated from us the people who in fact initiated the holding of this meeting, namely myself, Mr Mphuthi, Matlole, and ... (30)

That/...

That is no. 7 and 17. -- Yes, and then we decided on inviting somebody from outside, an outsider, on which we decided to invite McCamel. Of course there were other people who were also speakers there. I just cannot remember who they were.

Right, I am not going to ask you what everyone said but I am going to ask you what the main purpose of this meeting was and what the main drift of the speeches that were made were. What was the purpose of the meeting? -- The main purpose of this meeting was to start or put up a committee (10) for Zone 7 by electing them and their speeches there pertained to the election of the committee and the addressing of problems experienced.

Was there, well let us take some of the things, do you recall that accused no. 7, Mr David Mphuthi, spoke? -- Yes I do recall that he did speak there.

Now did he say anything about boycotting high rents? -- Even though I cannot remember exactly his speech as such, as a whole, but I cannot remember him making mention of boycotting high rents, that he was against that. (20)

Was there a rent issue present as a current problem or a rent increase as a current problem in February 1984 in your township? -- No not during that time.

Do you recall whether Mr Mphuthi, accused no. 7, called for a boycott of high bus fares, whatever that may mean? -- No I cannot remember him making mention of that. In fact that would be something out of the agenda, the purpose for which we had come together there. I cannot remember anyway him making mention of anything which was to be boycotted.

Yes. Do you recall whether Edith Lethlake spoke? (30)

-- That/...

-- That is true.

Do you recall very briefly what the drift of her speech was? -- Not everything. This happened long ago. Therefore I will not be in a position to remember exactly each and every person's speech.

Well can you remember what the drift of her speech was?

-- Yes.

What was the drift of her speech? -- What she said was the following, in brief. That she was grateful that people from Zone 7 came together here today, that is at that (10) meeting, to elect their committee for Zone 7 as that was the purpose at the time of her election as a representative that she will have to work for the election of a committee which is taking place today. That is what I remember, more or less she said.

Did you yourself speak? -- Yes I did.

What did you say? -- As it was said and with reference to what transpired that other day when we had a talk about the matter pertaining to school children I am also grateful here today that this eventually happens that we are here (20) today electing the committee for Zone 7 which is in line with what we had in mind when we were discussing the addressing of the school children's problem. I further made reference to the meeting and that the people representing the case at this school succeeded because they were together and they had unity and if every problem was to be addressed in this fashion that people come together in unity and address their problem then we are going to achieve a lot. For the fact that there is now a committee elected to present such things on behalf of the community there is a hope of success in being heeded to (30) whatever/...

whatever is requested. That was briefly what I said.

I am going on to other business at this meeting but I have a note, and it will be proved but merely for Your Lordship's information that the school is the Sepothemba School.

COURT: Could you just spell it out for me.

MR BIZOS: T-s-h-e-p-o.

COURT: T-s-h?

MR BIZOS: Oh I beg our pardon, it shows the danger of, the note relates to the Tsheptotemba school and it is not this school but the high schools there are approximately 900 pupils per school of approximately 60 in each class. (10)

You have told us of the people who were elected to office and what I want to ask you is this were there any things for sale there at your meeting? -- I saw some papers on the table there.

Did you know who made arrangements for them to be brought there and what they were? -- I did not know anything about them.

Did you see anything either inside or outside the meeting relating to the signing of papers by people who came there? -- No I did not see it at all.

Were there any speakers from the UDF at this meeting? -- I did not see them. (20)

Was the UDF discussed at all at this meeting? -- No I did not hear that.

And if anyone suggests that this was a meeting in furtherance of a conspiracy to overthrow the State or to start riots or to damage property what do you say about that? -- That person is not telling the truth.

C.551 COURT ADJOURNS FOR LUNCH. COURT RESUMES.

TEBELLO EPHRAIM RAMAGULA: d.s.s. (Through Interpreter)

FURTHER EXAMINATION BY MR BIZOS: We are with the meeting in which your Zone committee was formed. -- That is so. (30)

Did/...

Did anyone advocate any violence of whatever nature at this meeting? -- No no such words were uttered.

Was this a meeting at which there was any form of disorder? -- No there was no such.

Was there any stamping or feet, ululating or dancing around the hall? -- Not there was no such.

Was there any singing at this meeting? -- Yes there was some singing.

Did you know any of the songs? -- That is true.

Which did you know? -- That was in Zulu, Hlanganani (10) Bazali was the wording.

Bazali you say, yes any other one? -- Another one again in Zulu Sinzenina.

