

SAAKNOMMER: CC 482/85

DELMAS

1987-03-05

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

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KONTRAKTEURS:

LUBBE OPNAMES  
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COURT RESUMES ON 5 MARCH 1987.

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

FURTHER EXAMINATION BY MR TIP: My Lord may I place on record that accused no. 10 is still not with us and he has not been discharged from hospital.

COURT: Thank you Mr Tip.

MR TIP: Mr Mokoena I would like to turn now with you to the events of August 1984. -- Yes.

It is common cause that there was a meeting of the Evaton Ratepayers Association held on the morning of 26 August 1984. (10)  
-- That is so.

What was the reason for calling that meeting? -- What was happening during that time is that the Administration Board, with the Council, that is the Community Council of Evaton, were busy piling some pipes at different points in the township which pipes were meant for use in the replanning. So the purpose of this meeting was to make the residents aware of what is coming which is part of the replanning and so that they must not allow people just to replan, that is divide and do anything on their stands without their consent. (20)

Are you able to tell His Lordship what sort of pipes these were, what were they intended for? -- These were these big pipes which are being used for sewerage system.

Did the committee of Evaton Ratepayers Association meet before 26 August 1984? -- Yes it did.

In relation to that meeting? -- Yes it was discussing this meeting.

Are you able to recall approximately the date of that committee meeting? -- I will not remember the exact date but I would rather say between 14 and 15, somewhere around those (30) dates/....

dates was this meeting held.

14/15 August 1984? -- Yes.

And what were the decisions taken at that meeting, the committee meeting? -- The decisions taken there were that the meeting was to be held on the 26th and to invite some speakers from the Vaal Organisation of Women and invite or get a speaker from the youth.

Were those to be speakers in addition to members of Evaton Ratepayers Association? -- That is so.

What was the thinking behind the decision to attempt to (10) get a speaker from the Vaal Organisation of Women and a speaker on behalf of youth? -- The purpose of inviting a speaker from the Vaal Organisation of Women was with the idea of shaking up our women organisation which was concerned with our association, that is shaking them up in the sense that to sort of boost their feelings about what is to be done by women. By inviting a youth this was meant to introduce the youth in our organisation so that the youth in Evaton must be aware of what is happening. Therefore partake in this.

And from what you have just said is it correct that at (20) 26 August 1984 the participation of women and youth in the affairs of Evaton Ratepayers Association was comparatively dormant? -- Yes this was in fact dead.

COURT: Could the reason for that not be that you were but a section of the Evaton community representing a special type of person, that is the type of person who was a land owner? -- No that is not so because our membership accepted any person who was feeling like joining the association.

Yes that is so, I heard that. But your special interest was the preservation of the rights of the land owners? -- (30)

That/....

That is so.

So a tenant, an ordinary tenant, would not be much interested in your association? -- Those now were the people who were very much interested in our association because of the following reasons that they were paying twice, they were paying the permit to the Administration Board and paid rent to the landlord or the owner of the place where one is a tenant.

What was the permit, a lodger's permit? -- Residential permit.

I think you gave us the amount of that permit but for (10) my purposes could you just give it again? -- Last in 1984 it was R12.

Per month? -- Yes per month.

Did each and every tenant or sub-tenant of say for example a room on a property have to pay R12? -- Each and every resident, a sub-tenant there, was supposed to pay the R12.

Yes, thank you.

MR TIP: Just flowing from what His Lordship has asked you about did the land owners, that is the stand owners, in Evaton see their interests narrowly as exclusively concerned with owner-(20) ship or did they see their interests as involved in a broader sense with the community affairs? -- Because Evaton was occupied by inhabitants and all the inhabitants had some interest in Evaton, which is the place owned by Blacks, therefore they all had interest of Evaton and therefore were all prepared to defend Evaton as it was. Because of the fact that if a person for instance at that time does not have a stand this person can later acquire a stand by buying it from someone who may decide to sell it and only to find that this person is in a position to buy that stand and therefore this person would (30) have/....

have the interests of Evaton.

