

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA
(TRANSVAALSE PROVINSIALE AFDELING)

Ass. 2

SAAKNOMMER: CC 482/85

DELMAS
1987-03-04

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

VOLUME 186

(Bladsye 9630 - 9696)

COURT RESUMES ON 4 MARCH 1987.

MORAKE PETRUS MOKOENA: d.s.s. (Through Interpreter)

COURT: I would like to say something before this witness gives evidence and that is that it has occurred to me, actually yesterday it struck me that there might be a lot of uncertainty about places mentioned in this case, for example I was under the impression that Sebokeng College in Zone 7 was a definite place and that there would be no debate about whether it existed and where it existed. There was no cross-examination on that. No. 9 says that he does not know it but he knows a (10) teachers training college so the matter is left in the air. Then we heard evidence of the State witnesses about what happened at a bus terminus and I was under the impression so far that that bus terminus was the bus terminus and that there would be no debate about that and now in re-examination evidence is led that there are lots of bus terminuses and I foresee that eventually it will be argued that which bus terminus was meant by a particular State witness is entirely uncertain. Furthermore Captain Kuyter spoke of certain attacks on buses and I thought that it was clear to those involved that the attacks (20) were at certain places in Sebonkeng. I now have doubt as to whether there is certainty on those places. I suggest the following course be followed: I request counsel of both sides to get together and sort out what can be sorted out and indicate on a map or on my aerial photograph exactly where each spot is about which testimony was given, failing which I will be obliged to recall the witnesses and to have an inspection in loco. I would urge counsel to see whether there can be an agreement on these aspects.

MR TIP: My Lord may I just place on record that accused (30)

no. 10/....

no. 10 is not yet back with us and may I approach Your Lordship in respect of accused no. 14. I have a note from the head of the hospital at the prison. He has a complaint and if Your Lordship approves an appointment could be made for him to see the District Surgeon at 11h00 this morning.

COURT: Yes, that is no. 13?

MR TIP: No. 14.

COURT: Yes thank you.

MR TIP: My Lord before I proceed with the leading of the further evidence may I revert for a moment to a matter which(10) was raised in evidence yesterday at the time of the formation of the Management Board of Sebokeng. I advised Your Lordship of the series of cases TLELEMA v THE MANAGEMENT BOARD and I think I indicated that the Proclamation R322 which finally validated it had come in before the Appellate Division decision.

COURT: I think you said so yes.

MR TIP: I was speaking from memory and I made an error, I apologise for it. I checked the dates again last night. The Appellate Division ruled on 23 November 1967 and that proclamation was published on 4 December 1967, shortly after. (20)

FURTHER EXAMINATION BY MR TIP: Now Mr Mokoena I would like to turn to the time of the introduction of the Community Council in Evaton. -- Yes.

Now immediately before that subject was introduced in Evaton what was the position in relation to land which had been acquired by the Management Board? -- At that time the Board has taken over the stands which I say were about 600.

COURT: Which stands did it take over, Evaton stands? -- Yes Evaton stands.

Do you mean expropriated? -- Not with expropriation. (30)

Well/....

Well how can it take private property without expropriation? Did it buy it? -- There are many ways of doing that. For instance there are certain people who sold the properties to the Board.

MR TIP: Yes. Very concisely what was the feeling of yourself and your neighbours and colleagues in Evaton about that process? -- People in Evaton were really not in favour of what was happening because they realised that in the long run they will end up without land of their own. Another thing that was happening is that after the Board has acquired the ownership of a stand by buying it or any other way what they did was (10) to demolish the structures of housing which were on the site, on the stand. In doing that he did not limit that to the stand he had acquired, he went further than that by demolishing structures which were on privately owned stands. In most cases when the officials from the Board arrived at the place where they were to demolish a structure they would tell the people there that it is over about Evaton.

COURT: It is? -- Over about Evaton.

So it is the end of Evaton? -- That is so.

MR TIP: Now when the subject of the Community Councils (20) arose in Evaton what was the response to it of the residents? -- That created two opinions. Firstly the people had the feeling that they will have to go and apply for an interdict that there be no elections held for the community councillors in Evaton. The second one being that there was this feeling that after the introduction of the Administration Board, or the Management Board, this was challenged by the people. Despite that some of the rules and regulations of this Board were still applicable in Evaton. The following was then the solution which was discussed by the people there, that if the (30) interdict/....

interdict does not succeed in stopping these people then alternatively they will have to have some people within the council, that is the community councillors which are being introduced, people who will have to look after the interests of the people, that is even pertaining to the stands which have been acquired by the Board from the previous owners to be returned.

What was your personal attitude? -- I thought it wise to go and serve in the council myself because of my experience of 1964 when the Management Board was introduced we ended up (10) being subjected to it.

Were interdict proceedings in fact launched? -- I beg your pardon?

Interdict proceedings against the establishment of the community council? -- Yes.

By whom? -- Evaton Stands Owners and Residents Association which was represented by Daniel Moleko who was the chairman of that organisation.

And the attempted interdict failed? -- That is so.

Now in the time leading up to the elections did you (20) conduct meetings at all?

COURT: That is now, the period is 70?

MR TIP: This would in fact be over 1977 and into 1978.

COURT: Yes? -- That is so.

MR TIP: You did conduct meetings? -- Yes that is so.

Alone or did you share the platform with others? -- At that time I did not belong to any organisation. There were people who belonged to some organisations in Evaton. For instance Evaton Vigilant Organisation. Those are the people with whom I worked together. (30)

Do/....

Do you remember the names of any of the people? -- Yes I do.

Yes? -- Mr Rabotapi who was the secretary of that organisation, Mr Twayi(?), the late Mr Liphoko, Angoma, Motsomayi, Kubeka ...

COURT: Wait a moment you are going too fast for me. It is Liphoko, Angoma - is Angoma one person and Motsomayi a different person. -- Yes.

Yes, Motsomayi, after Motsomayi. -- Nene, Mgoyi, myself, Hlatswayo, yes we were ten, the council was consisting of (10) ten members in Evaton.

ASSESSOR (MR KRÜGEL): We miss one. -- It should be Kubeka, he made mention of Kubeka and then the Court asked the question and then he did not repeat Kubeka.

COURT: Now did you all become councillors? -- Yes.

MR TIP: And of those persons who was elected the mayor? -- Mr Rabotapi.

In the course of these meetings which were held before the elections were indications given to the community of the position of the candidates for the election? If I could put it (20) this way were promises made to the people who attended the meetings and was any mandate given to the candidates by those people? -- That is so, yes because the main issue in Evaton is about the land and therefore each and every person in Evaton is trying by all means to defend the land as a result of which then we promised the people that we are going to stop the Board from acquiring further land from the people and we are going to see to it that the land which has been already acquired by the Board be returned to the community.

COURT: Did the Board acquire blocks of land or did it buy (30) out/....

out individual pieces of land right through Evaton? -- The Board was buying from different spots, that is depending where that place is situated which is for sale by the owner.

MR TIP: And just to complete the picture of the organisations there in 1978 could you tell His Lordship when the Evaton Ratepayers Association was formed? -- That was in 1978, that is after the election of the community councillors.

And at that stage what was your relationship, if any, with Evaton Ratepayers Association? -- There was at that time no relationship whatsoever between myself and them. (10)

COURT: The councillors that were elected were they all of the same party of the Evaton Vigilance Association, except yourself? -- At the beginning, that is the first election, they were seven people who were candidates from this organisation. Later there was a third one who is now a third one from those elected who were individuals who joined them, making them eight in number who now belonged to this organisation, leaving two councillors who were not members of this.

MR TIP: To come back briefly to the question of the Evaton Ratepayers Association it is common cause that at a certain stage (20) you became the secretary of that body, is that correct? -- That is so.

COURT: May I interrupt again. Why was it necessary, having an Evaton Vigilance Association, to have an Evaton Ratepayers Association? -- There are a lot of things happening within an organisation here and therefore I take it to be because of a mistrust by some of the members they then decided to form another organisation which is now the Evaton Ratepayers Association.

MR TIP: When did you become associated in any way with (30)
Evaton/....

Evaton Ratepayers? -- That was just before the councillors, the Evaton councillors, met Dr Piet Koornhof. It was during that period in 1979.

Well let us turn to that. Could you outline to His Lordship what gave rise to that meeting? -- At that stage it was already introduced or suggested by the councillors to the people, the residents of Evaton, that there be a petition petitioning the authorities to persuade the Board to return the stands which had been acquired by them and stop taking possession of any other land in Evaton. This petition was (10) meant for Dr Koornhof.

COURT: And was it handed to Dr Koornhof? -- Well he did, it was handed over to him but what happened is this Mr Rabotapi took this petition and handed it over to the Chief Director Mr Knoetze who was then the Chief Director. As a result of which the Chief Director prepared a memorandum basing its contents and facts on the petition. In which memorandum he included a new thing which was introduced by him wherein he says it is the wish of the people of Evaton that Evaton be replanned by means of renewing it. (20)

Did you see that memorandum? -- Yes I did.

MR TIP: When you first saw the memorandum and that item on it what did you do? -- What I did was I called a meeting with the other councillors, that is the ten councillors of Evaton, to question Rabotapi's behaviour by taking this petition to this Chief Director because it was not meant for him and this, the purpose was that it must only be seen by Dr Koornhof. And I secondly wanted the opinion from the rest of the councillors about the introduction of the new item which was in fact included by Mr Knoetze. Because of what I noticed there (30) that/....

that the other people were not interested in knowing and finding out why this was done, they were just reluctant about whatever was queried there, I then understood that there was something sinister about the whole thing, something is drastically wrong and therefore decided to go and see the Evaton Ratepayers Association people.

COURT: So could it be then that the information that the inhabitants of Evaton would like Evaton to be replanned could have emanated from the other councillors? -- No that is not so because if this had to do with the councillors it was going (10) to be discussed in a meeting of a council where I would be present. This thing originates as a secret between Rabotapi and Knoetze.

MR TIP: Following your understanding of the material in the petition itself what had you thought should properly be raised with the Minister, Dr Koornhof? -- What I knew was to be raised with Dr Koornhof on this petition was the following, that the Board should return the land it had acquired which belonged to the people of Evaton and secondly that they must stop taking possession or taking control of any land in Evaton. Thirdly (20) they must return the grazing lands which were meant for people there and fourthly the cancellation of the permit system. Those were the issues to be raised.

Now the meeting with Dr Koornhof took place? -- Yes that is so.

And just to locate it My Lord in December 1979, is that correct? -- Yes.