Any other one? -- The other one was Siyaya Epitoli.

Yes, were there any other songs that you recognised at all? -- Those are the only ones I remember and then there is another one of course which was sung at the end of the meeting for the closing, I believe this is a national anthem.

When did you start believing that? -- That is Nkosi Sikelele. (20)

And were there any slogans shouted out at this meeting? -- That is true.

What slogans were shouted? -- Amandla.

Yes. Now could you give His Lordship the age group of the majority of the people there? -- That is between 30 and 60 or 70.

Do you recall whether Mr Malindi, accused no. 5, was at this meeting? -- I cannot remember seeing him that day, I cannot remember.

What happened after your committee was elected and (30)

Nkosi/....

Nkosi Sikelele e Africa was sung? -- The meeting dispersed but those elected remained behind.

Did the people who dispersed disperse in an excited and boistrous manner? -- They were satisfied, they were happy.

Yes. Was there any sort of misbehaviour of whatever nature at the meeting or after the meeting adjourned? -- No nothing bad or out of the context happened there.

I now want to deal with the period from February to July 1984. Did our zone committee meet regularly? -- Yes what was arranged was that the committee was to meet every Saturday (10) but then it would depend on the particular person, the member himself, whether he is able to attend the meeting on that Saturday or not.

COURT: So are you saying that every Saturday a meeting was held but not every Saturday all attended? Is that what you are saying? -- That is what I am saying, yes.

MR BIZOS: Now we do not intend taking you through these meetings because in the ordinary course of events there would have been about 25 of them. I merely want you to please tell His Lordship very briefly what was the sort of matter that (20) you discussed at your zone meetings? -- What was in fact generally discussed there was our difficulties which we were experiencing in the township.

Can you just give us a list of the difficulties, just the subject matters, that you were facing at the time? -- The closure of houses, the payment which one had to make for repairs on whatever is to be repaired in your house. And discussing overloads on taxis.

COURT: How do you mean overloads of taxis. -- The overloading of taxis. (30)

How/...

How did that concern you? -- It had to do with us as a community in this sense, in case of an overload to a taxi, for instance where he was supposed to take 10 passengers say he takes 12 and then that taxi is involved in an accident with another vehicle or a bus then the insurers will say that taxi is insured to carry 10 passengers and not 12 and so therefore if two people are injured, that is the extra which makes it 12 then those two will be taken as those who were not insured in this vehicle and therefore they will not be paid.

Oh I see, yes.

(10)

MR BIZOS: Now this question of locking up houses and not the repairs I do not want you to, I know that you can give examples but I do not want the examples. Did you just talk about about them or did you try and do something about the individual problems that came to your committee? -- We had such problems.

And what did you do about the, did you just talk about them or were any steps taken? -- We discussed these problems. At times a person would come with a problem not exactly related to what I have just mentioned and if this person would come to Edith for instance or to any other member of the committee (20) and report what difficulty he or she experienced then we would look into it and see if this could be taken into consideration for discussion in our meeting.

Yes, but over and above the discussion were any practical steps taken to try and solve any of the problems that were discussed? -- We tried on some yes.

COURT: What did you do? -- One example for instance is that a woman came to complain to us about her house having been locked because she was in arrears with the rental and she related to us that she had been to speak to a Councillor (30)

Buthulezi/...

Buthulezi who in response to that said to her that he, Buthulezi, could do nothing about that. As a result of which then when she made this report to us we suggested that our Chairman Edith must go and talk to the superintendant and discuss this thing with the authorities.

MR BIZOS: Do you know whether it was done or whether it was reported as having been done? -- Yes she did. In fact the message given to her by us to go and discuss was that she must go and discuss this with the township manager that the township manager must not lock the house, give this woman time (10) until she finds money to pay and then she left with that message and made a report back after having been to the township manager.

COURT: Are the township manager and the superintendant two persons or one person? -- Well we know the superintendant, that is the person we know.

There is not a township manager? -- Well I do not know of a township manager except from those maybe high ranking officials at Houtkop. Maybe the township manager could be there, I do not know.

MR BIZOS: This locking up of houses was it only rented (20) houses that were locked up or other types of houses? -- Well they were just locking houses there. Which of the houses were being locked I do not know. All I can tell you was whenever one was in arrears with rent, say seven days after the day of payment then the house would be locked whether it belonged to them or not I do not know.

Are you aware that some people bought their houses? -- Yes.

Do you know whether their houses were locked up? -- No all I know that houses were being locked. Not knowing (30) whether/.....

whether this one is bought or not.