Mr Mokoena coming back now to the committee meeting of the middle of August 1984 was any decision taken about the steps to be pursued in trying to get a speaker from the Vaal Organisation of Women and a speaker on behalf of youth?

-- We requested Esau Raditsela to find the speakers for us, namely a woman speaker from the women's organisation at the Vaal and a youth from the youth organisation in the Vaal.

Was the, sorry have you finished? -- I meant a youth in the Vaal, not necessarily from any organisation, just a youth(10) in the Vaal.

ASSESSOR (MR KRÜGEL): Was Mr Raditsela there? -- No not at the ERPA committee meeting he was not there but I approached him to request about the speakers.

COURT: Why did you not get a youth from Evaton? -- We were not in fact looking for a particular youth, we were just looking for a youth speaker without any strings attached to the type of a youth we want like we did previously when we were protesting at Rabotape. We requested the Zone 7 people to find some youth for us which they did. (20)

MR TIP: Were you at that time aware of any youths in Evaton who might be suitable speakers for this meeting of 26 August? -- No I did not.

Were you at that stage aware of the existence of any youth organisations in the Vaal Triangle generally? -- No I did not know.

COURT: You had never heard of COSAS? -- I heard of COSAS. I heard of COSAS as COSAS and not as an organisation of the Vaal or in the Vaal.

MR TIP: You have mentioned the Vaal Organisation of Women (30) and/....

and we can infer from that that you were aware of the existence of that organisation. When did its existence become known to the Evaton Ratepayers Association?

COURT: Well that is a bit difficult, to himself I take it? Or to the committee?

MR TIP: To the witness. -- When I received a letter from this organisation I first became aware of the existence of such an organisation because I was the secretary. This letter in fact was to inform us about the existence of such an organisation.

To make it clear the letter from the Vaal Organisation (10) of Women was to you as secretary of Evaton Ratepayers Association advising you of the existence of the Vaal Organisation of Women, is that correct? -- That is so.

Now other than the approach to Mr Raditsela in connection with the two speakers which you have discussed was notification of this meeting to be held on 26 August 1984 given to any other organisations or persons outside Evaton? -- No.

In particular was any notice in any way at all directed to the UDF? -- We never invited the UDF people, except when they came to address our meeting on the 6th, that was 6 (20) November 1983.

And we know that the meeting on 26 August 1984 was in fact held at Small Farms, at the Roman Catholic Church, Small Farms? -- That is so.

Was it advertised within the Evaton community? -- Yes that is so.

Through what means? -- By means of pamphlets an announcement by myself through public address.

Who paid for the pamphlets? -- The Evaton Ratepayers Association committee paid. (30)

As/....

As a committee or as individual members? -- As private persons who just contributed from out of their pockets.

Incidentally we have heard a little about a loudhailer, whose loudhailer was this? -- This belonged to Evaton Ratepayers Association.

On the afternoon of 25 August, the Saturday immediately before the meeting, did you see Mr Esau Raditsela? -- Yes I did see him.

Where and for what purpose? -- He came there to come and ask for the use of the public address. (10)

And did you accede to his request? -- Yes I did allow him to take it.

Was anything said about pamphlets? -- Yes at the time when I was taking out the loudhailer from out of the boot of the vehicle in which it was I noticed some pamphlets which were lying there which were left when I was earlier distributing some pamphlets in which pamphlet I was making known of the meeting of ours which was to be held the following day. I then asked him, Raditsela, at handing over of this loudhailer to do the following that while he is now busy announcing their (20) meeting should he happen to be in the vicinity of Evaton, for instance the area of Zone 3, he must take these pamphlets and distribute them at different bus stops there.

When had you for the first time heard about another meeting to be held, the meeting that Mr Raditsela required the loudhailer for?

COURT: Do you mean another meeting on the same day?

MR TIP: Well perhaps the witness can explain. -- I only came to know about that meeting in the morning on arrival at the venue of our meeting because our meeting was to start at (30)

09h00. The caretaker then said to me we will have to see to it that we finish early or in time because there is going to be another meeting in the afternoon.