Would you describe briefly what took place at that meeting? -- On arrival there Dr Koornhof told us that we were there to discuss the replanning of Evaton. On which I immediately (30) got/....

got up and said no that is not the position. May I just explain to you, and then I explained to him as I have just explained to the Court how it came to be about that. I even further explained to him that the inhabitants of Evaton does not know a thing about the replanning. I further made it clear to him that what the inhabitants know is that we are here to discuss the question of returning of our land in Evaton and stop further acquiring land from us and cancellation of the permit system and not reconditioning the environment in Evaton. There was one man there with Dr Koornhof who in response to (10) that said "Look if you people want to replan Evaton all what you can do is that you sell your stands to the Board, the Board is going to give you money which money you can take to go and find yourself another accommodation in the Bantustans." What was surprising there was that the people with whom I had gone there as a delegation did not support what I put across to Dr Koornhof. Instead they just remained quiet and later Dr Koornhof himself supported what was suggested to me by the other man who was in the company of Dr Koornhof that we could only sell our stands to the Board and do likewise as said (20) by the previous man who answered to the question. Present there was Mr Ganz who later ended up being the Chief Director, with us at this meeting.

In the course of this meeting was anything said about freehold rights? -- Yes something was said.

By whom? -- By Dr Koornhof. He said the following "If you people want to replan Evaton what is going to happen there the land is going to be sub-divided, it will be divided into other portions, as a result of which then the sub-divided portions are now going to be a leasehold." (30)

COURT:/.....

COURT: Instead of freehold? -- That is so.

MR TIP: Did you at the time understand at all what the legal basis was for the Minister making such a statement? -- No I did not understand a thing on that.

COURT: Did you know the difference between leasehold and freehold? -- All I can say is what I know is the following, with a freehold I am staying on my own premises and nobody can tell me what to do there and a person staying on a leasehold is a person staying on somebody's property.

Yes, thank you.

(10)

MR TIP: My Lord will it be convenient if I turn to indicate the statutory basis for the Minister's power in this regard?

COURT: It might help, yes, thank you.

MR TIP: My Lord it derived from Section 12bis of the Development, Trust and Land Act of 1936. There are three short subsection which deal with it. I might read them onto the record?

COURT: Please.

MR TIP: Sub-section (a) reads:

"Notwithstanding anything in this Act or in any other law contained no person shall, except with the consent (20) of the Minister, sub-divide or partition any land in a scheduled Black area or a leased area."

Sub-section (2) reads:

"Notwithstanding anything in this Act or in any other law contained no person shall, except with the consent of the Minister, alienate or lease to a Black any portion of any land in a scheduled Black area or a leased area which has been sub-divided or partitioned after the 8th July 1949."

I might indicate that is the time when the amendment was (30) first/....

first introduced into the Act. And sub-section (3) reads:

"The Minister may grant his consent in terms of sub-section (1) and (2) subject to such conditions as he may determine and may impose in regard to the use and occupation of land referred to in sub-section (2), after alienation or lease thereof, such conditions as he may deem fit."

COURT: So in fact sub-division, a further sub-division was stopped and ownership was frozen where it was.

MR TIP: Ownership was frozen.

COURT: Or subject to the approval of the Minister? (10)

MR TIP: That is correct.

COURT: I see yes, thank you.

MR TIP: Mr Mokoena do you recall subsequent to this meeting with the Honourable Minister Dr Koornhof receiving a memorandum for discussion in the Community Council? -- Yes I remember that.

COURT: Could you just repeat the question then.

MR TIP: Yes My Lord, whether the witness recalled subsequent to the meeting with Dr Koornhof receiving a memorandum on the subject which was discussed in the Community Council. (20)

COURT: From whom?

MR TIP: From whom was the memorandum received? -- Our agenda as a community council was being prepared by the Administration Board and therefore this memorandum came from the Administration Board which was informing me about the meeting.

I want to show you a document headed "Memorandum - A Comparison between requests of the Evaton Community Council to the Minister and the Resolutions Received from the Minister". Do you recognise it? -- Yes I do.

My Lord may I hand that in as EXHIBIT DA4. (30)

COURT:/.....

COURT: DA4 it becomes.

MR TIP: So that it is easier to follow Mr Mokoena are you able to indicate what the structure of this was, you will see that it follows the following pattern: Evaton's request, something is set out and then interpretation of the resolution and further remarks follow. Now what was Evaton's request? What is meant by that? -- Because of the grievances which were contained in the petition, which petition was being referred to the Minister to assist on, they were numbered numerically from 1 etcetera.

Perhaps I could just summarise the position. Was Evaton's(10) request is what was conveyed in the memorandum to the Minister, is that correct? -- That is so, yes.

And interpretation of the resolution refers to the resolution subsequently received from the Minister, is that correct? -- That is so.

At this stage Mr Mokoena I would like to deal only with paragraph 4 which is at the foot of the first page. I will read it onto the record:

"Evaton's Request.

4. That the Minister be requested to favourably con- (20)
sider the granting of freehold title in respect of any
portion of a property which is sold by the owner to a
new purchaser."

And over the page:

"Interpretation of the Resolution.

The Black Land Act of 1913, Section 1, regulates the
sale of land between Black and Black and this Act has
not been amended. Therefore the resale of property in
Evaton remains unchanged subject to the fact that after
it has been replanned the sub-division must be sold (30)
under/....

under the leasehold scheme."

Now you will see in the portion that I have just read "leasehold" is underlined and "freehold" is written in underneath that. Do you know who wrote that in? -- Yes that is myself. While attending this council meeting on analysing what was happening in this document I did that.

As the typed portion stands did that correspond with your understanding of what had been conveyed by the Minister at your meeting with him in December 1979? -- Yes that is what I understood from the Minister while we were there. (10)

COURT: Is your interpretation necessarily correct? Does the document not mean that people who had land which was expropriated could after sub-division and replanning of the township again get land in freehold, different portions, but those that had not had, did not have land but wanted to buy after sub-division would have it on leasehold? -- Yes that is part of the replanning but our grievance there in fact what we were fighting for is the following, that the land which had been acquired by the Administration Board be returned to the people. That is what we did not agree with. (20)

In freehold? -- Yes. Because now here they are talking about the land which they have already acquired.

MR TIP: Pursuant to this meeting and this memorandum did you come into contact with the Evaton Ratepayers Association? -- Yes that is so.

And was any action taken by Evaton Ratepayers? -- Yes their feeling was that let it be made known to the inhabitants of Evaton as to what is happening within the community council.

And was that done? -- Yes it was.

Through what means? -- A meeting was called from within (30)

Evaton/....

Evaton which meeting I addressed. In fact I had reproduced this memorandum to make available a number of copies to be distributed there.

Amongst the people who attended this meeting? -- Yes.

Do you remember when that meeting was? -- Yes I do remember. That was some time in April or just after April 1980 which is after this meeting which was held as a result of this memorandum before Court.

Now in this connection did any communication follow between Evaton Ratepayers Association and the Community Council? -- (10) Yes there was.

What was its nature? -- The Evaton Ratepayers Association wrote to the two bodies, namely the Community Council of Evaton and the Administration Board, informing them that they do not accept what is contained in this memorandum.

And what was the response from those bodies? -- In reply to that letter the council said the following, in fact it is in the form of a question, "What do you people know about replanning because you do not know about it, how can you say you do not accept it?". (20)

And what was the response in turn of the Ratepayers Association to that? -- That resulted in the Evaton Ratepayers Association preparing a memorandum which was addressed to the Community Council and the Administration Board in which memorandum they requested to meet with the Community Council.

I want to show you a document entitled "Memorandum for Presentation by the Evaton Ratepayers Association to the Evaton Community Council". Do you recognise that document? -- Yes this is the memorandum I referred to.

My Lord may I hand that in as EXHIBIT DA5?. We have (30) done/....

done our best to get clear copies. It is a little pale but it is the best we can do. Mr Mokoena I am not now going to ask you to look in detail through the content of this memorandum. You have indicated ...

COURT: I think from now on you must refer to the memorandum by number because we have got two memorandums, so it is DA5.

MR TIP: As the Court pleases, DA5. You have indicated that memorandum DA5 was to request a meeting. -- Yes.

And a perusal indicates that it sets out an understanding of replanning and of what the fears of the people were, is (10) that correct? -- Yes.

Now without going into the details My Lord if I could read onto the record for present purposes two portions. The first paragraph 2 on page 2

COURT: Now, yes, let us just get it clear. Here it is stated "Members of the Association", that must be your association, "know that the Evaton Community Council has resolved that Evaton should be replanned and developed." Now I understood from you that this was merely Rabotapi that did this? -- What I am saying is this was initiated by Rabotapi (20) because of his having taken our petition to Knoetze who in turn introduced onto that the replanning.

MR TIP: Just taking up His Lordship's question subsequent to that particular moment in time did the subject of replanning come up for discussion and decision making in the Community Council? -- Yes.

COURT: In favour? -- Yes.

MR TIP: Did you yourself vote in favour? -- No.

COURT: What was the division? -- We were only two people against otherwise the majority was in favour of Rabotapi. (30)

MR TIP:/.....

MR TIP: My Lord the portions I just want to read onto the record now. At the foot of page 2 in paragraph 2:

"Members of the Association know that the Evaton Community Council has resolved that Evaton should be replanned and developed. Members know also that the Council, prior to resolving that Evaton be replanned and developed, had raised certain matters with the Honourable the Minister of Co-Operation and Development Dr P.G.J. Koornhof and that the Minister gave certain answers. Members of the Association are disturbed by certain of these answers (10) and desire to discuss their anxieties with the Council. This memorandum summarises their anxieties and it is hoped will serve as a basis for the discussion."

And at the conclusion of the memorandum, paragraph 8 beginning at the foot of page 9:

"This memorandum gives an outline of the principal problems that confront owners of immovable property in Evaton. Only a meeting between the Council and the representatives of the Association can adequately develop the matter and it is therefore respectfully (20) requested that the Council having given consideration to this memorandum be pleased to grant an interview to representatives of the Association in order that the topic be adequately discussed."

Now what was the response of the Evaton Community Council to this memorandum? -- Their reaction to this was that the Council wanted to know who are the member, the executive members of the Evaton Ratepayers Association. Secondly they would like to see their constitution, that is the constitution of the Evaton Ratepayers Association. (30)

Were/....

Were you present at all at a Community Council session when this memorandum came under consideration? -- Yes I was. I was present. In response to that in that meeting I said to the people present there in the meeting, Council members, it is surprising that you people say you do not know who the people are within the Evaton Ratepayers Association serving in the executive because prior to your being elected into Council you were working together with these people fighting the very same Administration Board. These are people you know. I then started mentioning their names to them saying "You can (10) expect to meet the following people in the executive of the Evaton Ratepayers Association, namely Kabe, Mzimba, I mentioned these two only.

And the response of the Council was that conveyed in writing to the Evaton Ratepayers Association? -- Yes.