I see. Now these, at these regular meetings I want to ask you on the question of did you consider yourself a member of any organisation whilst you were meeting there in your area committee? -- I was a member of the VCA.

COURT: How long, how often did you attend these Saturday meetings? -- I attended some not all. For instance I was working during weekends at times and therefore could not attend and some meetings were held when I had other commitments which are personal matters, then I would just attend to my per- (10)
sonal matters without going to the meeting.

Yes but did you attend one out of three, one out of five, one out of ten? -- Sometimes it would be five meetings which were passing without me attending.

MR BIZOS: At any of the meetings that you attended were any reports made at what what happening at a higher level of the VCA that you were considering yourself a member of? -- No I never heard of any report as to what was happening.

Did your chairman report anything that was happening at the UDF meetings? -- No that was never mentioned. (20)

When, during this period did you hear anything about the celebration that was to be held by Councillor Rabotapi?

COURT: Rabotapi?

MR BIZOS: Rabotapi? -- Yes I heard about that.

Yes. Well what did you hear about that?

MNR JACOBS: Edele die Staat maak beswaar, dit is duidelik hoorsê wat hier gely word.

COURT: Did he attend the celebration? If he did not attend it ...

MR BIZOS: It is one of the charges that the State chose (30)

to/....

to prefer against this accused, that he attended this in furtherance of a conspiracy. If they abandon it I am happy to leave out five pages.

COURT: Do not threaten me Mr Bizos.

MR BIZOS: No I am not threatening Your Lordship, I say if they are prepared to abandon it.

MNR JACOBS: Edele h mens kan nie sien hoe dat die verdediging nog kan hoorsê getuienis ly of getuienis wat hy gehoor het nie. As die man daar was dan kan hy getuig wat hy gesien het en gesê het daar. (10)

COURT: Yes why do you not put to him that these are the charges of the State, what do you know about it.

MR BIZOS: As Your Lordship pleases. This Rabotapi celebration did you go there? -- I was there to protest, not attending the feast.

You were there to protest, yes. Why did you want to protest? -- I went there to protest because from the information it was said that the celebration was meant for Evaton for the time that Evaton existed. Our reason of protesting against the whole thing was that we are now being told the (20) councillors are holding a celebration, slaughtering cattle and making food available there for this occasion. We demanded to know where this money comes from to hold that feast because there are certain things which we were in need of which were not available, at the same time there is money to spend on a feast. Now where does this money come from.

What did you have to do with Evaton? -- I am a resident of Evaton but now what happened is this they just came there and decided to cut Evaton, a portion of Evaton which is decided to be Zone 7 was cut off from Evaton. So where I (30) live/....

live now I am still in Evaton. And our main objection was we are staying in Zone 7 which is part of Evaton and there is just nothing there, no progress, nothing whatsoever. Instead of them coming to do something for us they are holding a feast. We have got only two schools in the whole area. They are just not paying any attention to us.

COURT: Let me just get clarity now please. When you moved into Sebokeng where did you come from? -- From Evaton.

Did you grow up in Evaton? -- No I was born in Evaton. As I said earlier I then left Evaton at a certain age going (10) to my uncle's place in Grasmere, and later I came back to my original residence which was Evaton, at about the age of 14 or 15. I am not quite certain now what my age was then. In 1970 we then went to stay in Zone 7.

When you went to stay in Zone 7 was Zone 7 then a portion of Evaton or was it already a portion of Sebokeng? -- It was Sebokeng. It was only in 1983 when it was divided or cut off from that side. After the election of the councillors in 1983 then it was divided.

It was, where was it apportioned then? -- What happened (20) is the following: Prior to 1983 elections of the councillors we were all falling under Sebokeng, that is including Zone 7. We were paying our rents in Sebokeng and then immediately thereafter, that is after the elections in 1983, we were told that now we the people in Zone 7 are falling under Evaton. As a result then we had to start paying rent at Evaton. We were no longer forming part of Sebokeng.

Were you part of Lekoa still? -- No we were falling under the Evaton council, not Lekoa. Not unless it is said Lekoa is in charge of every area there. (30)

MR BIZOS:/.....

MR BIZOS: Is it the whole of Zone 7 or a portion of it that became part of Evaton? -- No a portion of Zone 7 was put to be falling under Evaton.

COURT: Is that the northern portion of Zone 7? -- The western side as I indicate, as far as I know.

The western side of Zone 7? What street? -- Towards Evaton, the western side as I indicate.

What streets bound it? -- It is difficult to tell what the boundary is there but what I can say is from direct, (10) that is direct from the offices of the Commissioner, up that way then is the boundary there because you get the short streets there and the lanes, you do not know which is which.

