

SAAKNOMMER: CC 482/85

DELMAS

1987-02-24

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORE: MNR. W.F. KRÜGEL

PROF. W.A. JOUBERT

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

COURT RESUMES ON 24 FEBRUARY 1987.

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

FURTHER EXAMINATION BY MR BIZOS: You recall that yesterday you told His Lordship that you did not attend all the Zone 7 committee meetings? -- That is true.

Do you recall whether during July 1984 you attended any meetings at which the question of rental was discussed? -- No I have never been to such a meeting.

During July? -- During July.

Do you recall whether you were at any such meeting (10) after July? -- Yes that was in August.

In August.

COURT: One or more? -- Two. I attended two meetings. The third one was of the 26th, the 26th was the third one in August.

Well the 26th was not a committee meeting was it? -- No the 26th was a mass meeting with the community.

Yes, let us talk about committee meetings. -- Then they were two.

MR BIZOS: I see. Now if you can remember the date or if (20) you worked it out backwards and you can give us the date you can give it to us or otherwise you can refer to it as the first meeting in August that you attended. Do you remember the date? -- If I still remember well yes I do.

What was the date? -- The 4th and the 11th of August.

Alright, let us deal with the meeting of the 4th. What happened at the meeting of the 4th, do you recall? -- Because it was already known that there is going to be a rent increase on 4 August at our committee meeting this was discussed amongst us, that is the committee members, as to what is to be done (30)

and/....

and what is going to happen to that.

Yes and what was said, what was decided? -- On 4 August no decision was taken except that we agreed on preparations that one must prepare himself in order to discuss it at our next meeting on which we agreed upon which was going to be held on the 11th. And again what was said there was that we must try and meet different people within the community to find out what their perception is about the increased rent before we meet on the 11th in order to discuss it in detail.

Can you tell His Lordship who was present at the meeting(10) of the 4th? -- If I still remember well myself, David Mphuthi, Sam Matlole....

COURT: That is no. 7.

MR BIZOS: No. 7 and 17.

COURT: And no. 17. -- Modise Mthombeni, Mlambo, Edith Lethlake, Sefakwo Mokoena. Those are the people I still remember.

MR BIZOS: Yes, you say that you were to go out and find out what the people thought about the rent. Was there any report at this meeting of any advice received from the UDF or from any other body? -- No there was no such. (20)

You attended the meeting of the 11th? -- That is so.

And did you do anything to find out how your neighbours and other people that you came across felt about this rent increase? -- That is true, just from discussions with different people one could ascertain that people are not happy about this question of the rent increase.

Where was the meeting of the 11th held? -- At Edith Lethlake's residence, who is our chairman.

Who was there? -- The people I have just, whose names I have just mentioned were all present there. (30)

Were/....

Were there any strangers at the meeting of the 11th? --
No there were no strangers.

Was there any report of any advice or any suggestion made by any outside body like the UDF or anyone else? -- There was no such. UDF would not have been there because they were not even known to us, we did not know even who the members of UDF were.

What was the discussion at your meeting of the 11th?

COURT: Could I just ask a question here. Was Esau Raditsela a resident of Zone 7? -- That is so. (10)

Why did he not attend these meetings? -- He was no serving in the committee of Zone 7 as a member.

MR BIZOS: Just whilst we are on this was Mrs Dorcas Raditsela on the committee of Zone 7? -- She was no member of that committee.

What was the discussion, what were you going to do about this rent increase? -- What happened at this meeting was the following: After having got the views from different people who had discussions with the community of Zone 7 it was quite apparent that everybody was just not satisfied about the (20) increased rent as a result of which then we felt we are to call a mass meeting and in order to do that we had to look at the way in which we could call the meeting or convene the meeting to be held. As a result of which we decided on pamphlets. We agreed with the decision that the pamphlets are going to be printed on the 18th.

COURT: On the? -- On the 18th.

MR BIZOS: When was the meeting to be? -- I will explain that when I come to it.

Alright do it your way. (30)

COURT:/.....

COURT: Page 5. -- We agreed that the pamphlets will be printed on the 18th but again we had this problem that we must be able to identify the venue of the meeting which will be entailed on the pamphlet itself. As a result of which then we agreed that our chairman will have to go and see a Mr Pitso in charge of the Roman Catholic Church premises to find out if he was in a position to give us the venue for the 26 August.

Is that the Roman Catholic Church Zone 12 or Small Farm?
-- Small Farm. It was at this meeting agreed that if a venue is available at the request from the Roman Catholic Church (10) we will not have to meet again to come and discuss the availability of the venue. All what is going to happen is that we the people chosen to go to Johannesburg for the printing of the pamphlet will just have to go to Johannesburg on the 18th without having met prior to that. We agreed upon that and then later people had to be chosen as to who were those who will go for the printing of the pamphlet. The people chosen there were myself and the chairman of the committee Edith Lethlake. We left on Saturday the 18th to go and have the pamphlets made. (20)

Well who drafted the pamphlet, the wording of the pamphlet?
-- The chairman and the vice were to draft the pamphlet. That was per agreement of the meeting on this day so that by Saturday we find it ready to take for printing. That would mean even the date shall have to be inserted then at the drafting of the pamphlet because by then they would be knowing about the venue which was available.

MR BIZOS: Did it become known whether or not the venue was available? -- Yes the Saturday when I came to the chairman's residence I came to know about that. (30)

COURT:/.....

COURT: Was the Saturday the 18th? -- Yes that is so.

MR BIZOS: That the venue was available for the 26th? -- That is so.

And did you accompany your chairman? -- That is so.

To Johannesburg? -- That is so.

And we believe that this pamphlet is not an exhibit, that we have not got one. Do you remember what this pamphlet said, was it explained to you, did anyone read it to you? -- I read the pamphlet myself because it was worded in Sotho. I remember the heading of that. In fact this pamphlet was printed on (10) both sides. One side Sotho and the other side in Zulu.

What was the heading? -- In Sotho it was Harena Chaleti, was the heading. One will have to understand that in Zulu, that will mean it will be written "Asinamale".

Alright, we all know what that means now. Do you know where in Johannesburg you went to have this printed? -- I do not know that place. Up to now I do not know what the place is.

COURT: Do you remember the name, the name of the firm? -- I do not know whether I will be in a position to pronounce it (20) proper, it is Mass or Massa, or something like that. I do not know.

MR BIZOS: And who paid for this pamphlet, or was any payment made? -- Yes we paid an amount of 50 cents.

50 cents? -- That is what I am saying, yes. Well I will have to explain on that as to why we had to pay that 50 cents only.

Yes? -- What happened is the following: On arrival there we were told to buy the material to be used for printing. In other words we had to provide the material as such. We (30) were/...

were told to buy something called stysel(?).

COURT: Stysel? Is that an Afrikaans word? -- I do not know whether it is Afrikaans. All I know it was pronounced as staysil. Whether it is Afrikaans or not I do not know.

In English it is called starch?

MR BIZOS: Yes, alright. Perhaps it was a stencil, yes. And what else did you have to buy? -- We then bought what they called a ream, this was a bundle containing papers for printing. This ream, the contents thereof, could have been about the size of this two boxes there. The ones with the copies (10) of the record inside.

COURT: Why do you say two boxes, why not one box? -- Because we had two reams and not one.

I see, yes.

MR BIZOS: Two reams, yes. -- Edith was carrying one, I was carrying the other one.

And where did ... -- The reason why we were not made to pay a lot of money it is because all that was done they showed Edith how to do typing on that and how to go about typing this thing and in fact we worked hard there for this thing (20) to be printed. That is why we were not to pay for it. After it was typed by Edith then that document or piece of paper on which she was typing was put into another machine. Then that machine then started running. As a result it was printing and the pamphlet came out. That is how we worked it to have our pamphlet printed. And then these people there said look because of the work you have done you are not going to pay. All you are going to pay for is a 50 cent for the stencil.

And the paper, did you pay for that? -- I do not remember us paying money for the paper. I cannot say because I do (30) not/....

not remember us paying for that.

And ...

COURT: Did you go elsewhere to buy the paper or did you get the paper there? -- Everything was given to us there and we paid for whatever they supplied us with in the premises there.

MR BIZOS: And did you take the pamphlets with you on the 18th? -- Yes we returned with the pamphlet.

Was there to be another meeting between the 18th and the 26th, was your committee to meet between those two dates? -- No. We were then waiting for the meeting of the 26th. (10)

Did you attend any joint meeting between your committee and any other committee before the 26th? -- No.

Did you know whether such a joint committee meeting was held or not? -- No I did not.

Did you yourself have any pamphlets for distribution? -- Yes I had them.

Did you take them with you on the 18th or did you get them thereafter? -- Yes I still remember well I got them on the Wednesday.

The Wednesday before the 26th? -- Yes. (20)

Do you recall who brought them to you? -- I do not know who brought it to me but on my return from work I found these at home and a report was made to me by the children that somebody brought it.

Did you distribute those pamphlets? -- Yes I distributed the pamphlets in the following way: The morning on my way to work at the bus stop I would distribute this, give it to different people who are commuters and then on my way back again I would do the same.

At the time during this period before the 26th, during(30)
August,/....

August, was there any problem that your committee concerned itself with other than the increased rental? -- No what was important during those periods was the question of the rent. That was receiving more attention.

Was there any attention given to any school problems during this period? -- No we did not pay any attention to schooling but to the rental.

Did you attend the meeting of the 26th? -- Yes I did.

Did you arrive there before or after the meeting had started? -- When I arrived there it was before the meeting (10) started. What time it was I do not know.

COURT: Was it in the afternoon? -- Yes that is so.

And it was in the Roman Catholic Church, Small Farms?

-- Yes.

MR BIZOS: Did you know whether this was going to be an exclusively Zone 7 meeting or not when you arrived there? -- On my arrival there I knew that meeting to be our meeting, that is for Zone 7 only.

Did you remain under the same impression when you arrived? -- Until the announcement was made that this was a combined (20) meeting, it is only then that I came to know that it was a combined meeting.

Combined with? -- With Zone 3.