And what did that Association do in turn? -- The feeling within the Association was that the council is treating their matters with contempt as a result of which there was a decision that they see some lawyers about that, that is taking this reponse with them. (20)

And as a result of that what was conveyed to the Council? -- Later the Evaton Ratepayers Association wrote to the Community Council and in this they enclosed their constitution, a copy of the constitution, and further in the covering letter they said they do not find it necessary for what good reason are they to mention their names in the executive of the Evaton Ratepayers Association.

COURT: So it was a sort of a cloak and dagger business? -- That is so.

Why did they not say well these are our representatives, (30)

we/....

we want you to meet them? -- But as I have said these people know one another, they have been fighting the Administration Board together. In fact how they landed into the Community council it was one of the way which was decided within themselves that they must go and serve in the Community Council in order to stop the Development Board. They would serve in there on behalf of the community, that is taking the interests of the community into consideration in whatever they are doing.

MR TIP: And I think you mentioned to His Lordship that even before the letter from the Council was despatched to the (10) Association you had named senior office bearers in the Council itself, senior office bearers of the Evaton Ratepayers Association? -- Yes Kabe for instance was the Chairman, Mzimba as the secretary of the association.

Now the memorandum DA5 was anything further done with that by the Evaton Ratepayers Association? -- Yes something was done. Due to the fact that there was no success in meeting of the two associations, that is the Association and the Council, this memorandum EXHIBIT DA5, together with the correspondence from the Community Council, was sent to Dr Koornhof with a (20) request from the Evaton Ratepayers Association that this Association would like to meet him, Dr Koornhof.

And did you receive a reply from Dr Koornhof? -- Yes we did.

To what effect? -- To the effect that he was saying we will only have to co-operate with the Community Council.

Round about the same period do you recall any interview conducted by yourself and Mr Thomas Mzimba? With an official? -- Yes I do. I recall myself in the company of Mr Mzimba going to see Mr Ganz who was then the Chief Director of (30) the/....

the Board.

And who was Mr Mzimba?

COURT: The secretary.

MR TIP: Have I already had that. What was the purpose of that interview? -- The purpose of our having gone there was that the Evaton Ratepayers Association wanted to meet with the Community Council and him as a high ranking officer within the Board was being persuaded to make it possible for the Evaton Ratepayers Association to meet with the Community Council.

Was this contemplated as a meeting of the Evaton Rate- (10)
payers Association executive or was it to be a more public meeting? -- At this time when we had this talk with Mr Ganz requesting him to try and devise some means for us to meet the Community Council we already had a meeting which was coming which was to be a mass meeting of the inhabitants. In persuading Mr Ganz Mr Mzimba made mention of that fact that if Mr Ganz had time and it was possible for him he could come and be present at this meeting so that he can hear what the feeling is amongst the inhabitants which in fact causes us to come and request this meeting with the Council through him. (20)

COURT: The meeting you wanted with the Council was not a mass meeting, that was a private meeting? -- Yes.

MR TIP: And the invitation to Mr Ganz was to a public mass meeting? -- Yes.

And what was his response to that invitation? -- He did not agree, he did not accept this invitation.

Mr Mokoena do you recall the further efforts by yourself and the Evaton Ratepayers Association to have your point of view put to Dr Koornhof?

COURT: Could I just before that question is put, I have (30)
no/....

no clarity. Was the letter of the Council which was written to ERPA a request that the Constitution and the names of the executives be declared and then there would be a meeting or was it a refusal of a meeting? -- No mention was made about the meeting at all in that reply. All they said was they wanted the names of the executive and the constitution. That is all. Whether now this was going to serve for them to hold a meeting or not they did not specify.

MR TIP: My Lord I wonder if it might assist, we unfortunately do not have copies of the original correspondence. There is (10) a minute of the Community Council which contains quotes from it. I do not know if ...

COURT: Well if it becomes relevant we can use it. I do not think it is so very relevant. I was just inquisitive as to why they did not get together.

MR TIP: As Your Lordship pleases. Yes Mr Mokoena the question standing is whether you can recall any further attempts to have your point of view presented to Dr Koornhof? -- Yes.

What was that? -- We requested our attorneys to arrange a meeting with us and Mrs Suzman who is the representative (20) of Lower Houghton in Parliament.

Alright, I do not want you to detail in any way the reports that you received but did those efforts come to anything as far as you know? -- Yes we met Mrs Suzman and we requested her to go and speak to Dr Koornhof on behalf of Evaton Ratepayers Association about the question of replanning.

And.. I am sorry. -- We left it at that. When we met again with Mrs Suzman she made the following report that she had been twice to Pretoria to see Dr Koornhof pertaining to our request and each time she was there she could not find him, (30) it/....

it was being said that he is in one way or another not available to see her.

Mr Mokoena did you ...

MNR JACOBS: Edele ek wil net versoek dat mnr Tip nie aanhou met mev Suzman se woorde wat hier nou gesê is. Dit is heeltemal, die verslag is heeltemal hoorsê en ek versoek dat ons miskien die hoorsê kan uitsluit in hierdie geval, ek doen n beroep

MR TIP: My Lord I thought that I had made it clear that I did not want details of reports and certainly will make no (10) weight of what was said by Mrs Suzman. Mr Mokoena did you ever encounter the phrase "inner circle" whilst you were on the Community Council?

COURT: Inner circle or in a circle?

MR TIP: Inner, i-n-n-e-r. -- Yes. Yes I came across this phrase here while being within the Council because myself and Mr Rabotapi were the people who were supposed to have taken part in the formation of the UCASA. How I came to know about this phrase is while we were on our way attending a meeting, that is the formation meeting of the UCASA when Mr Rabotapi(20) said to me ...

ASSESSOR (MR KRÜGEL): What is the UCASA? I am sorry? -- That is an association formed by different Community Councils.

MR TIP: My Lord perhaps I can assist. I think the acronym is U-C-A-S-A, standing for Urban Councils Association of South African. -- So while on our way attending that kind of a meeting Mr Rabotapi said to me "Look I wanted to get you into the inner circle about what is happening within Evaton." I then asked him "What do you mean by that". He found it very difficult to answer my question. He started stammering when he (30) is/....

is not a stammerer. He had a lot of difficulties really to express what he wanted to say to me until I realised that there was something sinister this man was trying to tell me and I felt I had better tell him now and here that look while doing a thing I am an upright person, that is a straightforward person, I do not do things and hide some of the things that I am doing behind my back to be concealed from the viewers.

I want to move now to January 1981, and to ask whether you recall any occasion when Evaton residents were called to the offices of the Township Manager in Evaton? -- Yes I recall (10) that. Yes there was already a place earmarked by the Council, which is the Community Council and the Board, in Evaton. This area had some stands which were already acquired by the Administration Board and amongst those places there were other stands which still belonged to private people as a result of which then the private people residing in this particular area were invited to the office in order to discuss that enabling themselves to replan this area by sub-dividing it.

COURT: Just a moment, when you say earmarked does that mean a shopping centre or something else was to be built there (20) or do you merely mean that it was intended to replan it to have proper roads and smaller erven, that sort of thing? -- By that I mean that was the way in which they were introducing what they mean by replanning because they had some sites or stands there and there were private stands they were going to sub-divide them to have those stands divided and then proceed with what they wanted to do.

MR TIP: Were you present ...

COURT: So did the, just a moment let me just get clarity, did you think that the intention of the Board was to take a (30) particular/...

particular section of Evaton and attempt to get the few private owners that were still holding out amongst the properties of the Administration Board there to agree to a replanning of that particular section or zone? -- What I understood was the following, what was said is this, replanning there was the following. The Board had some stands on which stands they wanted to replan in the sense that they were going to cut them into smaller portions and on those stands the Board was going to improve the sites there. By improving the sites meaning putting up structures which were going to be rented by (10) different people. Now to accommodate that they needed roads in the replanning, which roads were going to be through the other privately owned stands. Therefore they wanted to get the private owners to come and give their consent in replanning of their stands in the sense that they will have to allow the road to go through their sites or allow them a portion which is according to their replanning.

And should their site fall away they would then get a portion of the replanned area? -- I am trying to make His Lordship understand what we understood about this thing. (20) This is the following: We understood that once there is some replanning and a portion has been divided, say one piece of the land is on the other side of the road and that piece is no longer under a freehold, that piece will be hired out to someone on a leasehold. Therefore the original owner is no longer going to have a say about that side which has been cut by the road much as he is not going to have a say on the portion of his stand which has been taken into a portion of the road.

MR TIP: Now at the Township Manager's office on that occasion were you yourself present? -- Yes I was. (30)

And/....

And do you recall any other persons who were present?

-- Moleko, Daniel Moleko, Sekwatle, those are the people whom I know to have been there. What happened is the following: People received these memorandums and which were notices in fact inviting them to the Township Manager's office and these people approached the Evaton Ratepayers Association to come and sought for an advice as to what they could do about that and while discussing that the feeling amongst those people was that they would like to be accompanied by the Evaton Ratepayers Association to go and listen with them to what is being put (10) to them by the Township Manager on this invitation. As a result of which then I happened to be there on those grounds. Now how Moleko and Sekwatle came to be there I do not know but I have the information that they were there too. In fact I saw them there.

Mr Mokoena were there any other senior people from the Community Council present there? -- Yes Mr Rabotapi from the Council, Mr Kubeka, the Township Manager Mr Myburgh was also present, and the then housing director, official of Sebokeng from the Administration Board, Mr Louw, that is the gentle- (20) man who gave evidence here for the State who happens now to be the Town Clerk of the Lekoa Town Council.

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Would you describe very briefly what took place at that office on that occasion? -- What I know was to happen there it was arranged by the Administration Board that Mr Rabotapi must come and address these people about what was going to happen on their premises. This is what happened there, people gathered there waiting now to be addressed by whoever is supposed to address them about the question of their places being replanned and Mr Rabotapi arrived late, while I was (30) with/...

with Mr Louw. While being there Mr Louw gave a warning to Mr Rabotapi and said "Look people are here now anxiously waiting to hear about what they are coming to be told here but now listen, I am warning you, it is tense here and therefore you will have to be careful but this is your chance to tell these people how good is this thing that we are coming to introduce today here." As a result of which Rabotapi then said to Mr Louw "Please go and tell those people there where they are gathering that those who are not invited to be here must go".

ASSESSOR (MR KRÜGEL): Mr Interpreter I think the witness (10) was not referring to a tense situation. I think the word he used was "sensitive".

INTERPRETER: The witness repeats it, he says ...

ASSESSOR (MR KRÜGEL): Tense, he said ...

INTERPRETER: The witness first said sensitive and then ended up by saying tense.

ASSESSOR (MR KRÜGEL): Oh he did say tense, alright.