Up which way? Just a minute if you stand at the Commissioner's office and you look towards the Roman Catholic Church, Small Farms, which side are you? -- Facing the Roman Catholic Church in Small Farms?

Yes. -- Standing in my direction facing the Roman Catholic Church then my house will be to the left as indicated, from where I am standing. (20)

We will sort it out eventually Mr Bizos.

MR BIZOS: When this celebration came to your notice as a result of a report made to you did you do anything about it? -- I had a poster or a placard which I was holding like this, what do you call it?

A placard as well. -- Yes something like that is what I held.

What did the placard say? Do you know? -- It was written in Sotho.. (witness repeats slogan in Sotho)

COURT: I think you had better spell all of that. (30)

MR BIZOS:/.....

MR BIZOS: Well a translation I think would be sufficient.

COURT: Well what is the translation Mr Interpreter?

INTERPRETER: Today you eat and you are satisfied, Tomorrow you are hungry.

MR BIZOS: Was this an individual decision of yours or was it the committee's decision to go and protest there? -- There were preparations made for this although I was not there at that time. I am therefore not in a position to tell His Lordship exactly what the preparations were. I ended up knowing about what was being arranged. That is how I found(10) myself there in support of that.

Do you know whether your committee did this alone or whether they co-operated with the people in Evaton? -- From what I heard this was being arranged by the Ratepayers Association and the Zone 7 committee.

COURT: That is now Evaton Ratepayers Association? -- Yes.

ASSESSOR (MR KRÜGEL): This is now the protest? -- Yes.

MR BIZOS: Were you the only one who was carrying a placard or were there others as well? -- No.

Did you see any of your fellow accused here at the (20) protest? -- I remember seeing Mr Matlole.

Anyone else?

COURT: Was he also holding a placard? -- Yes he was.

MR BIZOS: Anyone else? -- I cannot remember who the next person was or the other people were. No I do not know who the other people were because we were far apart on instructions of Mohage(?) and the others that we must not be together, we must be far apart. Therefore we were far apart. I was in fact in the immediate vicinity of the Roman Catholic Church. This was said by Mohage and some other White detectives who (30) said/...

said there is nothing wrong in what we are doing except that we must be apart. That is what made it difficult for us now to identify the people there on the protest at those distances.

Is this Warrant Officer Mohage that we have heard something about? -- Yes he is the one who once came here one day.

And he did not give evidence on the merits of the case My Lord, Your Lordship will recall he gave evidence on...

COURT: I recall that you cross-examined for three weeks on Warrant Officer Mohage, right at the outset.

MR BIZOS: Mentioned his name from time to time. Your (10) Lordship may hear about him as part of the defence case later. You were told that there was nothing wrong with what you were doing. Was anyone intimidated not to go into the celebration if they wanted to go? -- No.

COURT: Where were the celebrations held? -- At a place called Evaton Stadium, Masinking is the other name for the place. The name Masinking is a description when directing a person to the Commissioner's premises there, you talk about Masinking then they will understand what you are talking about. Now this stadium is situated not far from this place (20) called Masinking so Masinking is the name of the vicinity there.

And you say that in addition to Warrant Officer Mohage there was also, there were also White detectives there? -- Yes. They were there.

And did anyone remonstrate with you, tell you that you were doing anything wrong or intimidating people or ... -- No nothing like that was done.

Other than your Zone 7 committee and the Vaal Ratepayers Association was ... (30)

COURT:/.....

COURT: Evaton Ratepayers Association.

MR BIZOS: I beg your pardon, the Evaton Ratepayers, was any other organisation involved? -- No I do not know. According to the information I had it was said that the committee from Zone 7 and the Ratepayers Association of Evaton are the only organisations involved in this.

Did you ever take part during this period at a meeting of VOW, the Vaal Organisation of Women? -- Was there such a meeting, if so when?

Well it is suggested that you attended a meeting held (10) in your house in 1984 and that it was one of a series of meetings. Now did you attend any women's meetings? -- Oh no yes there was a meeting for women in my house.

Did you attend it? -- No I did not.

How did it come to be in your house? -- It is quite clear, it was a women's meeting.

COURT: Was your wife on the committee of the Vaal Organisation of Women? -- Yes, she was a member.

MR BIZOS: Just an ordinary member and not a member of the committee? -- I do not know whether she was elected to the (20) committee there or not. All I know is that she was a member.

Were you present at any meeting, well you say that you were not present at any meeting of women but if anybody suggests that it was said at a women's meeting at which you were present that the UDF will be able to help you build factories, that ...