Did that come as a surprise to you? -- Yes because I did not know about that arrangement.

And when you were waiting for the meeting to start what was happening there in the hall? -- No there was nothing happening.

And when you went into the meeting and it was about to start who started the meeting, do you recall? -- Yes I (30)

recall/....

recall that. An unknown person to me.

Unknown at that time or still unknown to you? -- I later came to know this person, I came to know this person as Mr Nkopane.

That is accused no. 8, the previous witness? -- That is so.

Do you recall what he said at the outset? -- Yes but not everything that he said.

And what did he say right at the outset, as far as you can remember? -- I remember him making the following announce-(10) ment that this meeting is the combined meeting between Zone 3 and Zone 7 community and when he further said that he believes that there is going to be co-operation and it is going to be a peaceful process of a meeting. He further said that at this meeting we are here to discuss the problems and he made it clear that our major problem there was the rent. He further made it clear to the people, the audience there, that they have been trying to find their own venue to hold a meeting for themselves. Unfortunately they could not find one as a result of which then it was decided that they are going (20) to hold a combined meeting with the people from Zone 7. And he further said that after this meeting instead of dispersing people from Zone 3 will have to remain behind so that a committee could be elected amongst them. That is how much I can remember of what he said.

Did you see Mr Esau Raditsela there at the beginning of the meeting? -- No I did not.

We know that there were a number of speakers at this meeting. Can you remember the precise order in which they spoke? -- No I cannot remember that. (30)

Well/....

Well after the introductory remarks by accused no. 8, the chairman Mr Nkopane, do you recall who spoke or did anything else? -- If I remember well Mr Matlole led a prayer.

And did he say anything else other than the prayer? -- I remember him making mention of certain things like for instance VCA and I cannot quite remember exactly what was said and what were the other things he made reference to.

Did he call on the people to use violence or threats against the councillors?

MNR HANEKOM: Edele die Staat maak beswaar. Die getuie sê (10) hy weet nie wat die man gesê het nie en dan word dit direk aan hom gevra het hy gepraat van geweld.

MR BIZOS: No he said he said a number of things My Lord.

COURT: Which he does not remember.

MR BIZOS: Which he does not remember. I am asking him whether he remembers a specific allegation or not. My Learned Friend, it is open to him to cross-examine him.

COURT: Yes, go ahead.

MR BIZOS: Do you remember him saying anything about violence being used against the councillors? -- I did not hear that (20) being said by anybody, not by himself only but by anybody that I listened to there.

If Mr Matlole had advocated violence against the councillors would you have remembered it or would you have forgotten about it? -- I would definitely have remembered that because that would not be what was to be discussed at this meeting, it would be out of the subject of discussion in the meeting, therefore peculiar to remember.

Can you recall who spoke after accused no. 17, Mr Matlole? -- Subject to correction if my memory serves me well it is (30)

Mr Vilakazi/....

Mr Vilakazi but I am not certain.

COURT: What did he do, what was the question?

MR BIZOS: Who the next speaker was My Lord.

COURT: The next speaker. And his number is?

MR BIZOS: 10. Do you recall what he spoke about? -- Not everything that he said.

Please tell us what you remember him having said? -- Briefly what I remember him saying was that they had meetings in Zone 3 where they were discussing the question of rent. And furthermore he made mention of the councillors that they in (10) fact promised people that after they had been elected they would see to it that the rent does not increase. And he also made mention of some councillors who resigned from being councillors because of their failure to meet the demands of the community or to be able to process what is expected of them by the community. That is what I can remember from what he was saying.

Did he call for any violence against the councillors? -- I did not hear him calling for that. I have already earlier said that none of the speakers whom I had speaking there (20) ever said that. All I remember these people spoke about rent.

Can you recall who the next speaker was, another speaker that spoke there? -- I have already said that I cannot remember the others but what I can tell you is that Rina and the others also got that opportunity to speak.

You say Rina, is that Mrs Rina Mokoena? -- Yes my aunt Rina Mokoena.

Did she speak? -- Yes she did.

Can you recall briefly what she said? -- She made it clear that she was in arrears with her rentals and she does (30) not/....

not agree with the increased rent.

Can you recall anything else that she might have said?

-- Yes encouraging women to join the women's organisation.

Yes. Did she call for any violence against the councillors? -- No Rina never ever uttered such words.

Can you recall anyone else that spoke? -- Yes I remember Masenya speaking. All I want to make clear here is that I am not saying these people were speaking in this order. I just remember people who spoke at this meeting.

Subject to that you say Masenya spoke? -- Yes. (10)

Did you know him before this? -- Quite well.

Is he a neighbour of yours? -- Yes he is my neighbour.

COURT: Directly or a couple of houses off? -- He lives in the next street from mine. Which is quite near my parents place of residence, that is my father's house. Or even nearer to my brothers-in-laws.

Yes well do not go right through your family please.

MR BIZOS: And so you know him well? -- Quite well.

Can you please tell His Lordship what you remember of his saying, Mr Masenya saying? -- When he started in what (20) he was saying he made it clear that he does not agree with the rental question. He just made mention of the name councillors, just when he completed pronouncing that without having uttered anything more than that he was stopped, somebody said "Wait". This person who intervened and stopped Masenya from saying anything further after uttering this word was a woman. The chairman was surprised by the reaction from this lady who in fact later explained why she was doing that saying "I am doing this Mr Chairman because this man was one of the candidates to be elected in the council" and therefore this woman said (30) that/....

that Masenya must declare his stand, whether he is now on the community side or he is still on the side of the councillors. Immediately after that was said by this lady then everybody started talking there, there was some disorder of some kind. As a result of which then the chairman had to get busy and stop these people from what they were doing which was causing a disorder. I noticed that Mr Vilakazi also joined the chairman in trying to bring back the order. Later there was order. Immediately there was order the chairman then still granted Mr Masenya to proceed with what he wanted to say. Mr Masenya(10) did not, in fact he indicated some reluctance on that.

How far away from Mr Masenya were you when this happened?
-- Approximately from where I am standing now in the witness stand to that television screen facing my side.

COURT: About three paces.

MR BIZOS: As Your Lordship pleases. Now did Mr Masenya then leave this meeting? -- I did not see him leaving. Well what I can say is after that incident he later spoke and at what stage he left that is what I mean I did not see him leaving.

COURT: Did some time pass before he spoke again? -- Yes (20) that is true.

MR BIZOS: Yes we will come to that time that he spoke again. Can you recall whether anyone else spoke? -- Yes there is somebody again who spoke there.

Who was that? -- I did not know this person at the time when he was speaking. I came to know this person later.

Who is that? -- Malindi, Gcina.

COURT: That is no. 5.

MR BIZOS: Accused no. 5. -- This person I came to know his name the day when we were appearing for the first time in (30) court/....

court in Pretoria. On our way I came to know what his name is.

You say he spoke at the meeting? -- Yes.

What language did he speak in? -- Zulu.

Was his speech translated into any other language? -- No it was not.

COURT: So you could not follow it? -- It is very difficult for me to follow a person speaking in Zulu. All I can hear is the sound coming from his mouth but to understand what this person is talking about is very difficult for me.

MR BIZOS: Is that a general thing with the community as (10) a whole, are you amongst Sotho people living in that community or are you in a special category?

COURT: So you can put it the other way around, you can say is Zulu Greek to all Sotho speaking people?

MR BIZOS: That will introduce a difficulty of some sort I think My Lord. Are there a lot of people like yourself who live in a place like the Vaal who do not understand Zulu? -- Quite a lot.

And anyway no interpreter was provided? -- No.

After he spoke did you hear anyone speaking or doing (20) anything else? -- What I understood happened there at the time when I was looking was the following: The Chairman allowed the people, that is the audience, to discuss amongst themselves and whoever wanted to say something to be heard by everybody in that meeting that one will have to lift his hand and ask for permission to speak, then the chairman would call for order for that person to speak. Therefore I cannot remember exactly who are those now who spoke during that period.

Who do you recall speaking during that period and what did these persons say? -- I remember Mr Masenya. After that (30) was/....

was declared open to everybody by the chairman he later again was given time to speak.

And what did he say this time? -- When Mr Masenya got up to speak for the second time it is after mention was made of the march and the stay away. In what he was saying he wanted to know as to what was going to happen when people got arrested during the stay away on the march procession. That is what I remember, that is at that stage when Masenya spoke. Quite a number of people tried to answer to the question posed by Masenya. (10)

Do you recall some of them? -- No I cannot.

Before there was this talk of the stay away and the march when Mr Masenya spoke had you before that time heard anything about a stay away or a march at all?

COURT: Do you mean at the meeting or somewhere else?

MR BIZOS: Either at the meeting or elsewhere. Well let me say before the meeting. Let me start off by before the meeting, before the meeting had you heard of any suggestion of a stay away or a march? -- No.

When did you hear for the first time about the stay away (20) at the meeting? -- Yes I heard it for the first time when it came from the audience.

When it came from the audience.

COURT: What came from the audience? -- The suggestions that this day we stay away from work and some saying on staying away from work then we will have to march on that day. That is when I heard this being mentioned for the first time.

MR BIZOS: And do you remember what the answer to Masenya's question was? -- Some answers from the people in the audience was that these people who are going to decide that that day (30)

be/....

be a stay away and a march will have to maintain the children of those people who might get arrested during the march. That is what I remember was said. Of course there were a lot of things said to that in answer to Masenya's question, some of which I cannot remember.

Do you remember whether Mr Malindi, accused no. 5, gave any answers, any answer or answers to Mr Masenya or to anyone else? -- I do not know because I did not understand his language.

Do you remember anyone else asking any questions or (10) saying anything? -- What I can say is that there were a lot of questions asked and answers given to questions by different people whom I cannot remember in particular who says what and what the answer was, until they came to an agreement about whatever was being discussed in a form of a question and an answer.

Was there, well let us just, do you know Mr Khabi? -- Yes I saw him there introducing himself.

Do you recall whether or not he spoke? -- Yes I remember him speaking there. I just cannot place him at what stage (20) was that.