COURT: Yes the last we heard is that Rabotapi told Mr Louw that the people not invited should not be there. -- Yes, as a result of which then the people to be addressed, those who (20) were present there, reacted to this and said, when this was conveyed to the people there their feeling was that they are not going to leave because if one's neighbour is invited to something like that that means you as a neighbour are also entitled to be present there because what is going to be discussed there has a bearing on you as well as the neighbour because it could be that later you will be in the same problem of having to come and discuss such things, therefore we are not going anywhere. As a result of which Mr Moleko and Sekwatle started a song, then there was some singing there. I, (30) with/....

with the assistance of Mr Kabe, tried to stop the singing saying to people they must be quiet, let us listen to what is being said but these two gentlemen who were leading this song carried on leading the singing and they were background by the people there and it just went on like that.

MR TIP: So in the result Mr Rabotapi did not address anybody, is that correct? -- That is true.

During this period on the question of meetings did the Community Council hold public meetings at which it explained the position to the residents of Evaton? -- Not at all. If (10) I remember well the last meeting which was held was in the beginning of the year 1981.

And subsequent to that were there meetings called by any other organisations in Evaton? -- Yes Inkatha, Evaton Stand Owners and the Ratepayers were holding meetings there. Making use of the schools within Evaton at which places this replanning question was being discussed at length that it is not accepted in Evaton. As a result of which the Community Council then wrote to different heads of the schools that they must not allow these people to hold meetings at schools, except Council (20) meetings, that is allowing the councillors to hold meetings at these schools.

Was that a matter discussed in the Community Council in your presence? -- Yes.

Do you recall approximately, just for general background, how frequently Evaton Ratepayers Association was holding public meetings in the years 1981, 1982 and 1983? -- Evaton Ratepayers Association was holding a lot of meetings during that period because this replanning was the main issue to be discussed. I would say approximately between four and six meetings per (30) annum/....

annum were held by these people, that is Evaton Ratepayers Association.

Mr Mokoena I want to turn to 1982. Do you recall any discussion in Evaton Ratepayers Association about petitions, or a petition? -- Yes I do recall that.

What was discussed and what was decided? -- It was said that because of the fact that they have been trying on many occasions to meet the Minister and they could not succeed in that it was then decided that they have to inform the Minister in one way or another that they will not just agree and (10) accept the replanning. At which it was then decided that a petition be drawn which petition was to be signed by the stand owners in which they explain that they will not agree with this replanning.

I show you this document headed "Annexure 2" with signatures. Do you recognise that? -- Yes I do.

My Lord may I hand this in as EXHIBIT DA6. And there is at the foot of this document which contains signatures and addresses the following paragraph:

"We therefore being owners of land in the Evaton (20) townships and by virtue of the rights that we enjoy and the sincerity of our belief in private property and the earnest desire to foster peace and sound race relations sign this declaration and submit it to the Honourable Dr P.G.J. Koornhof and tell him that we will not acquiesce in the replanning scheme of the Evaton townships unless our representatives are granted an interview with him." The document DA6 contains a number of signatures, in fact every space available has been completed. -- Yes.

Was this petition submitted to the Honourable Minister?(30)

COURT:/.....

COURT: Just a moment. Is this the total petition or are there further annexures, this could be Annexure 2 or Annexure 11. -- This is Annexure 2. There was Annexure 1 in which document our grievances were being set out, matters which we wanted to discuss with Dr Koornhof.

ASSESSOR (PROF JOUBERT): Is this the full list of the signatures attached to the petition? -- This was not the only one which was signed for the petition. What happened is the following: We had an annexure 1 which is the contents of our grievances which we wanted to go and discuss and the matters(10) to be raised with the Minister, with Dr Koornhof, but now what happened is of these documents, these kind of papers which were signed were quite many. This is one of them, not that the only one is this one but one of them.

ASSESSOR (MR KRÜGEL): Is this Annexure 2 then a signature list which is attached to the petition? -- That is so.

And will each of these lists then have this bottom paragraph? -- Yes exactly like this.

COURT: And if Annexure 1 was what you wanted to discuss what was then the main document to which the annexures were (20) annexed? -- There was going to be a covering letter in which there was going to be an explanation about our previous request and attempts to meet Dr Koornhof and then there was going to be annexure 1 which would have been referred to by the covering letter which Annexure 1 would contain what we wanted to discuss with Dr Koornhof, and then this one.

MR TIP: Was the petition submitted to Dr Koornhof? -- No it was not submitted to Dr Koornhof.

What was the reason for that? -- Because of some suspicions about secretaries involved in the Evaton Ratepayers (30)

Association/....

Association this document did not end up reaching Dr Koornhof. It was being suspected that these people are having meetings or connections with the security police and/or the Administration Board. And another reason was that one of these people wanted some money from the organisation, that is the Evaton Ratepayers Association in a way which was not clear as to how does he, this person, ask for money.

COURT: Could I just get clarity now. It is your own secretaries who did not send it up? -- No what happened is that the secretaries, these people, were expelled from the organisa- (10) tion. At the time of their expulsion they had this document, which is the petition, with them.

MR TIP: Who were these people, can you just name them? -- Mzimba was the secretary, assisted by Nhlapo.

Do you recall Nhlapo's first name? -- Thomas Nhlapo. Mzimba was also Thomas Mzimba.

COURT: And Sekwatile, what were his first names? -- If I remember well his first name is Ephraim, he is Sekwatile.

Yes, thank you. Mzimba the secretary is the person who caused some problems there in the sense that he approached (20) the organisation, that is the Association for the ratepayers, asking for some money that he be given money in order to go and see a witchdoctor because he felt this witchdoctor can do miracles and bewitch someone who in fact according to him was deserving witchcraft.

Well was that in connection with the stands? -- Yes this person was supposed to be bewitched because of the stands.

Well that would have been a quick solution is it not?

MR TIP: Did he not name the person who he thought deserved this attention? -- This is Rabotapi who was supposed to be (30) removed./....

removed.

And was was the attitude of the Evaton Ratepayers Association to this proposal? -- The feeling was that this man was now practising tsotsism in a way and sabotaging the efforts of the people.

And I take it that Mzimba was not given any money? -- No he did not get any money.

COURT ADJOURNS FOR TEA. COURT RESUMES.

MORAKE PETRUS MOKOENA: d.s.s. (Through Interpreter)

COURT: This Sekwatle who we mentioned just before the tea (10) adjournment is that a councillor or an ex-councillor of Evaton Council? -- I know this man to have taken part in a party which was formed in 1978, that is at the formation of the Councils. This was called People's Party, Evaton People's Party. Then he was standing as a candidate for elections. He did not succeed. Now I believe now of late, that is the introduction of the councillors, the town councillors in the Black townships I believe he is now a member of the council, that is Evaton Town Council.

FURTHER EXAMINATION BY MR TIP: Mr Mokoena just to round off(20) the point that we were busy with before the tea adjournment relating to the petition is it correct as I understand your evidence then that the completed petition forms had been in the hands of the secretaries and those secretaries were then expelled at the time when they still had those forms in their possession? -- Yes that is true.

And were you able to recover the completed petition forms from those previous secretaries? -- No we were not able.

Was that ...

COURT: How did you get this one then? (30)

MR TIP:/....

MR TIP: I beg your pardon My Lord?

COURT: How did you get DA6 then? -- This one I got hold of because it was in the possession of Mr Kabe, he was getting people to sign it. As His Lordship can see the very first person right on top here is Cresswell Kabe, that is the person who had it.

MR TIP: Now with the unavailability of the completed petition forms was that the end of any attempt to communicate with the Minister? -- Yes because this had been to a lot of people to acquire signatures which people signed. It was now a bit (10) difficult to go back to them again to go and ask for other signatures.

Was the position explained to the people? -- Yes at a meeting.

Mr Mokoena you have made mention of the Evaton Stand Owners and Residents Association. Do you recall receiving a copy of a document entitled "Draft Constitution" at any stage from that organisation? -- Yes I do recall that we received a copy thereof while being in the Council, that is from the Evaton Stands Owners and Residents Association. (20)

Would you have a look at this ...

COURT: Before you start handing it in where does that get us? Do not flood me Mr Tip.

MR TIP: My Lord there are very few pages still to come through this witness.

COURT: That may be but how is this particular document relevant?

MR TIP: There are one or two clauses in it that the witness could comment on, as to his own attitude.

COURT: Well ask him on his attitude. I am not interested (30) in/....

in the Evaton Stand Owners and Residents Association. Should I be?

MR TIP: Well the witness will indicate an attitude, perhaps I could do it this way by simply citing to him one or two portions and asking him for his comments without putting the document in itself.

COURT: Yes.

MR TIP: Let me just ask you this Mr Mokoena was the Evaton Rate-payers Association the only organisation in Evaton that was concerned about the issue of freehold rights? -- No all (10) the organisations with Evaton were fighting for the freehold. They also communicated with different authorities pertaining to that, including the Minister.

Perhaps you would look at the document you have before you, which is the constitution of the Evaton Stand Owners and Residents Association, at Clause F, which reads:

"To respect and to observe the provisions embodied in the replanning of Evaton with due regard to the legal aspect of the definition of Evaton in terms of Section 2(1) of the Bantu Urban Areas Consolidation Act no. (20) 25 of 1945 and of the relevant proclamation and to guarantee freehold rights to be a presumption."

-- Yes I can see that.

And over the page there is above the signature of D.M. Moleko, the Chairman, the following:

"May God bless Evaton in view of its geographical position as the only place with freehold rights in the urban areas in the whole of the Republic of South Africa and therefore its administration cannot be the same like Soweto, Sebokeng, Sharpeville and all the other (30) townships/....

townships throughout South Africa and the homelands." And there follows "Nkosi sikelele e Africa, morena boroko setchaba" and "Die Stem van Suid-Afrika". -- Yes I have noticed that.

Now let me ask you before referring further to this constitution the position of children as far as civic affairs were concerned in Evaton, what was your understanding first of all of what the place of children was and secondly what age categories were to be understood under that category? -- Pertaining to children it was the feeling that the children (10) must know exactly what is happening which is being done by the parents and secondly to take part in what is happening and when I talk about a child I am talking about a person who can partake in that being at the age of 18 or more. As you can see from this constitution by the Evaton Stand Owners and Residents there they make it clear who can apply for membership, namely the stand owners, the residents and children above the age of 18.

And to make that clear the clause in the constitution is Article 4, Membership: (20)

"1. The following shall be eligible for membership" and then there are three separate categories, categories (a), (b) and (c) being respectively stand owners or people who own property in Evaton, (b) residents - any person who is a legal evidence of Evaton, and (c) children - any child belonging to the legal resident of Evaton who must be 18 years of age and above. Thank you I am finished with that document, at least for the time being. I want to revert to the erstwhile secretaries of Evaton Ratepayers Association, Messrs Mzimba and Nhlapo and to ask you what ... (30)

COURT:/.....

COURT: Is it Mzimba, Mzimbi or Mzimbe?

MR TIP: Mzimba, M-z-i-m-b-a. What was the relationship between those gentlemen and Evaton Ratepayers Association after their expulsion? -- There was no relationship thereafter between them and the Evaton Ratepayers Association.