You mean at the same venue at Small Farms? -- Yes in the same hall.

His Lordship has received evidence in this court of other meetings which were held elsewhere in the Vaal Triangle during that period. Was there any connection between those meetings and the one called by you as Evaton Ratepayers Association for the morning of 26 August? -- Ratepayers Association was (10) holding their own meeting there which had no connection whatsoever with any other meeting which was there if ever there was any meeting.

COURT: Now just on the question of meetings there seems to be a bit of a conflict on dates. Were there any public meetings in the Vaal Triangle that you know of on the 25th, the Saturday? -- No.

Of which do you know on, that were held on 26 August, the Sunday? -- I only came to know through what the caretaker said to me that morning of our meeting that VCA was going to hold (20) a meeting during that afternoon.

Do you know of any other meetings held on that day anywhere in the Vaal Triangle? -- No I did not know about any other meeting.

MR TIP: Thank you My Lord. Just to clarify one small aspect. Do you recall the time of day that Esau Raditsela came to see you on the Saturday 25 August? -- It was towards the evening, it was in fact already dusk.

Now let us turn to the meeting of 26 August, the Ratepayers meeting. Approximately how many people attended? (30)

-- Hundred/....



-- Hundred plus.

And who was the Chairman? -- I was chairing that meeting.

COURT: How many people can that hall hold? -- When it is full into capacity it is about 1 200.

MR TIP: Was there the customary prayer with which the meeting was opened? -- Yes there was an opening prayer by Mr Maine.

That is spelt M-a-i-n-e, is that correct? -- Yes.

Did you as Chairman address any opening remarks to the meeting? -- Yes.

And what did you indicate in those remarks? -- In my (10) opening remarks I said the following: You know that Sebokeng, which is the Administration Board, is busy replanning Evaton and that you can see now by means of seeing the furrows which are being dug and the material to be used for that. We are now here to make you aware of what is coming in order to be alert on that.

COURT: Did Evaton at the time still have the bucket system? -- It has never used a bucket system. What is there it is a pit lavatory.

Each had his own pit on his own property? -- Yes what (20) happened is that after Sebonkeng, which is the Administration Board, acquired some stands on Evaton those premises which belonged to the Board then had some bucket systems which were being used on the premises belonging to the Board.

And the others had their own pits systems? -- Yes one would dig a pit for himself or septic and then make a septic tank or reservoir.

Well so some had septic tanks and others just had pits, the normal old fashioned type of toilet pit? -- Yes.

And was the idea now to bring water borne sewerage (30) right/....

right through Evaton? -- Yes.

MR TIP: Do you recall the first speaker after your opening remarks? -- If I remember well Jonas Kubeka was the first speaker.

K-h-u-b-e-k-a, correct? -- Yes.

Now I do not believe it is relevant or necessary for His Lordship to hear in detail about what he had to say. Could you indicate in a word or two what the subject of his speech was? -- The gist of his speech was about to make the stand owners aware and warn them about what was coming and second- (10) ly to make them sort of aware of what he thinks is to be done, for instance at his stand if a policeman was to come there like they were harrassing people, the tenants, this was to report to him first at his residence and report to him why he is there. So therefore he was advising the other stand owners to adopt the same attitude that they must not just allow the police to come and harrass their tenants.

You yourself spoke at that meeting. Could you indicate to His Lordship, also as concisely as you can, what your speech was about? (20)

COURT: Just before you answer that were you also a landlord? -- Yes.

And was the whole committee, did the whole committee of ERPA consist of landlords? -- No not all.

Which of them were tenants? -- Maine, Peshwa, those are the only two I remember who did not own stands.

But each stand owner was also a landlord I take it? -- Yes.

Yes?

MR TIP: Did you rent out portion of your premises? -- At (30) the/....

the time I think I had only one sub-tenant. The reason being that I did not take more than that because of my intentions in future of demolishing that place and rebuild it and therefore I would only accept a person as a tenant there who was able to tell me the duration of stay as to how long is this person going to stay there as a sub-tenant, otherwise not.