Did he express or did he say anything about Liphoko at that meeting? -- No I heard him talking about Rabotapi.

Can you recall what he said about Rabotapi? -- Yes I heard him saying that Rabotapi is transferring their stands to Sebokeng, which is the Administration Board. And he further made mention of quite a lot of other things which had to do with Evaton, for instance permits that is living permits there and other things. I cannot remember what all this was about.

Did he express any wish that Liphoko's business or (30) property/....

property should be attacked? -- No I heard that for the first time here. I did not know about that.

Well now when the questions were being asked there can you recall whether anything was said about transport? On the day of the stay away or the march? -- Yes mention was made about transport.

What do you recall what mention was made about transport? -- What was said was the following: In view of the fact that it has been agreed that on this day nobody will be going to work, in fact it has been accepted, it will therefore be (10) necessary that the bus company be requested not to operate on that day. It was further said in that debate that it was in fact important for the bus company not to operate on that day because that day the question of rental will be discussed and it is the community's feeling that this be discussed because otherwise the very community is paying for the operation of the buses and therefore it is important for him not to let his buses operate. It was agreed upon this further, on this point, that the bus drivers themselves are part of the community which will have to stay away from work in order (20) to settle the question of the rent. Now for them to be away from work without being absent it will be necessary for this meeting to notify the bus company about the stay away. In fact this included all the employees of the bus company, that they be exempted from going to work this day. It was on those grounds that we agreed to request the bus company to withdraw the buses this day. It was further said after the march on this day at about 18h00 or 17h00 there are people who are working shifts starting at 18h00 and it will be after the march already, that at 17h00 then the bus company can then (30) allow/....

allow the buses to operate to take the people who had been attending the march during the course of the day to work in order to go and start their shift at 18h00. The same applies to the taxi operators.

Do you recall how taxis came to be spoken about? -- I do not quite remember exactly how it came about except that I remember someone saying something about taxis.

Yes. And was there any discussion about the taxis? -- Yes I do recall that something was discussed pertaining to taxis and I cannot exactly remember what is it that was said(10) about the taxis although of course I do remember that at the end of the discussion it was agreed that the taxis are also not going to operate.

Now let us, were decisions taken at the end of this meeting? -- Yes.

What were the decisions that were taken? -- That there was going to be a stay away on the Monday. Then it was asked from the community, that is the audience, whether we agree on that. They all confirmed. And another question was are we going to form a march on that day. That one was also con- (20) firmed. And the third question was are the shops going to be closed for the 24 hours. We said yes let them close. And another question after that was whether the buses were to stop and not operate. It was said yes. And whether the children should not go to school was another question. We said yes. That is as far as I can remember. Oh yes I have just remembered something about the hospital people. It was asked whether they could go to work. We said yes they can. This we said yes to after it was explained, some certain reasons were given as to why they were to go to work. (30)

Was/....

Was there any discussion as to what the purpose of the march was going to be? -- It was made clear to everyone that the purpose of our going there on a march is to make the Administration Board realise that we went there because of our not being satisfied about the increase on money. Which was agreed upon that it would be done in the following way: Some people were elected to be spokesmen who on arrival there would approach the authorities and speak to them and make it clear to them that these people you see here are not satisfied with what they will have to pay. In fact at this very meeting (10) there was a suggestion that people be chosen there as a delegation to go and speak on behalf of the community without us going there in a big number. The community said no that cannot happen. It is long that people have been playing tricks like the councillors do now. They will go just around the corner and come back and say no we did not succeed in what you people asked us to go and do. Therefore the solution is that we all go there.

You say that like the councillors, was anything said about the councillors at this meeting? -- Yes something was said, (20) that is they will have to resign because they failed in their duties.

Was anything said as to what was to happen if they did not resign? -- Yes that we are not going to buy from their businesses, from their shops.

Are there, as far as you know by whom are most of the shops owned in the Vaal Triangle, in the Lekoa area anyway? -- Most of the businesses, that is the shopping businesses, belong to the councillors. In fact they are monopolising the businesses compared to the general community. For instance (30) they/....

they are owning the bottlestores and the beer gardens.

When all this discussion and when the resolutions and decisions were being taken was Mr Esau Raditsela there at the meeting? -- No he was not. On my way leaving the meeting about a distance from where I am standing in the witness dock to that door was the distance between me and Esau while Esau was arriving.

COURT: Which door, the nearest door? - This door here (as indicated by the witness).

About four paces. -- That is when I noticed him for (10) the first time while he was arriving there.

MR BIZOS: Yes, did he come alone?

COURT: Did you leave the meeting at the end of the meeting? -- What happened is after the resolutions I left, that is after it was clear that only the people from Zone 3 were going to remain there. Then I left.

After the resolutions had been passed? -- That is so.

Did anybody say anything after the resolutions had been passed? -- The chairman passed a vote of thanks.

MR BIZOS: Were you to be there for the, I am sorry My Lord(20) has Your Lordship finished?

COURT: Yes.

MR BIZOS: Were you to be there for the election of the zone 3 committee or not? -- No it was not necessary.

So you left before the elections took place for the Zone 3 committee? -- Yes before the elections.

And if I understood your evidence correctly as you were about to leave you saw Mr Raditsela? -- Yes that is so.

COURT: Did you see him outside or inside the hall? -- Just while I was on my way to the doorway he entered the doorway.(30)

MR BIZOS:/....

MR BIZOS: Alone? -- He was in the company of Edith and some youth. I do not know how many in number.

Did they have anything with them? -- They had a cloth with them. I do not know whether you call it a flag or what but it is a cloth.

And do you recall whether these people were singing or not, the people that arrived there with Raditsela and Edith? -- I remember hearing a song outside. I could not see the people singing there. I am therefore not in a position to tell His Lordship whether this singing was in fact accom- (10)
panying these people whom I saw entering the door or not.

At this meeting was there any talk about, the meeting of the 26th, was there any talk about the UDF whilst you were there? -- I did not hear anything mentioned about UDF.

Or the arrest of any UDF leaders? -- I did not hear anything about that.

Yes, alright. Well I will leave it at that. Was this a rowdy meeting that you had attended? -- It was a peaceful well behaving people meeting.

Did anybody stamp their feet? -- There was no such. (20)

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

Did you recognise any of the songs that were sung at that meeting? -- Yes Sinzenina was one of the songs which was sung there. Another one was Hlanganani Basabenzi.

COURT: Not Bazali this time? -- Well they sometimes say bazali, sometimes say basabenzi.

MR BIZOS: Any other songs? -- Yes Sinamasotsha aga Mandela(?). The tune here is that of a hymn but then they have just changed the wording of the hymn and inserted Mandela and the other (30)

words./....

words instead of the original wording of the hymn.

COURT: Is the song Singamasotsha aMandela, is that on the tune of a hymn? -- That is true. In fact the hymn is Singamasotsha remasole amodimo(?) as the witness puts it, which means we are soldiers, we are God's soldiers interpreted. But then otherwise here he says instead of God they are using Mandela.

MR BIZOS: Did you know the tune before you went to the meeting? -- That is a common hymn for burials, whenever we attend a burial we sing that hymn. Because if you go on with that (10) same hymn you find that there is some wording saying singulala e matunene amagugu(?), something to that effect in the form of a hymn.

COURT: What does that mean Mr Interpreter?

INTERPRETER: It is difficult to interpret that one My Lord because it conveys the feeling of the people, sesulala matula, we are going to rest in peace, that is the dead person is going to rest in peace.

COURT: Yes thank you. Is that also part of the song Singamasotsha aMandela? -- They sing this hymn continuously (20) in this way but now when they sing it here they sing it continuously like in the form of a hymn though in this case they include Mandela.

MR BIZOS: The name is changed? -- Yes the name is changed.

Did you also sing it? -- Yes I did.

Did you regard yourself as a member of the ANC or a supporter of the ANC as a result of singing that song? -- No.

Well before this trial started did you really know, did you know, sorry. Did you know anything about the ANC?

COURT: That you had yesterday but if you want it repeated (30)

we/.....

we can have it today again.

MR BIZOS: As Your Lordship pleases, I thought whether he was, merely the allegation that he was a party to the conspiracy but I will leave it. It does not .. Were you sitting on the platform at this meeting? -- At some stage yes I was on the platform.

Was ...

COURT: Did you have anything to say? -- No I did not speak.

MR BIZOS: Were there only the speakers on the platform? -- No not only the speakers were there, quite a number of people (10) were on the platform.

C.553 You told us that Mr Sefakwo Mokoena, the husband of Rina Mokoena is your uncle. Was he at this meeting? -- Yes he was.

When you left this meeting did you leave it alone or with a group of other people? -- I left alone.

Were other people leaving at or about the same time? -- That is true.

Do you recall that you told His Lordship that there was an arrangement that you would meet every Saturday? Do you recall whether you went to any meeting the following Satur- (20) day? -- Yes I had been to a meeting, that is the Saturday before the 26th.

No I am talking about the Saturday after the 26th. -- I am sorry after the 26th, on the 1st.

On the 1st. Did you go to a Zone 7 committee meeting? -- Yes.

Can you tell His Lordship who was present at that meeting please? -- Sam Matlole and Mphuthi.

17 and 7. -- Edith Lethlake. I was also present.

Yes? Anyone else that you can remember? -- Sefakwo (30) was/....

was present.

Is that Mr Sefakwa Mokoena? -- Yes.

Anyone else that you can remember? -- That is how much I can remember.

Yes. And do you recall what was discussed at this meeting? -- Yes I do.

Please tell His Lordship about that? -- We were going to discuss there that seeing that decisions were taken on the 26th now how do we go about reminding the community about those decisions which were taken. We agreed on a speaker to drive(10) around on a Sunday as a result of which then our chairman told us that there is going to be a meeting at the Roman Catholic place the Sunday, that is where all the committees are going to meet. Despite that it was decided at this meeting that myself and Mr Matlole, no. 17, are going to drive around with a speaker, we are not going to attend that meeting. That was the end of the meeting.

COURT: Where was the meeting of the committees to be held? The Roman Catholic Church where? -- Small Farms.