COURT: When were they expelled? -- In 1982.

MR TIP: Do you recall approximately when in 1982, beginning, middle, end? -- It was during the period of signing this petition that that happened.

And did you yourself then become the secretary of the (10) Evaton Ratepayers Association? -- That is during that time when I formally joined the Evaton Ratepayers Association to be in position of a card.

And you became secretary? -- Yes.

Now did you yourself have any dealings or contact with Mr Thomas Nhlapo after his expulsion from the Association? -- Yes what happened is he called a meeting at the Roman Catholic Church Small Farms.

COURT: Who? -- That is Thomas Nhlapo. Making use of a pamphlet which was distributed. (20)

ASSESSOR (MR KRÜGEL): Which was? -- Distributed amongst the inhabitants. This pamphlet purported to be originating from the Evaton Ratepayers Association. This was queried by my committee of the Evaton Ratepayers Association that he had no right to do that and use the name of the Association. As a result of which then I attended that meeting or I went there during the day of the meeting to question that with him.

COURT: Did you? -- Yes I did speak to him that day. It was not a peaceful talk though it ended up with a suit, him claiming from me defamation of character as a result of the (30) talks/....

talks we held with him there.

A legal suit? -- Yes. His attorneys sent me a letter of demand demanding some money from me.

When was this meeting? -- It is between the periods, just about the end of the year 1982 or early 1983.

ASSESSOR (PROF JOUBERT): Did this discussion take place in the meeting? -- It is before the meeting started. It was outside, not in the meeting where this discussion took place. What happened is this pamphlet did not have Evaton Ratepayers name only but it had other organisations names as well so what (10) we were querying was that he was not supposed to have included us as part of the people who were convening that meeting.

MR TIP: Thank you.

COURT: Which organisations? -- Those that I have just mentioned, Inkhatha, Iso Lomuzi, Evaton Stand Owners and Residents Association and Evaton Ratepayers Association were the organisations mentioned in this pamphlet.

MR TIP: To round this off has the relationship between you and Evaton Ratepayers Association on the one hand and Mr Thomas Nhlapo on the other hand remained strained ever since that (20) occasion? -- That is true, there was no good relationship whatsoever. That is between myself and him.

Do you remember an occasion in 1982 when the Board impounded animals on the grazing land? -- Yes I remember that time.

Do you recall whether Evaton Ratepayers Association took any action in that regard? -- Yes I do.

What was it? -- What happened is Evaton Ratepayers Association requested the advocate on their behalf to go and talk to the Council, that is the Evaton Town Council. An appointment was made with the Council that the advocate could come. It (30) was/....

was per agreement that the Chairman of the Evaton Town Council was going to meet the advocate on this issue.

Did he meet? -- Yes they met. We later received a report from the advocate about that.

Well let me stop you there before you indicate what the report was but did this matter come up for discussion at the Community Council meeting at which you were present? -- Yes.

And what did you learn from that discussion as to what had taken place between the advocate and Mr Rabotapi?

COURT: Just a moment now, we have had here a Community Council and a Town Council. Is it the Town Council now or is it the Community Council? -- It is a Community Council this time. (10)

MR TIP: It should have been throughout My Lord.

COURT: Right, it came up at the Community Council meeting? -- The advocate was present at this meeting of the Council, the Evaton Community Council, where he said the feeling is that members of the Evaton Ratepayers Association who are owners of some animals which were impounded with the others are having this complaint that the Administration Board took that land at which their animals were grazing and acquired it as the property of the Board. As a result of which they do not have a grazing land. Now the complaint is that they want a place where they can have their grazing for their animals. (20)

MR TIP: What was the response of the Council? -- In reply to that Mr Rabotapi said in the first place to this advocate that was business besides him, it does not concern him, and he further added saying whatever happened there should be treated with the contempt it deserves.

COURT: Yes well I do not understand it. Did it not concern/.... (30)

concern the advocate or did it not concern Mr Rabotapi? -- He said it does not concern this advocate, it is business besides him.

Which is strictly speaking true of course.

MR TIP: That may be true for all of us My Lord.

COURT: But are we really interested in the arguments with counsel at the meeting of the Community Council. The point is the grazing lands were taken, the people did not have place to graze their cattle, the cattle were impounded and they felt aggrieved about it and they appointed an advocate who came (10) to address the Council. So is there anything more than this?

MR TIP: The evidence will not lead any further than that but our submission will be that it is relevant to establishing the nature of the body Evaton Ratepayers Association.

COURT: Well now could you not just have said well and they appointed an advocate who could not take the matter much further?

MR TIP: My Lord it is indicative also ...

COURT: Who was the advocate by the way?

MR TIP: ... of an attitude to approaches of that nature (20) by the Council and it is tendered for that purpose also.

COURT: Well whose land was this Mr Tip, was it not the Board's land?

MR TIP: That may well be that that was Board's land.

COURT: If it was the Board's land it was barking up the wrong tree, he should have gone to the Board. But let us not debate it here, it is not relevant to this case. There was a grievance, that is what the case is about. Yes go ahead.

MR TIP: As it pleases Your Lordship. Mr Mokoena I want to turn to this question and that is the reason why you (30) elected/....

elected to become a formal member of the Evaton Ratepayers Association. -- In view of my experiences that we have attempted to meet the authorities, namely the Administration Board, the Community Council and Dr Koornhof and we did not succeed in meeting these people I therefore felt that these people, these bodies were bound to meet us because of the fact of the re-planning which was going to affect us as residents of Evaton. I then as a result of my having been elected by the community with the view of going to look after their interests within the Council and having met such difficulties I felt that this (10) should now be the end of it with me as a member of the Community Council because of what I have tried to get and achieve in the interests of the community did not succeed while I was within the Community Council.

COURT: Did you resign? -- No I did not resign.

MR TIP: Did you make yourself available as a candidate for the elections to the Town Council? -- What happened is when the term of the community Council in which I was serving expired I did not canvass for re-election.

Before we come to that period just one question on the (20) subject of the grazing land. Had there been consultation with the residents of Evaton?

COURT: Accused no. 14 is back, or is it 13, I do not remember the number.

MR TIP: 14 My Lord, I am sorry I forgot to mention after the adjournment that he was still out. Had there been consultation with the residents of Evaton at the time that there was a change in its accessibility as communal grazing land to the community? -- No there was nothing said. All that happened was that people just noticed that their animals are being (30) impounded/....

impounded by the Board, and that was the end of it.

COURT: But could we just get clarity now on this communal grazing since counsel raises it. The people of Evaton had private ownership to private stands, is that correct? -- Yes that is so.

What legal right did they have to graze elsewhere? -- According to law, that is now the law in the sense that it is a written law, I do not know a thing about that but what I can say is this this place I referred to as a grazing place for the people of Evaton I grew up that place being used as a (10) grazing place in Evaton since I was there and even at the time of dipping the cattle this was being used and nobody ever objected to that. So it was accepted as a grazing place which is available to the people of Evaton.

Yes. -- All I can say about that further than this is that in consulting with lawyers we were informed that that land is part of Evaton land which is meant as a grazing land for the people of Evaton.

MR TIP: Thank you Mr Mokoena. Now if we can come to the period November 1983. First of all in connection with the (20) forthcoming elections to the new Town Council did the Evaton Ratepayers Association at any time adopt any policy in regard to those elections? -- No there was no policy.

Did it undertake any action or any campaign in connection with those elections? -- No no such.

COURT: Were there ERPA candidates in the election? -- No there was none.

MR TIP: It is common cause that the Evaton Ratepayers Association in time became an affiliate of the UDF, the United Democratic Front? -- Yes. (30)

And/....

And I would like you to trace for His Lordship the various events that gave rise to that decision. -- In the first place I was supposed to have informed the people, the inhabitants of Evaton, that I was not going to stand for elections which thing was in fact discussed by myself and the Evaton Ratepayers Association. During that period the Chairman of the Evaton Ratepayers Association had attended a meeting where VCA was launched.

And that we know was on 9 October 1983? -- Yes.

Did the Chairman, Mr Kabe, report at a committee (10) meeting of the Evaton Ratepayers Association what his experiences had been at the launch of the VCA? -- Yes he did.

And what did he convey to the committee? -- What he said was that he was attending this meeting which was a launching meeting of the VCA at which meeting he heard about another organisation known as UDF to which other organisations affiliate. As a result of what Mr Kabe reported to this committee we then discussed it in this committee and further came to a point of saying in view of what has been said by Mr Kabe pertaining to this organisation how about us trying another (20) avenue of meeting the authorities by talking to the people of this organisation in some ways of doing that. In so doing, having failed to meet with the authorities we were trying to find another avenue, as I said, of how to go about doing it, that is meeting the authorities, in order to secure our properties. What I meant is not that to try another way of meeting with the authorities. What I am saying is this we were trying to find another way of doing things because we failed to meet the authorities.

COURT: Now what would you want, what would you do in this (30) instance?/....

instance? -- We ended up deciding that we will have to invite some speakers from the UDF who will come and tell us about their organisation.

MR TIP: And you personally arranged for the UDF to be requested to send speakers? -- I was requested by the committee to go and find some speakers from UDF who can come and tell us more about UDF.

Now at that stage had you personally ever met any people from the UDF? -- No.

What did you know about the organisation, if anything? (10)
-- Well the little bit I read about from the newspapers.

Was a meeting of Evaton Ratepayers Association held at which speakers from the UDF attended and spoke? -- Yes that was on 6 November 1983.

And that was a public meeting? -- Yes. That is so.

Now what was the main purpose of that meeting? -- It was just to make it clear to the people that there is going to be an introduction of Evaton Town Council which will be setting forward the replanning and explaining to them what the replanning is and then this Council is going to proceed with (20) the replanning.

COURT: Just a moment. Was this just prior to the elections?
-- Yes if I remember well the elections were held somewhere on the 29th.

Now was this meeting then intended to influence people in connection with the elections? -- The purpose there was that I was there to tell the community that I was not going to stand as a candidate for elections into the Council because I was earlier elected by the community. Yes secondly the purpose was but to influence the people not to take part in the election(30)

of/....

of the Councils.

But this was an ERPA meeting? -- Yes it was Evaton Ratepayers Association meeting.

MR TIP: Did persons speak on behalf of Evaton Ratepayers Association at that meeting? -- Yes there were speakers from Evaton Ratepayers Association.

And they were, do you recall? -- Thomas Olifant, Cresswell Kabe the Chairman, myself. We were the only people from ERPA.

COURT: This Thomas Olifant, I thought the Olifants lived in a zone in Sebokeng? -- No this is another Olifant. (10)

Different Olifant? -- Different person.

MR TIP: And did persons from the UDF attend? -- Yes they did.

Who were they? -- Mr Curtis Nkondo and Mr Shabangu.