COURT: Well if he was not at a women's meeting he will not be able to comment on this.

MR BIZOS: As Your Lordship pleases. Now when did you hear for the first time that the rent might be increased? -- (30)

Between/....

Between June and July, somewhere there.

1984? -- That is true. Or just at the beginning of August, somewhere there.

Before you, we come to the question of rental I am sorry I want to ask you about something else. Did you have any membership cards in your zone? -- Yes we had cards.

Were they VCA cards as a whole or just Zone 7 cards? -- It was a Zone 7 card.

COURT: How many members did you have? -- The only person who will know how many membership we had is Edith, the (10) chairman.

Well now she is not here. Could you give me an idea of your membership? -- I will be binding myself.

Yes bind yourself. -- The whole of Zone 7 there.

Well you will probably be unbound by the Prosecutor but I will leave it there. -- Well I just tell him that I do not know. That is why I say that I do not want to bind myself.

MR BIZOS: Tell me did you have to pay anything for the card? -- Yes R2,50.

Well did a lot of money come into your Zone 7 kitty (20) or did you not have money. -- Well yes there were some moneys which were collected.

COURT: And was this now for a year, R2,50? -- Yes for the whole year.

MR BIZOS: Did you have a uniform? -- We had some shirts. There were some shirts which were produced here as exhibits in court some time earlier. Even the women used those shirts.

What was their colour? -- The colour of the outside cover of the record.

COURT: Well where are these shirts now, were they handed (30) in/....

in as exhibits?

MR BIZOS: I do not think that they were.

COURT: I cannot recall ...

MR BIZOS: I do not know ...

COURT: We had some T shirts but we did not have any other shirts.

MR BIZOS: I think we showed an Afro shirt, I do not remember if we handed it in. -- It was a shirt with long sleeves and big sleeves (as demonstrated by the witness).

Yes anyway you say the colour was light brown, like (10) the cover of the record.

COURT: Now let us just get clarity. What colour did you say it was? -- The court record outside cover of the volumes is the colour of those shirts.

A yellowish brown I would say.

ASSESSOR (MR KRÜGEL): Buttermilk cream.

COURT: Buttermilk cream yes.

MR BIZOS: I will be happy with that description My Lord.

Now ...

COURT: Is that all colour it had? -- Yes. (20)

MR BIZOS: And let us come back to the question of the rental that you heard about. You told us that you heard about it in June/July. How much rent were you paying at that time? -- R50,65.

Is that before the proposed increase? -- That is so.

And you have already told us what you were earning. Just repeat it please, what were you earning at the time? -- R80 per week.

COURT: The rent was per month? -- Yes.

MR BIZOS: And when did you hear that the rent would be (30) increased/....

increased by R5,90? -- Between this period, June, July, or the beginning of August.

Or the beginning of August. Now although you were part of Evaton, your section of Zone 7, was your rent to be increased or not? -- Yes, all.

COURT: And was it to be R5,90? -- Yes.

MR BIZOS: Whose decision was that that your rent should be increased? Did you hear, what did you think, whose decision did you think it was? -- The councillors decisions.

The Evaton ... -- Or, I say it was the councillors but (10) I feel or it was the decision which came from the Administration Board through the councillors to reach us.

Now when you voted for a councillor for which area did you vote for a councillor?

COURT: When he did not vote for a councillor.

MR BIZOS: When you did not vote, when your area ...

COURT: When you did not vote for a councillor for which area councillor did you not vote?

MR BIZOS: I am sorry My Lord, almost worthy of our Learned Friend here. Yes, when elections were held, when elections (20) were held for what were elections held? For Lekoa Town Council or Evaton? -- I do not know. All that was being said there was that we are going to hold elections, the whole of the Vaal, which was which I do not know.

COURT: Yes but you were a ward, was there not a specific ward?-- Yes there was a ward.

And was there, was your portion of Zone 7 not part of one ward and the rest of Zone 7 part of another ward? -- That is how it was going to happen.

Yes and the ward in which you were was part of Evaton? (30)

-- Yes./....

-- Yes. No but the thing is this it was only divided after the elections. The position is there was first elections. After the councillors were elected for 1983 it is only then that this area was divided and then we happened to be falling under Evaton.

So when you, when elections were held was the whole of Zone 7 one ward? -- No Zone 7 was divided into many wards. What happened is the councillors gave themselves some boundaries which ward is which in Zone 7. Therefore you had more than one ward in Zone 7 alone. (10)

Yes, thank you.

COURT ADJOURNS UNTIL 24 FEBRUARY 1987.