MR BIZOS: Yes it was decided that you and Mr Matlole, (20) accused no. 17, would not go to this meeting but that you would go about. Were there any discussions or decisions how you were going to get the equipment to do this? -- We were going to get everything from the chairman.

That is Miss Edith Lethlake? -- That is so.

COURT: That is now a loudspeaker? -- Yes.

MR BIZOS: Well did you get a loudspeaker? -- Yes we did.

When did you get it? -- What happened is the morning Mr Matlole came to me with this speaker already.

Anyone else with him? -- He was alone. (30)

And/....

And did you have to do anything with the speaker? -- Yes.

What did you have to do? -- When this was brought there it was not mounted on the vehicle which was done by me.

I see. -- From where then we proceeded with our duty. We drove around there until our vehicle had to stop because it had no petrol, as a result of which then we went to the Roman Catholic Church to go and ask for money to buy petrol. Donations were made there, people contributed five bob, one Rand and two bob. We put that together in order to buy petrol and continued with our duty. At the time when we had(10) gone there to ask for some money to put in petrol Mr Nkopane then requested us to take rounds in two streets of Zone 3 in the direction of Residensia so that we can announce this meeting there because he could not make it.

Did you go into the meeting at the Roman Catholic Church Small Farms? -- Yes going to ask for money.

How many people were there more or less in that meeting, in the hall? -- Quite many. I did not count them.

More or less how many? -- I will be binding myself, I do not know. (20)

Alright, you do not want to bind yourself, okay. What were you saying on the loudspeaker?

INTERPRETER: Shall I interpret what is being said by the witness or quote him as he says?

COURT: I think you must interpret. -- What was announced was "People take note that there is a stay away on the 3rd of March during which there is going to be a march which leaves at nine."

MR BIZOS: Was this, what month was this march going to be in? -- We did not, we announced it as follows, that there was (30) going/....

going to be a stay away on the Monday during which day there is going to be a march. This march is going to start at 09h00 from the Roman Catholic Church.

The march was not going to take place on the 3rd of March next year?

COURT: Then possibly it might be near the Ides of March.

-- No but when I talk about a Monday the people know that I am talking about the first coming Monday.

MR BIZOS: No do not worry, there was just a little mistake because of March it was put across as the month of March. (10) Do not worry. Alright. And when you went around did you try and keep away possibly from the areas in which members of the police force were staying, try and keep it a secret from the police? -- How can you keep that a secret from the police, not knowing which are their houses? You just drive past any house there and if he is there he will hear what you are saying. You just pass and announce what you are announcing.

Yes. Did anyone remonstrate with you that you are calling people to an illegal stay away or an illegal march? Did anybody stop you or ... -- No we did that up to until about (20) 13h00 and nothing of that sort happened.

COURT: Did nobody remonstrate to you for disturbing their quiet Sunday morning? -- No there was no such except of course those who were busy enjoying their bottle of beer. A guy would come there with a bottle of beer and want to grab the speaker and say "Bring here let me also talk".

MR BIZOS: You say that you finished at about midday making these announcements. -- Yes at about 13h00.

Well did you get a visit from any of the accused before His Lordship before the morning of the 3rd? (30)

COURT:/....

COURT: On what day?

MR BIZOS: On Sunday the 2nd My Lord. -- Yes that was very late, late in the afternoon.

Yes, who did you get a visit from? -- That was from Mr Mphuthi.

Accused no. 7. -- Yes.

Why did he come to see you? -- He came to inform me that I was chosen at this meeting as one of the people who were going to present the document containing the grievances of the people to the Administration Board. (10)

Which meeting was he referring to? -- On the 2nd they were attending a meeting at the Roman Catholic Church, that is Mphuthi and the others, while I was driving around with the speaker. It was at this meeting that a decision was taken that I am going to be one of the people who will present this document containing the grievances. And he further told me that another decision which was taken there was that all the members are going to serve there as marshalls, which is supervising the march on the sides. That is the message he had brought to me. (20)

Members of what would act as marshalls? -- All the people who are members of the committees were going to be marshalls.

And did he indicate to you when you should be there? -- No he did not specify as to what time am I supposed to be except to say in the morning, I would have to be there in the morning.

And in your area on the Sunday night did anything untoward happen or was it quiet? -- No nothing. To me it was just normal. I did not notice anything peculiar.

The next morning, the morning of the 3rd, did you go (30)

off/....

off to the Roman Catholic Church, Small Farms? -- That is true.

Did you go on foot, did you drive? -- On foot.

As you went along the road did you go alone or did you go in the company of anyone? -- I was alone.

What time did you set off, more or less? -- I did not check as to what the time was.

As you were going along from your place to the Roman Catholic Church, Small Farms were there any obstructions on any road that you walked on? -- No there were no obstructions. (10)

COURT: Could you tell me the route you took? -- I beg your pardon?

What was the route that you walked from your home to the church? Do the streets have names? -- That is true they do have names but I do not know all the names of the streets and there is a portion where I walked through the veld. Just from my house out of my yard I walked along Bahlagwana Street, I went across Vilakazi and joined another street. I do not know what the name of that one is. No I am sorry I did not mean (20) to say this was Vilakazi, it is wrong. The street I am talking about is the one I do not know what the name is. That is the street I joined from Bahlagwana. So Vilakazi does not feature anywhere. Let me start again. I left my house and walked along Bahlagwana Street into the unknown street where I turned right until at the street, a tarred street, which serves as a boundary between Zones 7A and B. I walked along that street and turned left into a street named Vilakazi. That is where I went across Vilakazi and went through an open veld towards the Roman Catholic Church. (30)

MR BIZOS:/.....

MR BIZOS: What time did you arrive at the Roman Catholic Church Small Farms? -- If I am not mistaken it was after 08h00.

All along this route that you have described to His Lordship you told us that you did not see any obstructions. Was there any sort of trouble, any sort of unrest, any sort of violence or anything untoward happening? -- No I did not see anything of that nature.

COURT ADJOURNS FOR TEA. COURT RESUMES.

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

COURT: Before you continue Mr Bizos I would like to ask the(10) witness a few questions to clarify where he lives. Do you know Sebe Street? -- Is that the name of a street?

Yes. S-e-b-e, it runs through Zone 7. -- No I do not know the name of that street.

Do you know Nyembezi Street, the street where the bus runs? -- I know two streets on which buses are running. Now which one of the two is Your Lordship referring to I do not know.

I just referred to Nyembezi Street. You do not know the name? -- No I do not know the name. (20)

MR BIZOS: My Lord could I be of assistance, apparently Nyembezi Street I am instructed is commonly, Sebe Street is commonly known as Big Ben's.

COURT: Big Ben's?

MR BIZOS: Big Ben's. -- Yes that one I know. It is not a bus route but it is in Zone 7.

COURT: Yes, now Selborne Road also become Nyembezi Street, do you know Selborne Road? -- No I do not know those names of the streets.

Well do you know the commissioner's office? -- Yes (30)

I/....

I do.

And do you know the Sekwazi(?) School? -- Yes.

And do you know Tjokozela's(?) business? -- No.

Do you know the Administration Board's offices of Zone 7? -- Yes I do.

Now where do you live in relation to the Administration Board's offices in Zone 7? Do you live in the direction of Residensia or do you live in the direction of Zone 11? -- I will say on the direction of Zone 11 from the township offices.

Do you know Councillor Buthulezi's house? -- Yes I know(10) that one.

Where do you live in relation to his house? -- It is not very far.

Are you in the same street? -- No.

How many blocks away? -- From my place I will go into Big Ben, the street described as Big Ben, where I will turn left into another street and again proceed and then again left and then I am in the vicinity of Buthulezi's place.

Do you live to the north of Sebe Street, that is Big Ben? -- Maybe it could be easier for the Court if I were (20) to start counting from Mathike's house, he is one of the councillors too.

No I do not think that would be easier. It is an easy question. Do you live to the north of Sebe Street, that is Big Ben? -- In the direction of Zone 11, upwards.

Well now how could you then, if you live in the direction of Zone 11 from Sebe Street how could you then have to walk along Sebe Street to get to Councillor Buthulezi's house? -- Going to Sebe?

Well do you know Jan Mokoena's house? -- Yes I do. (30)

Do/....

Do you live near him? -- It is some distance away from him.

How many blocks? -- Well you pass one block, in the second block.

Two blocks away? -- That is true.

Yes. Do you know Mohajane's house? -- Yes I do.

Do you live near him? -- Yes he is in fact the nearest although he is a bit ahead of my residence but he is the nearest of them all.

How many houses away from you? -- We are not in the (10) same street, therefore I am not in a position to count the houses.

How many streets away from you? -- You pass three streets running parallel.

Yes. Now do you live to the west or to the east of Mohajane's house? -- The western side.

Thank you, I know where you live.

FURTHER EXAMINATION BY MR BIZOS: On the morning of the 3rd you arrived at the Catholic Church, Small Farms? -- That is true. (20)

I do not recall whether you gave His Lordship a time or not, what time more or less? -- I said after eight.

COURT: Does that mean a quarter or could it be an hour after eight? -- Approximately fifteen minutes after eight.

MR BIZOS: Whom did you find there when you arrived? -- Mr Raditsela and Mr Matlole. I also saw Mr Nkopane as well.

COURT: That is number?

MR BIZOS: 17 and 8, and Mr Esau Raditsela. -- And some other people.

And some other people. Right. Did you speak to (30) anyone/....

anyone on arrival? -- Yes Mr Raditsela. That was after greeting them all.

Yes and what did you speak about? -- He instructed me to go back to the gate which is the entrance to the premises there to go and help the other people who were in charge of the people coming into the yard and directing them which way to come on entering the gate.

Which way were they to come on entering the gate? -- The direction that I am referring to was to go and see to it that the people does not stand outside the gate but in the yard. (10)

Were there any other ...

COURT: Why was that necessary? -- What was important was the people must not stand outside the yard in small groups, they must come into the yard.

MR BIZOS: What did, why into the yard? -- Because it was said that we were going to meet in the yard and be together there.

Therefore it was important for everybody to be in the yard and not be scattered all over the place there.