Who was the Chairman of that meeting? -- Mr Kabe was the Chairman.

Let us deal with the speeches as far as you recall them of Mr Nkondo and Mr Shabangu. Do you recall firstly what Mr Nkondo had to say?

COURT: Is this a meeting about which the State led evidence?

MR TIP: It is not My Lord. (20)

COURT: Is what Mr Nkondo said relevant?

MR TIP: It is relevant, yes, insofar as he introduced the UDF.

COURT: Yes go ahead. It of course raises one day of cross-examination but go ahead.

MR TIP: Will you tell His Lordship as briefly as you can what Mr Nkondo had to say? Perhaps you could confine it to what you recall Mr Nkondo explaining about the UDF? -- He said UDF is an organisation which allows affiliation from other organisations and it does not choose who can affiliate and (30)
who/....

who may not. He further explained that one cannot join UDF as a person except that he can join UDF through an organisation, that is the organisation affiliating to it. Thirdly he said that whatever organisation affiliates to UDF that does not mean it must stop its functionings or the purposes it was standing for. It will go on with those, UDF is not going to take over those things. He further explained that each and every organisation will have to work independently from UDF. It was later asked from him, now after he had explained about UDF, as to what is to be done by the organisation which wants to affiliate (10) to UDF. He said there is an affiliation fee of R100 to be paid. Then an application is to be made to UDF.

COURT: Did he not explain the principles of UDF? -- He did. He said UDF is against the new Constitution and the Koornhof Bills. He further said then the organisations are to work together in order to oppose the new Constitution and the Koornhof Bills.

MR TIP: Now, is that what you presently recall the gist of his speech to be? -- That is what I can recall presently, yes.

I am not going to ask you about the speeches of any (20) of the other speakers at that meeting. I want to ask you this, whether at the conclusion of that meeting any resolutions were adopted? -- Yes there was a resolution there on which the meeting agreed that Evaton Ratepayers Association will affiliate to UDF.

Do you recall who made the proposal that this should be adopted? -- I am not in a position to recall that because that proposal came from the community there, that is the audience.

At that time, November 1983, when this decision was taken at a public meeting of the ratepayers what sort of priority (30) did/...

did the Evaton Ratepayers Association accord to the possibility of affiliating to the UDF? -- We were worried about this re-planning affair which could not be solved as a result of which then we thought it wise, as our main reason, to affiliate to UDF with the understanding that we might within the UDF come across other organisations who are having or experiencing the same difficulty with the people of Evaton with whom then we could discuss this within the UDF or alternatively we could take this and discuss it with the UDF and leave it for the UDF to take it further on behalf of the people of Evaton. (10)

In November 1983 did Evaton Ratepayers Association have available R100 for the affiliation fee? -- No at that time we did not have money, we were bankrupt. Our money had been exhausted by legal advisers, the lawyers with whom we consulted, paying consultation fees. We paid thousands of Rands through that.

Do you recall when in fact that affiliation fee was paid? -- Yes that was in October 1984.

COURT: When did you then become a member? -- I would say we first became a member when in June 1984 I attended the first (20) general meeting of the UDF.

MR TIP: Had you heard anything in the meantime which indicated to you that you might be able to attend General Council meetings without having first paid your affiliation fee? -- Yes after having met with the members of the VCA who were already attending the general meetings of the UDF I got to know about that.

COURT: Well did you write a letter to the UDF saying we would like to affiliate and did they write back to you saying you are affiliated? -- We did not write a letter. I orally (30) applied/....

applied while I was at this council, at the meeting.

MR TIP: At that meeting, by that you mean 30 June 1984? --

Yes that is the meeting I am referring to.

Mr Mokoena I want to deal with the period November 1983 to May 1984. Do you recall Evaton Ratepayers Association during that period calling any public meetings? -- I remember us convening a meeting at the Roman Catholic Church, Small Farms. If my memory serves me well it was in April 1984.

And was it advertised to the public? -- Yes by means of pamphlets and a loudhailer. (10)

My Lord I should like to tender this particular pamphlet. Would you have a look at that. It refers to a meeting of the Evaton Ratepayers Association for 8 April 1984. Is that the pamphlet? -- That is the pamphlet.

My Lord I have the original, it is a little frayed, may I submit for Your Lordship's use a copy as well.

COURT: Yes thank you, may I have the original. That will be DA7.

MR TIP: DA7. For convenience sake I will read it onto the record. It is headed Evaton Ratepayers Association: (20)

"Meeting at Roman Catholic Church, Small Farms at
9 a.m. on Sunday 8 April 1984.

Warning: We are warning the landlords not to allow anybody to set foot on his property to replace pegs that determine boundaries on your stands.

Warning: We are warning the landlords not to allow anybody to sub-divide his property, especially people along Easton Road and Small Farms.

Discussion: The original map of Evaton (map will be displayed). (30)

Discussion:/....

Discussion: Establishment of Community Town Council in Evaton and purpose.

Discussion: By reclaiming you are forced and crooked to lose your land."

Now at the time that that meeting was called, 8 April 1984, well let me put it this way between November 1983 when the UDF speakers attended at the ratepayers meeting and when this meeting was called had there been any communication at all between the Evaton Ratepayers Association and the UDF? -- No not at all. (10)

Very briefly what was the purpose of this meeting? Is there anything in addition to what is set out in this pamphlet, let me put it to you that way for brevity sake? -- Nothing else except what is contained in this pamphlet.

And is that in fact what formed the subject matter of that meeting? -- That is so.

Now I am moving on now Mr Mokoena to the question of the victory celebrations of the Community Councillors in Evaton which took place on 12 May 1984. -- Yes.

COURT: Was it a victory feast or was it an 80th anniversary of Evaton? -- I will say it was for the both purposes, namely the 80th anniversary of Evaton and the introduction of the councillors because it was just introduced that there was going to be an Evaton Council. (20)

MR TIP: Now it is alleged that Evaton Ratepayers Association was party to a meeting at which it was decided to organise a protest and that in fact a demonstration took place on the day of the celebrations on 12 May? -- Yes we did take part in a demonstration, that is true.

Now how did it happen that Evaton Ratepayers became involved/.... (30)

involved in this? -- As a result of the enquiries which were made by the people from Zone 7 who had already the information about the feast which was to be held for the anniversary for the 80th anniversary in Evaton we also had to know about this, in fact we had known about this before that the Council was going to hold that anniversary but we did not know when. It only came to our notice when the Zone 7 people came to make certain enquiries about that, that is how we became involved in it.

C.577 Now I am going to just break your narrative there for (10) a moment and to look at the question of the Zone 7 connection with EVaton. Can you explain to His Lordship why the people of Zone 7 should have been concerned with what was taking place in Evaton? -- During my time when I was still serving within the Evaton Community Council there were some discussions held with the Administration Board about a certain piece of land on which land Zone 7 is situated, as to whether it should fall under the Lekoa Town Council or the Evaton Community council.

COURT: The whole Zone 7 or a certain portion of Zone 7? -- (20) A certain portion of that.

Yes? -- The land I am referring to at the moment is the land which was later named Zone 8 which was found to have been all along under the jurisdiction of Evaton, therefore will fall under the jurisdiction of Evaton Community Council. Town Council by then. As a result of the dispute then some surveyance was done on which the boundaries then put a certain portion of Zone 7, which was already improved by the Board, the Development Board by putting up houses on that piece of land, which was named Zone 7, that portion fell on the same (30) side/....

side with Zone 8 which means then it was a Zone 7 on the side of Evaton.

Now just a moment. Before this survey was done was there a Zone 8 in existence or did Zone 8 become Zone 8 because a portion of Zone 7 was surveyed to fall in Evaton? -- What happened there is the following this land I referred to on which Zone 8 was built is the land which originally was falling under Evaton but this was not known earlier until some surveyance was done. In the meantime the Board had put up some houses there, some structures, which they called (10) Zone 8. Now when the Board was to give boundaries to the two councils, that is the Evaton Council and the Lekoa Council, it had to know exactly where the boundary was only to find that the boundary cuts Zone 8 into Evaton, that land belongs to Evaton, and a certain portion of Zone 7 also falls under Evaton. That is how it happened.

But now that portion of Zone 7 was that to the extreme eastern, western side of Zone 7? -- It is the south-eastern side corner of Zone 8 which is opposite Zone 7, that portion of Zone 7 fell on the same side with Zone 8. (20)

Do you know Vilakazi Street? -- No I do not know Vilakazi, not unless I see it from a map.

Well Vilakazi Street is the main street you march down to get to Zones 12 and 11. -- Yes that one I know.

Is that the boundary of Zone 8? -- No that is not the boundary. His Lordship can take the street on the eastern side of the commissioner's offices there, that is the boundary. That you draw as a straight line across the houses in Zone 7, that is direct across the Zone 7 area there. Drawing that line directly up to the point of the end of Small Farms. (30)

In/....

In that case if His Lordship draws that line then you find that some of the houses in Zone 7 are on the same side of the line drawn with Zone 8. Those are the houses I am talking about which fell on the same side with Zone 8 from Zone 7.

It does not follow, it does not follow at all. The only difference between what you are explaining to me and my aerial photograph is that the commissioner's office seems to be a portion of Zone 7 and on your explanation it would be a portion of Zone 8. -- Let me direct His Lordship this way. When the march took a turn for the second time, that is (10) the second turn of the march, that is the street I am talking about.

That is Vilakazi Street. -- That particular road was not there before. The only road which was there is the one on the eastern side of the Native Commissioner's offices.

I see, yes. -- That road was straight, which is the line I am talking about His Lordship must draw, then if you take it that way the portion on your right falls into Evaton which is Zone 7 falling under Evaton.

It is a very small portion is it not? -- Yes it is a (20) very small portion.

It is not worth wasting much time on in this case. -- Anyway there are 711 houses there falling on that side.

Then that would be the whole of Zone 8? -- Well as far as I can remember that is what it is.

MR TIP: Mr Mokoena as at May 1984 to whom did the persons who lived in those houses pay their rent? -- I did not know that personally until such a time when I was approached by two people who lived in that area who later informed me that they are paying their rental in Evaton and not to the Township (30)

Manager/.....

Manager of Zone 7.

Who were those persons? -- Accused no. 17 and Sefakwo Mokoena.

ASSESSOR (MR KRÜGEL): Mr Tip may I interrupt for just a moment please. Mr Mokoena if we could just go back to DA7, I think you have done with that altogether now. The warning is directed to the landlords not to allow anybody to set foot on his property to replaced pegs which had determined boundaries of the stands. -- That is right.

What is meant by "landlords"? -- That is a person who (10) has got a title for a land.

Yes but in the ordinary sense it would also mean a person who has got a title to a land and who leases that land to other people? Or portions thereof? -- I do not understand the point.