ASSESSOR (PROF JOUBERT): Mr Mokoena what do you understand by a landlord? -- What I understand by landlord is that a person owning a land on which land he can do anything. For instance when he has got sub-tenants or he can plough or do (10) whatever, or he can lease it out to someone to plough on it, is a landlord.

Is there a difference between a landlord and a land owner?  
-- I do not make any difference between the two.

COURT: Well I think we dealt with this yesterday when we dealt with DA7 and you were asked about why the word "landlord" is used in DA7 and not land owners. -- Yes it was put to me.

MR TIP: Could we come back now to the speech that you yourself made at the meeting of 26 August 1984, if you could describe that briefly to His Lordship? -- My speech there was based (20) on replanning and at the time of my address I had in my possession a master plan, an outline plan ...

COURT: Two plans or one plan? -- I had two documents.

Two plans? -- Yes two plans which were going to be used by the Board in replanning Evaton. Reading from the documents in my address to the people as to what exactly was the Board going to do in Evaton according to that plan. While I was reading the plans to the audience I remember accused no. 5 coming in at which then I requested him, accused no. 5, to read from the plans which was then interpreted by me to the (30) audience/....

audience as to what that means. Because prior to his arrival, that is accused no. 5, the following was happening: I was supposed to read the plan in English, explain the plan and then make a speech from the facts which are contained on the plan and therefore I requested him to read for me then to interpret what he read.

COURT: Yes now just a moment. How do you read a plan? A plan consists of lines I take it? -- By that I mean it is a master plan. A master plan contains the plan and some notes.

And he read the notes? -- Yes that is right. (10)

Now did you know no. 5 before that? -- I had met him some time in 1981 or 1982 where he was addressing a ratepayers meeting.

MR TIP: Had you, let me put it this way in short. What you were doing with the master plan was to convey to the people there precisely what the Board itself had accepted as being the future steps to be taken in Evaton? -- Yes that is so.

And you mentioned yesterday to His Lordship that you could recall no meetings of the Evaton Community Council having been held from about 1980 or 1981, is that correct? -- Yes (20) that is what I said.

In relation to explaining to the community what was intended what was the position in August 1984 as far as the Evaton Town Council was concerned? -- There was nothing known to the inhabitants of Evaton because we had tried, as I said earlier, to get the Community Council to come and address the people and inform them about what the plans are and this did not succeed and therefore the inhabitants did not know a thing about what was coming.

Going back now to the speeches at the meeting of 26 (30)

August/....

August was there in fact a speaker from VOW, the Vaal Organisation of Women? -- Yes there was, Mrs Rina Mokoena was the speaker.

Had you met her at any time before that occasion? -- I was meeting her for the first time this day when she attended our meeting as a speaker.

And what do you recall the content of her speech to have been? -- What I understood from her address was that she described her life while she was still staying in Evaton, how much she enjoyed that and now when she moved to Sebokeng (10) she had to pay high rents. Again encouraging the people in Evaton not to allow themselves to lose their stands because people in Sebokeng whenever they find difficulty in coping with the rent will always, or do always, run across the border into Evaton for accommodation. That was the gist of her speech.

Did she mention her own organisation? -- Yes she did make mention of her own organisation, that is where she came from, namely VOW. She encouraged the woman there to join this organisation of VOW.

Mr Mokoena what do you say about her evidence in this (20) court that in the course of her speech she called for the killing of councillors? -- She was not telling the truth in that. In fact her speech was so much strong influencing to the people of Evaton that they all loved her words used in expressing what she conveyed to them. I dispute that what she says here in court is her speech which she made there, that is not correct. She never said that.

Was there a speaker from the youth? -- Yes Gcina Malindi, no. 5.

And can you tell His Lordship what the content was of (30)  
his/....

his address? -- In his address he said they are quite willing to help the people in Evaton with whatever problem they are experiencing within the residential area of Evaton.