You told us that you saw Mr Nkopane, accused no. 8, on your arrival. What was he doing? -- On arrival there I (20) found them busy writing on the cardboard boxes, busy making the placards.

COURT: No. 8 and who? -- Him and Mr Hlanyane.

MR BIZOS: That is accused no. 15. -- That is true.

Did you know Mr Hlanyane before this? -- No I did not.

With your limited knowledge of the written word could you see what they were writing? -- After all the writing was completed at some stage I saw one which was written Arena tjaleti(?). What I mean by that is there were some placards written Arena tjaleti. (30)

Now/....

Now you told us that you were asked by Mr Raditsela to go to the gate. Did you go to the gate? -- Yes I did.

Did you meet anyone there, did you meet anyone there that was doing anything? -- Yes I did.

Who? -- Mahlatsi.

Is that the Reverend Mahlatsi? -- Let me put it this way. I found somebody busy doing something there. This person was not at the time on my arrival there known to me. I came to know him as Mahlatsi.

And what was he doing there? -- I just stood there (10) with him directing people to come into the yard.

Until shortly before the march set off did you remain at the gate or did you go anywhere else? -- I left the gate for some time.

Where did you go to?-- Into the yard.

To do what? -- What happened is I noticed in the yard that people were standing together there forming a group as a result of which I decided to go and see what was happening.

And when you came to this group did you find out what was happening? -- Yes Esau was busy talking. (20)

What was he saying? -- If I still remember well the following was his address to the people who were standing there in a group, that now it is about time for the march there for people are going to march and they must behave themselves. And he in fact even said that it was important that people behave themselves so that this march can be a peaceful one. He also made mention of some people who would be supervising the march. He further said it was important that the people must reach Houtkop as destination for the march and even if it was to happen that they come across the police they must(30) not/....

not disperse because there are people who will talk to the police should the police appear at the scene of the march. Those are the words I remember him saying.

Do you recall whether any person other than Mr Raditsela spoke to this group in the yard? -- Yes I saw Mr Nkopane speaking.

What did ... No. 8, what did he say? -- What he said was those who will be in charge of the march must please be careful and not to be too fast because in that march process we will be having elderly people who will not be able to cope (10) with the speed of the march should they be fast. In short that is what I remember.

Anyone else other than Esau Raditsela and Mr Nkopane speak? -- Mr Matlole also added to that in support to what was being said by these people although I cannot precisely remember exactly his words of supporting what had been said.

That is accused no. 17? -- That is true.

Now what do you say to the evidence of IC8 and the Reverend Mahlatsi that Raditsela, Mr Nkopane and Mr Matlole, accused no. 8 and accused no. 17, told the people outside (20) there that the purpose of the march was to go and kill the councillors, destroy their property, destroy the property of the Administration Board, etcetera? What do you say to that? -- If he alleges that this happened at the time when I was there listening to these people addressing the crowd I will say he is lying.

Did you go into the hall at all? -- No I did not.

As the march was about to start were you given any specific job in relation to the march? -- Yes I was. Not to say I was given immediately there. (30)

What/....

What did you do shortly before the march started off?

-- After the address by these people to the crowd there Mr Raditsela then asked a question as to whether is there anybody who feels that he or she could lead the march, that is at the front. As a result of that question I volunteered and said that I will be right in front leading the march. Then thereafter there was another man who also did the same, namely Modise Mthombeni, and Mr Mahlatsi. That is what I mean in saying we were not instructed or given that as part of our duty by somebody, we volunteered to do that. (10)

I see. What happened to the placards shortly before the march set off? -- People took them.

What sort of people took them? -- Some of the people who were in the yard took possession of these.

Young or old? -- I will say youth. They of course varied in ages.

From what to what? -- The youngest I will say was about 28.

COURT: And the oldest? -- 30 plus.

MR BIZOS: Yes, they took these placards. You say you were (20) going to lead the march. Were you in front of the placards or behind the placards? -- What happened is we were in the same line, that is the row with the people holding placards right at the front. We were on the sides of that row.

You were next to the placard holders? -- Yes.

COURT: How many placards were there? -- I would say between fifteen and twenty, although I did not count them but I would say there was ...

So there were fifteen to twenty people walking abreast?
-- Yes the people with placards were right in front. (30)

MR BIZOS:/.....

MR BIZOS: And there were the people with placards and the three of you that you have mentioned? -- That is true.

And did you then set off from the yard of the Catholic Church? -- That is true.

And in what direction did you start marching off? -- From the yard we moved into the direction of Zone 7 and then there is a street to the left (as indicated by the witness). We went along that street to join the tarred road in the direction of the commissioner.

And when you came to the tarred road were there any (10) obstructions on the road? -- No.

Did any people on the march, as far as you know, leave any obstructions on the road after they passed? -- No there was no such. Not from where I was moving in the front.

Was there any discussion or any decision that you know of to obstruct the traffic on the road on which you were marching at any stage? -- I did not hear about that kind of a decision.

Yes. And when you passed the commissioner's office did anything happen to the commissioner's office? -- I did not (20) see anything happening.

Were you marching along quietly or did you do something? -- There was a song.

What song was that? -- Which was explaining that we are on our way to Houtkop.

Now you tell us that you were in front of the march?

COURT: Was it Siyaya Houtkop? -- Yes.

MR BIZOS: Did you stay in front of the march? -- Yes but there are some stages where I was not right at the front of the march.

(30)

We/...

We will come to those stages a little later. When the march set off and as it was going up the hill and leaving out the stages that we are going to describe did you remain in front of the march right through? -- Yes.

Did Mr Mthombeni remain in front of the march? -- Yes.

Did the Reverend Mahlatsi remain in front of the march? -- That is so.

Did you know accused no. 2, Mr Hlomoka, on that day, 3 September? -- No not at all.

When did you first meet him? -- Sun City, which is (10) Diepkloof Prison in Johannesburg.

What do you say to the evidence of one or other or both of the State witnesses who said that he was leading the march? -- That is a lie. I did not see him. Leading a march in what way. Does he mean that he was in fact moving right at the front of the march or what does he mean by that?

Well that is how I understood him. -- If he is saying he was in front with the ordinary people walking there I will not dispute that but if he alleges that this person was part of the people who were leading the march in the sense that he (20) had control over the march then he is lying.

You told us that you had seen accused no. 5, Mr Malindi, at the meeting of the 26th. What do you say to the allegation and the evidence that he was leading the march? -- As I have already said pertaining to accused no. 2 if he was just walking there with the people walking then I do not have a problem with that but if it is being said that he was with us, the people who had to do with the leadership of the march procession at the time then that person is not telling the truth. (30)

COURT:/.....

COURT: When you speak of people walking do you mean people walking outside the march or walking as part of the procession?

-- I am talking about people taking part in the marching process without having any particular duty to perform.

MR BIZOS: Did you see accused no. 5 leading the march at any stage? -- No I have never seen him.

And what do you say to the evidence that accused no. 8 was leading the march, that is Mr Nkopane? -- No he was not at all there.

Or accused no. 17, was he leading the march? (10)

COURT: Just a moment now. Does the same apply to no. 8 as you said in connection with no. 2 and no. 5, that they may have been walking there but they were not leading the march or do you say he was not there at all? -- What I am saying is he was not at all there, that is at the front of the march. What I know is that he is a committee member from Zone 3 and all committee members had duties to do, that is supervising the march. Where exactly he was supervising the march that I cannot tell.

MR BIZOS: And what about no. 17, if evidence was given to (20) His Lordship that he was leading the march would that be correct or incorrect? -- That was going to be a miracle that such an elderly person to be leading a march right in front.

Was he right in front at any stage? -- What I mean by that he was not there.

And what do you say to the evidence given to His Lordship that Raditsela was right in front of the march? -- I have already said that we were only three people leading the march. Therefore that explains that Raditsela was not there, he was not there. Until I saw him at a certain place he was not (30) there/....

there.

COURT: What place? -- At Fowler.

Thank you.

MR BIZOS: Yes we will deal with those details. Now as you were going uphill towards Houtkop did your numbers increase or decrease? -- On looking back while in this marching process I noticed that it was increasing.

Were people joining the march along the way? -- That is so.

What do you say to the evidence given by one of the witnesses that I have referred to earlier that people were (10) forced to join the march? -- I do not know at what point of the march but not where I was, there was no such.

Did you pass any kiosks, bus kiosks on the way? -- Yes. We did.

COURT: Are there many bus kiosks along the route? -- I can count three.

In what zones are they? -- Zone 7 in the vicinity of the commissioner's offices, the second one at Fowler stop, the third one is in the vicinity of a place called Five Numbers between Zone 11 and 12. (20)

Thank you.

MR BIZOS: Do you know of any bus kiosk being damaged? -- I did not see that happening.

COURT: Could I just now get further clarity. YOU mean by a bus kiosk not only a place where the bus stops but a place where tickets are sold? -- Yes I understand we are talking about the same thing.

Yes, thank you.

MR BIZOS: Now I am sorry to go back, did you know accused no. 13, Simon Nkoli, before His Lordship, before this date, (30) the/....

the 3rd? -- I did not know him.

Did he lead the march? -- No.

Did you know ... -- Not at the point where I was as a leader.

Did you know, I think you have already told us about Mr Hlanyane. Did you know him on the 3rd?

COURT: Who is that now?

MR BIZOS: No. 15 My Lord. -- I did not know him except that I saw him where he was with Mr Nkopane in the yard of the Roman Catholic Church. (10)

Did he lead the march? -- No not at the point where I was walking.

Yes. You as a leader of this march did you know where the councillors, whether or not there were any councillors whose homes were along the way or near the way of the march? -- I knew where Matsiki's house was in Zone 7, although it is not very close to the route.

COURT: How many block away? -- It is a matter of houses. If I knew how many houses I would have counted houses to this house. (20)

MR BIZOS: Did, was there any part of the plan to visit councillors houses before you got to Houtkop? -- No I did not know about that.

Or to visit councillors houses after you had got to Houtkop? -- No I did not hear about that one.