Well normally if you speak about a person who is the owner of a piece of land you will speak of him as the property owner or the owner of the land. The normal connotation of the word "landlord" is something else. He is not normally, normally he is not only the owner of the land but he is also (20) the person who rents out his land or portions of his land or buildings. -- There are such people yes in Evaton whose places are in fact rented by other people.

COURT: Well is it not, was it not ... -- In the sense that they have sub-tenancies.

Was it not the general practice that people with erven in Evaton had sub-tenants though they were living there themselves possibly? -- That used to happen.

And that is the general practice, that is why these people were referred to as landlords? -- Yes. (30)

MR TIP:/....

MR TIP: Mr Mokoena you have mentioned that accused no. 17, Mr Matlole, and Mr Sefakwo Mokoena had come to see you. Just to get it back into context this was before the celebration of the councillors in Evaton? -- That is so.

Do you perhaps recall the date or the day of the week when they came to you? -- I cannot quite remember what the date was but what I remember is that this was held on 12 May.

My Lord I wonder if accused no. 9 might be given leave to absent himself as a matter of some urgency?

COURT: Sorry? (10)

MR TIP: Accused no. 9, whether he might leave the court for a moment?

COURT: Yes certainly.

MR TIP: Thank you My Lord. Well I think it is common cause that the celebration itself was on 12 May 1984. -- Yes that is so.

Do you recall how long before it was or when accused no. 17 and Mr Sefakwo Mokoena came to see you? -- It was not long, some few days, approximately a week.

Yes. Did they explain to you why it was that they had (20) come to you? -- Yes they did explain that.

What was the explanation? -- The explanation was that they had been to the Chairman Mr Kabe who referred them to me.

Did you know either of those two gentlemen at that time? -- No not at all.

What did you discuss? -- What we discussed there was that they had been sent by their organisation, namely VCA, because of what they heard that there was going to be a feast which will be held by the Community Council and secondly they wanted to know as to how does this happen that they pay their rent(30) in/....

in Evaton. On which I said that is fine, we also heard about this feast which is to be held but now let us arrange a date for us to meet in order to discuss this issue about the feast to be held by the Evaton Town Council.

When you say "for us to meet" who were the persons to meet? Or rather who the persons were who were to be present at that meeting. -- The people present with me at the time, talking to me say that they are from the committee of Zone 7 and therefore when I said we must meet in that I meant that we were to meet with the committee of Zone 7. (10)

Was such a meeting held? -- Yes, there was.

Where was it? -- At my residence.

Do you recall the people who were present on that occasion? -- Yes I do recall that.

Who were they? -- Cresswell Kabe, Thomas Olifant, myself, accused no. 17, Sefakwo Mokoena, Esau Raditsela, Edith Lethlake and Edward Motobatse, and accused no. 7.

And I take it ...

COURT: The first three were from your association. Were the others from the Zone 7 committee? -- Yes. (20)

MR TIP: And I take it that the subject under discussion there was the impending celebrations? -- Yes that is true.

COURT: When was this meeting held? -- I beg your pardon?

When was the meeting held? -- These people approached me on a Sunday, that is originally the two. Two or three days thereafter, that is after this Sunday, we held this meeting. I just do not remember what the date was.

MR TIP: Were any decisions taken at that meeting? -- Yes.

What were they? -- Firstly it was agreed that there was going to be a protest and therefore some people will have (30)

to/....

to take part in this protest. As a result of which then we agreed that each and every member present there will have to contribute a Rand in order to acquire the required stationery. Of the people present there some said well we can contribute some stationery as well. I also contributed some paper material which could have been used for pamphlets.

Why was the decision taken to organise this protest? -- Because of the fact that people living in Sebokeng and Evaton, those inhabitants, knew what was being done by the Evaton Town Council in Evaton. Therefore the feeling was that there was (10) no justification of this celebration whatsoever.

Mr Mokoena it is alleged in the indictment against you that this celebration, or rather the activities organised in protest against the celebration formed part of the implementation of a conspiracy or conspiracies to further the objects of the ANC and SACP and/or the UDF. And in particular that this was to lead to the mobilisation of especially the Black masses in the Vaal Triangle, to lead to violence, insurrection, to render the country ungovernable and to produce a violent revolution in the Republic. What do you say to that (20) allegation? -- There is no truth whatsoever in that. Why I say that I am sure I explained that to His Lordship about the sufferings we suffered in the hands of the Administration Board which sufferings were taken over by the Evaton Community Council and carried on and this action was an action not because of any conspiracy which existed there. I only joined the Evaton Ratepayers Association due to my experience. My activities there on what I did I did not do that because of the advice from UDF or from any person originating from UDF. I last had something to do with the UDF that day when we had a meeting (30) at/....

at which meeting it was explained what UDF was.

COURT: That is at the, what was the date again?

MR TIP: The 6th of November 1983. -- Yes. I am surprised here to learn about the involvement of myself as the person to be attached to the ANC or my attachment as a person in conspiracy of the UDF and ANC. That is the same even with reference to my organisation and to take it further police arrived at some of the activities in which we were involved. If there was anything wrong in what we were doing the police would have arrested me there and then. (10)

Well we will come to those events in due course. My Lord I am about to move on to a second pre-organisational meeting. It might be convenient to adjourn now.

COURT ADJOURNS FOR LUNCH.

C.578 COURT RESUMES.

MORAKE PETRUS MOKOENA: d.s.s. (Through Interpreter)

FURTHER EXAMINATION BY MR TIP: Mr Mokoena we concluded before the lunch adjournment with the first meeting, the joint meeting held at your home of the Zone 7 and Evaton Ratepayers people.

I would like now to move on to the next meeting. -- Yes. (20)

Do you recall when that was held? -- I do not quite recall what the date was but if my memory serves me well it was in the beginning of July.

COURT: 1984 I take it? -- Yes.

MR TIP: Perhaps I did not make myself clear. I am still concerned now with the events surrounding the celebration of the councillors.

COURT: No. 9 is back in court?

MR TIP: No. 9 is back in court, I am indebted to Your Lordship. -- Prior to this demonstration pertaining to this feast (30)
which/....

which was to be held there were quite a number of meetings held.

COURT: Before the demonstration? -- Before the demonstration, yes.

MR TIP: Yes we had discussed the one where there was talk about the stationery and I would like you to deal now with the next one that you can recall. -- At the next meeting which was held after this meeting at which we had to make a provision for the stationery we were discussing the slogans which were to be written on the placards. (10)

Let me ask you first do you remember the people who were present at the meeting when the slogans were discussed? -- Yes I do.

Who were they? -- Myself, accused no. 7, Sefakwo Mokoena, Esau Raditsela, Edward Motobatse, Edith Lethlake, Thomas Olifant was also there if I am not mistaken. Those are the people I remember.

Do you recall whether accused no. 17 was present? -- Yes he was present.

Now what were the slogans that were decided on at this (20) meeting? -- That is one of them, "We want our land back, we don't want replanning." "Don't feast with the disciples of Oppression". "Today you eat tomorrow you are thrown out".

COURT: Just a moment. Yes? -- There was a slogan about rent which I cannot exactly remember what it said.

Were they all in English? -- Those that were made by myself and accused no. 17, we were mandated by the committee to write some of them, those were in English.

MR TIP: And what was to happen with these slogans? -- These were to be taken on the placards as slogans written on them(30) and/....

and people carrying these placards were going to stand in such a position that they be seen by those who were attending the feast, reminding them about their own situation in the township while attending that feast.

Was your protest against the feast to be communicated to residents in any other ways? -- There were pamphlets as well which were distributed by the Zone 7 people and some Evaton residents. Mr Kabe drove around in the township announcing to the people that they should not attend this occasion.

Now on the day of the feast itself, 12 May 1984, did (10) you attend at the protest? -- Yes we did. Mr Mphuthi, accused no. 7, was in fact pointed out by the meeting there that he is the person who will go into the stadium to go and see exactly what is happening inside there. Myself, Mr Kabe and Esau Raditsela were elected by this committee to supervise and see to the peace amongst the people who were taking part in the protest.

COURT: Now was this supposed to be a protest by the two committees or was this to be a protest by the community? -- The protest was for the two committees but now what happened (20) is the following, with a view of making the community aware and remember what their situation is pertaining to the two committees, that is the Lekoa and the Evaton, that is pertaining to the two councils, the Lekoa and the Evaton Council while attending this feast they must not forget what their standing point is at the back.

Yes but now if that was only the two committees that were involved why were three persons necessary to keep the peace? -- No it was not only that. The committee decided on getting some youth who in number were about between 30 and 40, who (30) would/....

would hold the placards.

Yes? So they were to be made to toe the line? -- Yes.

Or, in the words of a previous witness, to keep their distance? -- Yes for them to keep their distance.

MR TIP: As as you drove about, the three of you, did you see whether or not they had kept their distance? -- Yes they were far apart.

Mr Mokoena it is alleged in relation to this protest that there was intimidation of persons who wished to attend the celebrations. What do you say of that? --That is not true.(10) During the time when I was there at the places where I was there was no intimidation at all. Secondly that place was populated with the police, the whole area. And more than that reports were made to us after everything was over about what was happening, whether there were any incidents. None of the people who were supposed to have reported to us reported any incident of that nature about threats. Instead reports that were made were that the police came to these people who were standing there in a protest and said "No you are doing well by standing far apart". (20)

I want to leave that aspect now and to move on to the General Council meetings of the UDF in the Transvaal. You mentioned earlier that you had attended firstly a meeting held on 30 June 1984? -- Yes that is what I remember.

How did it happen that you came to attend this meeting? It happened in two ways that I found myself there. In the first place after having met with the people from the VCA and it was decided at my meeting, that is my association of Evaton Ratepayers, that I go and represent the Association there, that is how I happened to be there. (30)

And/....

And to make it quite clear ...

COURT: Now who sent you? -- Evaton Ratepayers Association sent me.

MR TIP: Did you know any of the other persons present at that meeting? -- I did not know anybody except for Esau Raditsela whom I took was representing VCA from the Vaal.

Did you after this meeting receive the minutes thereof? -- Yes I did receive that.

My Lord may the witness have EXHIBIT Q2 please? My Lord I will not be going into the contents, it is not (10) necessary for it to be placed before Your Lordship now. Q2 is a document entitled "Minutes of the General Council of the United Democratic Front held on 30 June 1984". Are those the minutes that you received? -- That is so.

When you received them did you read through them? -- Yes these are the minutes. On receipt hereof I read it and found it to be the minutes.

And did they or did they not appear to you to be a fair reflection of the proceedings of the meeting at which you were present? -- To me they were a fair reflection of what (20) was happening in that meeting.

Now at this meeting on 30 June 1984 did you place before the assembled Council the question of the replanning problems experienced by you in Evaton? -- No I did not.

Was there any particular reason why you did not? -- On arrival there while listening at what was being discussed I understood this to be the following that the Front is in fact concerned more about the million signature campaign and some other matters which were directly involving the Front, namely pertaining to the election of the Coloured and (30) Indians./....

Indians. As a result of which then I felt my suggesting or putting forward what our problem is, that is the replanning problem of Evaton, will not receive enough attention at this time because the majority of the organisations attached to the Front were also mostly concerned about this question of the elections.

It is alleged in the indictment against you that this meeting also formed part of the implementation of the conspiracy geared towards promoting a violent revolution in the country. -- That is not true. My having been to this (10) meeting of the United Democratic Front was with a view that the people from Evaton can speak in a bigger voice which could be much clearer and could be heard with an effect.

Yes. I want, please retain ... -- Because of our having failed to succeed in our appeals.

While on the subject of meetings the next meeting of the United Democratic Front General Council that you attended was on 14 July 1984? -- Yes that is so.

Could the witness have before him EXHIBIT R2 please. Did you after this meeting also receive a copy of these minutes? (20) -- Yes that is so.

And did you read these minutes also?

COURT: How long afterwards were these copies sent out? -- I do not quite remember exactly how long after a meeting does one receive the copies. All I can say we ended up getting the copies. All I can say is I did not attend the second General meeting without having received the copy of the previous meeting minutes.

MR TIP: To make that clear EXHIBIT Q2 reached you before 14 July 1984, is that correct? -- Yes. (30)

Did/....

Did you read the EXHIBIT R2 when you received it? -- Yes.

And did that or did that not reflect the proceedings fairly? -- I found it to be a fair reflection of the meeting.

It is alleged similarly of this meeting that it too was part of the conspiratorial endeavour directed towards violent revolution. What do you say of that? -- I dispute that as being the purpose of what I had gone to this meeting for because the sole reason why I was there was pertaining to the solving of the Evaton people's problems.

Yes. Mr Mokoena would you look now please at EXHIBIT (10) Q1? My Lord I will read it onto the record, it is one page. That is a circular letter with the United Democratic Front letterhead and dated 5 July 1984, addressed to "Comrades":

"At the General Council Meeting of the Transvaal Region of the UDF held on 30 June it was decided that a series of area committees should be established to increase participation of affiliates in UDF activities. The six areas are the West Rand, East Rand, Soweto, Johannesburg, Vaal and Pretoria. The General Council mandated the Evaluation Commission to set up these (20) committees as a priority and a matter of urgency. We have therefore decided to hold meetings during the week of 9th to 16th July 1984 with the aim of discussing the structure and co-ordination of these committees as well as UDF activities in our region. Could your organisation please send two representatives to a meeting on Wednesday 11 July at 5.30 at Khotso House. Votes for all in a United South Africa, UDF Evaluation Commission, Transvaal Region."

Did you receive that circular? -- Yes I did. (30)

Did/....

Did any representatives from Evaton Ratepayers Association attend the advertised meeting? -- No nobody attended this meeting.

Was there any reason for that? -- Yes the reasons were that we were too committed with other things within the Association, one of which I could remember as the Million Signature Campaign was getting attention. And the date mentioned here as the date of the meeting was rather to us a short notice compared to other commitments which we had already as a result of which then we could not be represented (10) at this meeting.

Now let us turn to your involvement in the Million Signature Campaign.

COURT: Well could I just get clarity on the contents of this circular. What were these area committees, what was the area committee of the Vaal to consist of, what were to be the components? -- This was not yet looked into in the Vaal. I will tell the Court why. It was not yet known exactly how many organisations in the Vaal were affiliated to UDF then. As a result no one knew now who the area representative (20) would be. I will tell the Court further this that at the time when I attended these meetings it was discovered and it was said there what I understood to be that there are two representatives from each and every affiliate of this organisation which then results to too many people being present at this meeting. Now it was decided that those affiliates in a certain area or complex who are affiliated to UDF will have to form area committees which then would mean it will minimise representatives from all these organisations because then it will only be representatives from the area representatives (30) which/....

when then in number will be less attendance. Physical attendance of people.

So was the idea then that all those organisations affiliated to the UDF and operating in a certain area, the area then in your case being the Vaal, would be represented on an area committee? -- Yes that is so, the area representatives would emanate from the area committee representing the whole structure of that area.

And they would then go to the General Council meetings?
-- Yes. (10)

How many would go then from each area? -- This was not yet decided on by the main mother body. It was just looked into by the Evaluation Committee because of what was noticed is happening at certain areas which had more than one affiliate where they decided to send some people to represent them all. So it was just a suggestion which was not yet finally decided on.

MR TIP: Whilst we are on this topic from your understanding of the discussion was there unanimity amongst the affiliate representatives present at the General Council meetings (20) that you attended on the setting up of area committees? -- I am not in a position to answer to that question, the reason being that it was still for the Evaluation Committee to visit different areas and interview the affiliated organisations and get their views in what was being suggested if they agreed to that or not. Although of course there were people at that time in that meeting who made it clear that they would not be satisfied with being represented by somebody who is from the representative area. They would prefer it that they be represented by somebody who is directly connected with their (30) organisation/...

organisation which is affiliated to the mother body.

COURT: Well it would appear that the proposal was passed because they did in fact set up area committees? -- I find it difficult to say that is the position because earlier I said to this Court that some areas with affiliates at their own initiated that for the Evaluation Committee to be aware of such and therefore I am not in a position to tell His Lordship that area committees were in fact established as a result of this, that is accepted in this committee.

MR TIP:

As far as you know was an area committee ever established in the Vaal? -- No there was none. (10)

And as far as you know was Evaton Ratepayers Association ever interviewed by the Evaluation Commission on this matter? -- I cannot remember such an interview.

I am going onto another topic My Lord. The Million Signature Campaign which you made mention of, and I understood that it was taken up by you in the period between the two General Council meetings that you attended? -- Yes that is so.

What gave rise to Evaton Ratepayers Association becoming involved in this campaign? -- After having been to the first General Council meeting which I attended on our way back in the company of Esau Raditsela and other members of the VCA we were engaged in a discussion pertaining to this Million Signature Campaign which I came to know about while attending this meeting. It was made clear to me by the people from the VCA that they, as a council there and the organisation, are already in possession of the necessary forms to be used for the Million Signature Campaign which meant therefore that they are busy on that. On my arrival at my place, that is at (30)

my/....

my Association's committee, the Ratepayers Committee, I reported back about what was happening at this meeting and made mention of my experiences and what I acquired information from the VCA people. As a result of my report back to the committee of the Ratepayers Association it was decided by the committee to invite the VCA people to bring along their forms they are using for the Million Signature Campaign so that we use the same forms which they had in their possession to campaign for the signatures.

COURT: So you would take over some of their forms? -- Not (10) necessarily taking them over, we were working together in campaigning for the signatures where they were busy working too.

Yes but I want clarity. I was under the impression that the Million Signature Campaign consisted of forms which one obtained from the UDF and which you then used to obtain signatures on. Were you printing your own forms? -- No what happened is this. I came to know that VCA was in possession of some forms which they received from UDF and what I mean by working together with them is we all used the same forms (20) which were received by them from UDF in campaigning for signatures. We did not make our special forms for campaigning signatures.

MR TIP: And it is alleged in paragraph 74.3 of the indictment that there was a joint meeting at your home of members of the VCA and Evaton Ratepayers Association, is that correct?

COURT: Is a date given?

MR TIP: A date is given, I will come to that My Lord. -- Yes there was such a meeting.

Do you recollect the date of that meeting? -- It was (30)
some/....

some time in July, early July.

Do you recollect the day of the week of that meeting?
-- Million Signature Campaign blitz was held on a Saturday, that I remember. What I cannot remember is the day on which we were discussing this Saturday I am talking about as a Million Signature Campaign blitz. It was a day before that Saturday. Now what day of the week it was that I cannot remember.

Do you recall who was present at this meeting held at your home before the blitz? -- Accused no. 17, Matlole, Accused (10) no. 7, that is Mphuthi, Sefakwo Mokoena, Esau Raditsela, Edith Lethlake and Edward Motobatse, myself, Jonas Kubeka, if my memory serves me well Thomas Olifant was also there.

And did the discussion about the Million Signature Campaign then follow? -- Yes.

Were decisions taken? -- Yes there were decisions taken.

What were they? -- It was decided on places where signatures are going to be campaigned from, that was the place at Masenkeng. It is a bus terminus at Masenkeng. Residencia station, Evaton bus terminus, those were the places, the (20) three places on which decision was made that they are going to be used for campaigning signatures from people who alighted the trains and buses and other transport means. Because the feeling was that we cannot call people together as a meeting just to obtain signatures.

Were there to be particular points at which signatures were to be gathered or would people simply move around with those citizens? -- At this meeting it was decided that I will have to bring along tables and chairs to these particular points mentioned so that people can sign at those tables. (30)

What/.....

What happened is that then that day while I was on my way, when I was to bring along the tables, I got stuck in my van. As a result I was delayed. Later when I came there I found that some other means were devised by other people who were there, for instance Zone 7 there were already tables available there. Due to the failure of turning up or acquiring extra assistance, that is from the youth we anticipated would come and help us with the campaign of the signatures, we only proceeded with one point which was at Sebokeng. The other two places mentioned, that is Evaton and Residensia, did (10) not campaign. But what I can mention on this while being there campaigning for the signatures the security police were milling around there, there was a lot of them, Mohage, Majola, De Klerk and the others. We even had a talk with some of them while campaigning for signatures.

Thank you. The campaign, you say it was concerned with collecting signatures. Were there any other issues involved? Perhaps I should just put the indictment directly to the witness. It is alleged that there was to be a mass meeting for the collection of signatures for the Million Signature (20) campaign and at the same time that it would be a protest meeting against possible rent increases. 74.3 My Lord.-- That is not true because even during my detention I told the people who were interrogating me there about what was happening at this meeting. I even referred them to some members of the police who were present there who were in fact there in full view of seeing what was happening.

Was there anything said in the course of this meeting at your home, the joint meeting of the residents of Sharpeville and Bophelong regarding similar meetings? -- There is no (30) truth/....

truth in that.

Mr Mokoena you have indicated the reasons why Evaton Ratepayers became involved in this campaign. It is alleged in the indictment that this too formed part of the same conspiracy that I have referred to before. -- That is not true. We felt that the population of Evaton should also take part in this Million Signature Campaign by attaching their signatures because the feeling was that it is as a result of this apartheid laws that this is being done.

COURT: This being your difficulty with the land? -- That (10)
is so.

I would like to announce that on Friday we will adjourn a little earlier as my assessor has to go to a meeting in Bloemfontein and to catch up a little of the time lost we will start a little earlier. So on Friday morning we will start at 08h30 and we will adjourn at round about 12h15, 12h30.

COURT ADJOURNS UNTIL 5 MARCH 1987.