As you were going up the hill did you near the intersection where you had to make a right-hand turn? -- No, no right-hand turn was made there, we were proceeding straight.

COURT: No the intersection counsel is, counsel is speaking about an intersection which is not a real intersection but (30) where/....

where the road veers slightly to the right. -- That is at Fowler.

MR BIZOS: Yes, nearby. -- Yes near Fowler.

Where you have to take a slight right turn in order to go to Houtkop? -- Yes that is so.

In your own words please tell us what happened and what you saw as you were approaching this Fowler's or the right-hand turn, what happened? -- On our way heading for that point I noticed a group of people, in fact many people.

COURT: A group of people or many people? -- Many people (10)
I would describe it because some were on the pavement, some were in the road and therefore I would rather say many people.

MR BIZOS: Well can you estimate how many these many people were? -- I am not good at that, not knowing how to give it an estimation. Many people I would say it is 200 plus.

And what were they doing? -- What I noticed was the following: There were some people of the many people I referred to on the sides of the road, which is the pavement, and then there were others who were coming in our direction coming slowly. These people had a placard. To me it looked as (20) if they were also busy with a marching process. What happened is when we were just about to meet with these people who were coming in our opposite direction they changed their direction, that is those who were coming towards us decided to change facing the same direction with us as if they wanted to take the leadership of this march over. As a result of which then we approached them and told them to join the march not take it over, that is taking the leadership. They can join anywhere behind the leaders of the march. Which they did by drifting until they got into the march behind the leaders (30)

of

of this march. It is only at that stage that I saw Mr Esau Raditsela. When we were paving our way amongst these people who were coming in our opposite direction for them to join us I noticed him doing this (as demonstrated by the witness). I could not hear whether he was uttering any words with what he was doing. (The witness demonstrates).

COURT: He demonstrated waving both his hands forward.

MR BIZOS: And at that stage was he ahead of you or behind you? -- He was about from the witness stand here to the State Prosecutor behind me. (10)

COURT: That is six metres.

MR BIZOS: Six metres. And you indicate how he was doing this with his arms. For how long did he do that? -- I am not in a position to tell how long he did that but all I can say it was just for a very short time.

What impression did you get, for what purpose was he waving his arms in this way, what was his purpose, what was his aim, what impression did you get? -- I understood him to mean here is a person standing facing in the direction of the march process which is passing him and he stands waving (20) (as demonstrated by the witness) while there are people standing with him on the same side of the march. To me that means he was waving these people on the side of the march to join the march which was passing him. That is my interpretation of what he was doing there.

When there was this meeting of the vanguard of the march and the people that were moving towards you did the march eventually get into order? -- That is so.

And who, once it got into order who was in front? -- We the people who were leading the march were still in front. (30)

The/....

The three of you? -- That is so.

COURT: And the placard bearers? -- Those with placards from the other group joined behind our placard bearers, they in fact later mixed.

MR BIZOS: From the time that you saw Raditsela for the first time in the vanguard of the march to the time that the march came into order was Raditsela there in front or did you lose sight of him? -- I ended up not seeing him. I do not know where he disappeared to.

When he disappeared had the march come into order or (10) not yet? -- The march was already in order.

And then he disappeared? -- That is so.

COURT: So he was there when there was this disorder and after the disorder had been straightened out he disappeared? -- That is so.

MR BIZOS: Now ... -- What I mean is he was not in the immediate vicinity where I was for me to be able to see him.

Was this group of 200 and over the only group that there was there near Fowler's or were there other groups as well? -- There were quite a few people who were standing on the sides.

COURT: Actually counsel is asking you about groups not about individuals. -- Yes what I say is this before we came to this point we passed people in small groups, two or three people being together.

MR BIZOS: We know that there is a lane there near Fowler's. -- Yes there is.

Did you see whether there were any people in the lane as you were approaching and making the right-hand turn? -- I did not. I was not looking around. I was paying attention to these people around me here and therefore I could not see (30)

what/....

what was happening in that lane.

And as you were taking the turn or before you came to the turn or shortly thereafter did you see any smoke in the vicinity of that turn? Or near Fowler's? -- While we were still approaching this intersection I noticed some smoke.

Did you know what was burning or where the smoke came from? -- No I did not know anything about that.

COURT: Where was the smoke? -- From my left which is on the side of Zone 11.

MR BIZOS: You have heard the evidence in this court that (10) that smoke came from the house of Councillor Caesar Motjeane. Did you know at the time ...

ASSESSOR (MR KRÜGEL): On his left?

MR BIZOS: On his left. Yes it is forwards and left I think. No I am saying forwards and left. The witness said left. You have heard the evidence that it was the house of Mr Caesar Motjeane that was burning. It was burnt. -- Yes I heard that evidence.

Did you know that at the time? -- No I did not know a thing about that. (20)

COURT: Did you know Councillor Caesar Motjeane? -- No I did not know him at all.

MR BIZOS: Well did you stop to find out where the smoke came from or what was causing it or did you do or say anything? -- No we did not because there was no reason for us to stop there.

Well where did you think the smoke might be coming from? -- I will tell you according to us, we people living in the townships. The Black people believe people can burn anything, any kind of rubbish, anything you do not want you can just set it alight and therefore at the time what occurred to me (30)

was/....

was that it could be somebody destroying something of his own property which he does not need any more.

Did you hear any shots? -- No I did not hear anything.

Did you hear anybody referring to anyone else as a dog or any other derogatory remarks? -- No I did not.

Did you hear anyone saying that they had finished anyone off and that they must go to others? -- No I did not hear that.

Did you hear the evidence of the Reverend Mahlatsi that his courage failed him and he ran away as soon as you reached this Fowler's place? -- I heard him saying so in evidence. (10)

Is it true? -- No I do not agree with that. It is not true because he was with me right in front, we went past there with him.

C.554

Right up to where? -- He was with me right up front leading the march having passed this point. All I heard him here in court saying about that is that after he heard a shot from a gun he then decided to run away through open veld etcetera. What I do not know is when did he again come back to come and lead the same march from where he had deviated in running away. (20)

And did you, once the disruption of the march by this group of 200 plus had taken place and had set off did it follow the main road? -- That is true.

Now what do you say to the evidence of, there was no evidence from IC8 but the evidence of the Reverend Mahlatsi that the road that you had taken was full of big rocks and stones and that you had to march over the stones? What do you say to that evidence? -- That is not true.

Did you stick to the main road, the tar road? -- Yes that is so. (30)

Did/....

Did you go past the post office? -- Yes.

Do you know of anyone attempting to try to do any damage to the post office? -- No not at the time when we passed there, there was nothing.

Did you know where Mayor Mahlatsi lived on 3 September 1984? -- No I did not.

You, were you still leading the march when you went past the post office? -- Yes I was in front.

Was there any suggestion by anyone or did you know of any plan to deviate and go to Mayor Mahlatsi's or any other(10) councillor's house? -- I do not know about that.

As you were walking along did you reach the vicinity of Hunter's Garage? -- That is so.

Did you pass it? -- No we did not.

When you were approaching it what happened? -- The police arrived.

Yes. And what did they do? -- What happened is some distance away the police emerged and started parking their vehicles in such a way that they blocked our way of passing through. They alighted the vehicles and came to stand on (20) our side, that is the direction from which we came, paying a particular attention to us. One could just assess the situation there that things are now bad.

Now, and you, once you assessed the situation that things are now bad did you continue at the same pace or not? -- No we slowed down the pace because the barrel of the gun was facing our direction.

Now were you still leadin the march? -- Yes I was right in front.

Did you notice whether anyone of the leaders of the (30) committees/....

committees were anywhere near the front of the march? -- Yes while I noticed that now we are in that difficulty Mr Nkopane and Esau also arrived at the front.

Yes. Whilst, when they arrived at the front do you know what their intention was? -- Because of the pre-arrangement that it was decided should there be police or people of the police then some people will have to go and talk to them I then said well this is now the time when a discussion will have to be carried out with the police.

Did this discussion take place? -- No the following (10) happened, while we were still looking at that that we were going to discuss with these people a helicopter emerged. This was flying low. As a result of which we had to bend down for it to pass. While waving for it to pass then the shots went off. Immediately after the shots were heard everybody had to find his or her way of removing himself from that scene.

Now are you sure that nobody warned you to stop or gave you an opportunity to disperse or talk to your leaders? -- Well if I were to talk about a warning I would say the flying machine, which is the helicopter, and the gun which rang the (20) shots were the warnings which were given there.

Was the march proceeding peacefully before the helicopter and the guns opened fire?

COURT: I do not think we have heard that the helicopter opened fire.

MR BIZOS: Oh sorr, before the helicopter descended above your heads and the guns opened fire? -- It was a peaceful march prior to that happening.

When you slowed down were you still singing? -- To warn somebody to give way from where he was at the time was an (30) effort,/. . . .

effort, there was no time to do that. Worse with singing. There was no time at all for singing at that stage.

Were you singing before the helicopter came down and before the guns opened up? -- While we were coming towards this point we were singing but immediately when we noticed the presence of the police after they emerged we stopped singing. We were just now marching quietly.

And when the helicopter descended in the manner in which you described and the guns opened up what did you do? -- We ran away. (10)

Did anyone call for people to run away? -- I remember somebody uttering a word to that effect, whether he said "Let us run away" or "Run away" or something of that sort but that person uttered those words rather too late because we were already on the run.

What direction did you run in? -- I ran to the garage. There is a wall between a fire wall escape and another wall at this garage. I ran into that opening there to go and hide myself there.

As a result of the shooting could you see whether any (20) people fell? -- No not at that time. I did not look.

You did not look? -- There was no time to look back, how can you?

Then what were you shot with, or what was shot by the guns rather? -- I know them to be guns and these shots were ringing from guns, that is all I can tell you.

Was there anything in the air after these guns were shot? -- There was something smelling there, this thing they call teargas. After some shooting then one could smell it.

You told us that you took cover at the garage ... (30)

COURT:/....

COURT: So are you saying then that as far as you could ascertain the shots fired were canisters of teargas? -- I do not know. All I say shots rang from the guns and after the shots there was some smelling.

Yes.

MR BIZOS: And you took cover. What did you do after that? -- After everything was quiet, that is I thought was normal for me and safe, I then left that place from where I had taken cover with other people because what happened is when we took cover there some people from the march ran into different (10) directions. They were chased by the police by making use of hippos and other vehicles as a result of which then it was clear for us this side, there was no policeman left behind. Then we had to take our own ways.

And did you take your own way? -- That is true.

And where did you go? -- I went back to Zone 7.

Now do you, did you get home eventually? -- Yes.

And did you see any of the accused before His Lordship on the evening of the 3rd? -- Yes I did. Mr Matlole.

Accused no. 17? -- Yes. (20)

Were you at his house? -- That is true.

What had you gone there for? -- I had gone there to find out from him now what had happened. Worried about whether everybody was still safe and alright or was there anybody who died as a result of what was happening there, is that a good kind of life one can lead.

And whilst you were there did anything happen? -- Not long while we were there a young man Sithole came.

COURT: A young? -- Young man called Sithole.

Sithole? -- Sithole. (30)

MR BIZOS:/.....

MR BIZOS: Did he make a report to you? -- Yes he made a report to us.

And what did you do as a result of that report? -- We then left.

And went to where? -- We went to the place about which this man reported.

What place is that? -- It was at a shop.

The name of the owner? -- Tshotshotsho's shop.

I will spell it My Lord, T-s-h-o-t-s-h-o-t-s-h-o, three times the same. Yes. What was happening at Mr Tshotshotsho's (10) shop? -- There were some youngsters who had broken windows there.

And having broken windows what were they doing? -- What happened is the following, the only damage done there was that the windows were broken, that is the window panes were broken and when we came there we then tried to put everything together by getting some reinforcement and weld it on because now while we were talking there somebody said he has got a welding machine which was brought on a wheelbarrow. I am the one who in fact took up that welding business to weld the reinforcement on (20) the windows.

COURT: Where is this shop of Tshotshotsho? -- Just at the beginning of Small Farm, the other side of Vilakazi the beginning of Small Farms.

That is near the edge of Zone 7? -- Yes that is so.

MR BIZOS: Was the owner there? -- In fact what happened there is this, Sithole came and made a report to us at Matlole's residence. I left, that is we both went out but I left going to the scene alone, that is the scene about which this Sithole was reporting where I had to get some reinforcement on (30)

seeing/....

seeing the damage done on the windows of this shop. On arrival there I found some other people already standing around. Matlole later came in his vehicle with Sithole, the one who had come to make a report to us. Because of Matlole's having known the man and his residence, that is the owner of the shop, he Matlole and Sithole, the reporter who reported about the incident, had to go and see if they find the owner of the shop.

Did they bring the owner of the shop? -- The person who suggested about the welding machine is one of the people (10) who were there at the time with me.

Did the owner come? -- Yes after some time.

COURT: We will hear of his surprise after the lunch adjournment.

COURT ADJOURNS FOR LUNCH.

C.555

COURT RESUMES.

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

COURT: I would like to ask you, this shop of Tshotshotsho, where exactly was it situated? You said it was in Small Farms near the edge of Zone 7. Was it near the commissio- (20) ner's office? -- No it is far up. It is in the direction of Councillor Matsika's(?) residence, not very far from there but on the Small Farms side.

FURTHER EXAMINATION BY MR BIZOS: Now this Mr Tshotshotsho, did he turn up whilst you were trying to weld his windows to safeguard them? -- Yes he did, he arrived there.

And did he approve of what you were doing? -- Yes he even announced his being grateful about that.

Now this Tshotshotsho whose shop was attacked was he a councillor or connected with any councillors? Was he (30) connected/....

connected with anyone in the administration in any way?

-- He was to me known just as an ordinary man who owned some business.

Do you know of any connection that he had with either the council or the administration? -- No I do not know about such.

COURT: At what time was his shop attacked, do you know? -- I will say it was at about 18h00.

At night? -- 6 p.m. yes.

MR BIZOS: Without wishing to suggest that there is good reason or justification for attacking anybody's property (10) could, having regard to the allegations in this case do you know of any facts as to why this shop should have been attacked? -- I do not know of any reason what could have caused that. All I can say was that I think these were just naughty children who did that.

Now whilst you were welding there and the owner was present how many people were there at this shop that you were trying to weld the windows? -- Quite a few, there were quite many.

And the owner was there? -- What happened is that (20) when the owner of the business arrived there we had completed the job already.

And did you go away from there? -- I beg your pardon?

Did you go away from there, from that spot? -- Yes after some time I did.

Why? -- I was going home.

Did the police arrive there? -- While we were there the police, that is the soldiers, drove past there in their vehicle known as a hippo. We were quite a number there in the vicinity of the shop, quite many, as a result of which they (30) fired/...

fired in the direction of the shop.

What did they fire? -- We ran away there to behind the houses.

COURT: Did they fire teargas or did they fire live ammunition? -- Well they fired some things which were smoking after being shot from the gun.

MR BIZOS: And smelling? -- Yes. They were smelling.

And what were you busy doing whilst that happened? -- It is after we had just completed welding there, waiting for the owner of the shop to arrive at his shop. (10)

Did anyone make any enquiry before shooting these things that smoked and smelt? -- Nobody made enquiry.

I want to deal with the events of the next day. Did anyone come to visit you the next day? -- No. I paid a visit.

To who? -- To my uncle Sefakwo Mokoena.

And as a result of that visit did you meet anyone else? -- Yes I met somebody.

Who did you meet? -- Masenya's wife.

I see. (20)

COURT: On the way or at the house? -- I found her present at my uncle's house.

MR BIZOS: And was there a conversation there? -- That is so.

As a result of the conversation you had with her did you go to her house? -- That is true.

Did you, after waiting for a while, meet anybody? -- Yes her husband arrived.

Just very briefly what passed between you and Mr Masenya? -- What happened there on his arrival he started shouting to his wife, asking her where she had been on which the wife (30) said/...

said that she had gone to Mokoena's place and he asked from her as to why, why did she go there. In reply to that she said her purpose of having gone there was because she knew that the Mokoena's are people who belong to the organisation VCA, saying that she, Mrs Masenya, had gone there to ask now and talk about this question of she heard that these people saying there were people to burn the house of the Masenyas. On which then she further explained to Masenya that she was not long there when I also arrived. She further told Mr Masenya that she has already explained to us about what she knows was (10) going to happen to her house. On which Masenya said to her "Look do not be running around about such things because I know the people who does all these are not the members of the VCA". He further said even this man with whom I find you here, referring to me, I have been staying with this man for quite a long time and he is one of the people from the VCA and I know they are not the people who are doing all this. On which I said to Masenya look if there is such happening to you people we are neighbours here staying in the same vicinity as neighbour of the neighbourhood. All you do should such (20) people come here it is either you go to Mokoena or send for me or come to me so that we come and see who these people are who are coming to do that here.

COURT: Which Mokoena? -- Sefakwo Mokoena where Masenya's wife was paying a visit.

Yes? -- As a result of which then Masenya said you know I heard about these things that you are talking about here in Zone 13 while being in a shebeen. On which I further said I do not know about VCA taking part in such activities. If there are people doing such things and claiming to be from the (30)

VCA/....

VCA I will see them. That is how we parted with the Masenyas. Before my departure there I insisted to them that should there be anybody who is involved in such activities claiming to be from the VCA you people must call us so that we come and see them who they are. That is how I left.

MR BIZOS: Now was there any talk of holding a meeting of people of the VCA on 4 September 1984? -- Yes that is true. We had discussed that there ought to be a meeting which meeting was not exactly put on a date fixed but it happened that we met on the 4th. (10)

How did you come to hear of the meeting of the 4th? -- It was during the early evening when Edith, in the company of Mokoena, arrived.

Which Mokoena this time? -- The accused in this case.

No. 6? -- Yes.

Yes?

COURT: They arrived at your house? -- Yes at my home, they were travelling in a van.

MR BIZOS: Did they tell you why they came to you? -- Edith is the person who came into my yard and she is the one (20) who explained the purpose of their coming there.

What did she say? -- She said we are supposed to go and hold an urgent meeting now.

Did you go to this urgent meeting? -- Yes I did.

Where was that? -- That was at Mr Mokoena's residence.

That is no. 6? -- Yes.

Yes, tell us who was there? -- I do not know whether I will remember everybody who was there.

Those you do? -- Myself, I was present there, Mr Nkopane.

Accused no. 8 yes. -- Mr Vilakazi. (30)

Accused/....

Accused no. 10. -- Mr Mphuthi.

Accused no. 7. -- Mr Matlole.

Accused no. 17. -- Mr Raditsela.

Yes? -- Edith.

Yes? -- Mr Sithole.

Yes? -- Mr Chikane.

Yes.

COURT: This Mr Sithole, is it the same Mr Sithole as you spoke of in connection with Tshotshotsho? -- Yes that is the person. (10)

ASSESSOR (MR KRÜGEL): And Mr Chikane, would that be the Reverend Frank Chikane? -- Yes I mean him.

MR BIZOS: Yes. And you told us that it was at accused no. 6's house? -- That is so.

Was he there? -- Yes he was.

Alright. Now what was the purpose of this meeting? -- The purpose of this meeting was that something had happened which was not in fact according to the approval. As a result of a lot of things which then happened to be misdirected in the township because of the fact that we had a meeting (20) with the community on the 26th it then became necessary again to go back to the community in order to talk to them. That is pertaining to the correction of the order and the condition of the township again. So that we could make it clear that in fact we had not agreed on these things that happened and again make it clear that in fact what we are after is peace, there must be peace.

Sorry to interrupt you, this was the 4th of September. The stay away for how long was it called for? -- We were exactly going to correct that as well. The stay away was (30) meant/....

meant for one day which was the 3rd, on a Monday. The day we held this meeting, urgent meeting, was a Tuesday the 4th on which day it was expected that everybody would have gone to work that morning and the people did not go to work. So therefore we were to make it clear to the community that it was not intended for more than the day of the 3rd. Then we sort of gave it a thought and said well probably it is because on the 4th there was still no transport. It was therefore our duty to call the people together and see to it that there is transport for people then to go to work. If my memory (10) serves me well that was the only urgency about this urgent meeting which was called on this day and later then it was agreed upon a pamphlet calling for a meeting to be held on the 9th.

Now what language was used at this meeting? -- Sotho.

Only? -- No generally it was Sotho but here and there you would find a person using an English word.

Did you know the Reverend Frank Chikane before you attended this meeting? -- I did not know him at all.

Did you know of him by reputation? -- No nothing. (20)

Was he introduced to you when you went to this meeting? -- While we were greeting one another there he introduced himself to me.

Did you know what office he held? -- No I did not even know up to now what his office was.

Do you know why he came to this meeting? -- No I did not know that.

Did you find out during the course of this meeting why he came there? -- Slightly yes, that some man met him during the course of that day. (30)

COURT:/....

COURT: Yes, and why did he come to you? -- From the discussions at this meeting I understood it to be that some man met this gentleman during the course of that day as a result of which mention was made of a document, namely a pamphlet, which then resulted in his being with us there at this discussion.

Was he there to draft a pamphlet? -- No not that he must draft a pamphlet for us. He was there with us while we were discussing our own affairs pertaining to this meeting, in his presence. We would then draft our own pamphlet. After having done that this would be given to him. (10)

MR BIZOS: To do what? -- To assist in having that printed in Johannesburg. Perhaps maybe the other reason for his having been there was to come and find out what is happening, what was happening in the Vaal.

And at the end of that meeting did you go away? -- That is true.

Did you see the Reverend Frank Chikane again? -- Yes I remember one day having gone to Johannesburg.

Do you remember how long after this meeting of the 4th? -- If I am not mistaken it was after two days. (20)

Did you go alone? -- I was accompanied by Johnny Mokoena.

Is that accused no. 11? -- Yes that is so.

Anyone else? -- Mr Tsotso and the owner of the vehicle.

Who was that? -- I do not know that person up to now, I do not know what his name is. What I am explaining in that is that we were three passengers and the driver who was the fourth person.

And what was the purpose of this visit to Johannesburg? -- What was clear to me at that stage was the following: It appeared that there was a meeting held at Mr McCamel's residence/... (30)

residence, at which meeting the following was discussed: The assistance to the people who had lost relatives and members of their families during this day, as to how to go about to assist those people if any way. As a result of that then we had to go to Johannesburg.

COURT: Were you going to obtain money from Johannesburg? -- At the time of our going there, I would like to finish this first, there was a rumour or I understood that there was money already which was given to Mr McCamel, an amount of R5 000 which came from the organisation of churches (the witness (10) calls it ACC)

ASSESSOR (MR KRÜGEL): SACC.

INTERPRETER: My Lord I added the S, the witness says ACC. So I asked him if it was not SACC.

COURT: Yes? -- Then he says it comes from that body of the organisation of churches. Then for more money to be obtained they were supposed then this day to go and meet Mr Chikane, the Reverend Chikane in order to be able to get some more money in assistance.

And what did you have to do with it? -- In fact what (20) was happening there was the following: McCamel received the money, him and some other clergymen. Now he was questioned about certain things pertaining to that money as to how was he going to channel the money to different people or families who were in need of that money. He was not clear on that. Now as a result there was a feeling that we had better go and see Reverend Frank Chikane about that, that is why we had to go to the Reverend Chikane.

But now why did you not take McCamel along then? -- What I am saying is what happened when Johnny came to me. (30)

I/....

I was not present at that meeting which was held at McCamel's place but to add to that while we were having this discussion with Reverend Chikane McCamel was also present.

MR BIZOS: Yes. We will come to that meeting in Johannesburg. You went there with Mr Tsotso and ...

COURT: I am still not clear, why were you going to Johannesburg? I can appreciate the Reverend McCamel going to Johannesburg if he is not clear as to what to do with the money but why were you going there? -- Unfortunately I cannot tell that because this was decided at the meeting I have just referred (10) to which was held at McCamel's place that some other people will have to go there on this day, that is the day on which I went with them as a result of what I got from Johnny.

Now Johnny is accused no. 11? -- That is what I am saying, yes.

MR BIZOS: Were you still, did you still consider yourself as a person who was on the Zone 7 committee of the VCA? -- Up to now I am still a member of the committee, the VCA committee.

COURT: Have you paid your membership fees? -- Yes I last paid some one or two years back. I do not know whether they (20) have decided to cancel me.

MR BIZOS: And when you got to Johannesburg to the Reverend Frank Chikane did you meet anyone there? -- Mr Mokoena, accused no. 6, arrive there.

COURT: So the three of you were there first. Did the owner of the vehicle go in with you? -- Yes the four of us went in together.

And did you find Mr Chikane there? -- I am not quite clear now whether I remember everybody we found there but what I can say is I remember some two Indian gentlemen there and (30)

whether/....

whether we found them there or they found us there that I cannot remember in details. But Mr Chikane was there.

MR BIZOS: When the meeting was held? -- Yes including McCamel.

Did you find McCamel there or did he come after you arrived? -- I think there was a difference of three minutes after we had arrived there because we came there first, he also arrived.

Anyone else there besides the people with you? -- Esau and Mr Matlole, they were both present there.

That is no. 17 and Mr Esau Raditsela. Anyone else (10) that you can remember? -- I cannot remember.

Now in what language was this meeting conducted? -- English.

And did you understand any part of it? -- It was an effort, a difficult one.

Do you know precisely what was discussed? -- I did not know, I did not understand a thing. Except to know that we had gone there about money otherwise I did not know what was being said there.

Was it always a, was it a friendly meeting right (20) through or not? -- It is very difficult to tell where there were some problems or misunderstandings during that meeting but what I can say happened is the following: At the beginning of the meeting everybody appeared to be normal and I would say it was peaceful until at some stage when everybody started talking and you know people speaking a language you do not understand it is very difficult to assess now what they are saying and to see exactly now that there is some misunderstanding except of course what I inferred is that at some stage Mr Mokoena had to give a talk to the people there. (30)

They/....

They all listened while he was talking and later again it appeared to me that they are back to normal.

This Mr Mokoena is accused no. 6? -- Yes.

Did you know any person called Stompie Mokela? -- No I do not know that person.

Or any person known as Wilberforce? -- No I do not know that person.

Or any person known as Wicks?

COURT: Vicks with a V, not a W.

MR BIZOS: Vicks, I am sorry My Lord. -- No I do not know (10) that person.

Or anybody called the Old Man other than accused no. 17? Anybody going by the name of Old Man who is not before the Court? -- No I do not know that person.

When did you first meet accused no. 1? -- On our way to Pretoria when we were appearing in court.

And when did you first meet accused no. 2? -- Diepkloof Prison, Sun City.

And when did you first meet accused no. 3? -- Sun City, Diepkloof Prison. (20)

And the erstwhile accused no. 4? Lazarus More? -- On our way to Pretoria.

Did he not make a speech at the meeting of the 26th? -- Was he there?

COURT: You are being asked. -- I did not see him.

MR BIZOS: You have already dealt with accused nos. 6, 7, 8 and 10, you have dealt with no. 11. When did you first meet the erstwhile accused no. 12?

COURT: Just give him the name.

MR BIZOS: Amos Malindi. -- On our way to Pretoria. (30)

After/....

After your arrest? -- Yes that is the day when we were going to appear.

And accused no. 13? -- Who is that one, Nkoli?

Simon Nkoli. -- I saw him at Diepkloof Prison.

And accused no. 14, Jerry Thlopane, where did you meet him? -- Diepkloof Prison.

And accused no. 15, when did you first meet him? -- I saw him on the 3rd, that is Hlanyane?

Hlanyane yes.

COURT: That is 3 September 1984? -- Yes. (10)

MR BIZOS: You remember you told us you saw him in the courtyard helping with the posters? -- Yes that is so.

And Mr Tom Manthata, accused no. 16, when did you see him for the first time? -- I saw him for the first time in the cells in Pretoria, that is the time when we were being accused.

You have already spoken about Mr Matlole and what about the erstwhile accused no. 18, Mr Simon Vilakazi, when did you see him for the first time? -- I saw him in the van while we were being transported to Pretoria.

And when did you see Mr Popo Molefe, accused no. 19, (20) for the first time? -- In the cells in Pretoria.

And Mr Lekota, accused no. 20? -- In the cells in Pretoria.

And Mr Chikane, accused no. 21? -- In the cells in Pretoria.

And I think you have told us about, something about accused no. 22, Mr Ratsomo? -- Do you mean when I was making reference to the meetings?

To the meeting of ...

COURT: Well tell us when you first met him?

MR BIZOS: When did you first meet him? -- I saw him in (30)
the/...

the van on our way to Pretoria.

Did you recognise him when you saw him in the van? -- He looked identical to a person I had seen at a meeting of the VCA.

Now were you arrested on 23 November 1984? -- That is so.

At what time were you arrested? -- I think it was at about 03h30, or past 04h00. At 03h30 or after 03h30 but before 04h00.

ASSESSOR (MR KRÜGEL): Night time, daytime? -- In the (10) morning.

MR BIZOS: Did you recognise any of the persons that visited you at your home to arrest you? -- Yes Mhage, I know him.

After your arrest were you taken to the police station right away? -- Yes but we first called at Rina's residence.

Yes, is that Mrs Rina Mokoena? -- Yes that is so.

And what happened there? -- We found another police vehicle there. It appeared as if Mr Sefakwo Mokoena was also being taken in custody. When we arrived there I noticed that his wife had a travelling rug around her waist, fighting (20) the people saying rather arrest her than her husband. She further said in that that her husband does not know a thing, he is working for their children. The police did not listen to her, they just took this man with and left from where then we proceeded to Vereeniging.

Yes, alright. That concludes the examination-in-chief
My Lord.

COURT: Thank you we will take the cross-examination tomorrow morning.

COURT ADJOURNS UNTIL 25 FEBRUARY 1987.

(30)