ASSESSOR (MR KRÜGEL): Who are "they" now? -- Because ...

INTERPRETER: Let me just finish this. -- Because his grandmother had a stand in Evaton. "They", meaning the youth. He further explained that he came to hear about what is being done by the Evaton Town Council in aiming at the assistance of the Board pertaining to what the Board wants to do within Evaton. He further said that the inhabitants of Evaton are in fact (10) the people to stand up and support the Evaton Ratepayers Association. That was his speech if I still remember well.

MR TIP: Do you recall any ... -- Another thing I remember he had a prepared speech on a document from which he read which was interpreted by me at the time of his address.

COURT: What language did he use? -- It was written in English.

And you interpreted into what? -- To Sotho.

MR TIP: Do you recall any other person speaking at that meeting? -- Yes our Chairman Mr Khabi. I was meeting him for the first time after a period of three months that he was (20) away. At this meeting he announced his being grateful about the proceeding of this association and the meetings and the progress during his absence because he had been away for that period.

Do you recall any persons arriving at any stage of that meeting? -- Yes just before the closing of our meeting the following people arrived, Esau, Edith and accused no. 17.

That is Esau Raditsela, Edith Lethlake and Accused no. 17? -- That is so. We were just about to close our meeting when these three people arrived. Esau was clad in a UDF (30) T shirt./....

T shirt. As a result of which then I requested them that look seeing that you are here now can you just make a brief address addressing these people before they leave about the Million Signature Campaign. Esau was the first person to address this meeting. In his address he explained to the meeting that people who are against apartheid they indicate that reasoning or the idea of their being against it by signing on this document and therefore made it clear to the people there that Ratepayers Association is also going to assist in having people to sign on that document. (10)

COURT: Now just a moment. He could not speak on behalf of the Ratepayers Association could he? -- No he could not.

Was he not saying please sign? -- He just made mention of the Ratepayers in his address where he was explaining to the people that Ratepayers Association is also in a position to campaign for the million signatures.

Yes? -- Edith also made a speech after Esau. In her address she was mentioning VOW. She also did not have much to say except encouraging women to join the VOW which is the organisation. Accused no. 17 also made a speech there. He (20) also encouraged the inhabitants of Evaton to stand strong against the Evaton Town Council. They must not allow it, the Council, to take their land and give it into the hands of the Administration Board. At that time we were also hurrying now to close our meeting. Then I asked the audience there to sing the national anthem. After having requested that from the audience I was approached by Esau about my being a Chairman to their meeting they are going to hold.

You mean after the singing of the national anthem? -- No what happened is the following: I requested the audience (30) to/....

to sing the national anthem. Before this was begun Esau stopped the singing and myself in proceeding, I would rather say he interrupted me and then asked me if I was in a position to chair their meeting they are going to hold.

Yes? -- I said to him I will not be able to do that because of the death tragedy which occurred at my brother's place, a child had passed away on the Thursday, and I did not have time to go and see them. As a result I felt I was going to see them immediately after that meeting, meaning that afternoon I will not be available. I then had to explain (10) to the audience there why this man interrupted me and made the explanation to them.

MR TIP: And did you then proceed to the singing of Nkosi Sikelele e Africa? -- That is so.

On the subject of songs were there any other songs sung in the course of that meeting at any stage? -- This was the only song which was sung there.

You have mentioned that accused no. 17 spoke briefly at the meeting. What do you say of the evidence of Mrs Mokoena that he too called for the killing of councillors? (20)

COURT: That is now Esau, who?

MR TIP: Accused no. 17.

COURT: 17, yes?

MR TIP: Mr Matlole? -- Not at all. That what she says does not have any truth within it, nor does it have any slight ingredient of truth.

And just one last aspect in relation to that meeting. The three persons who arrived towards the end, Mr Raditsela, Miss Lethlake and accused no. 17, had you as Chairman expected to see them at your meeting? -- No. (30)

Now/....



Now we move now on to the week subsequent to the holding of this meeting of 26 August 1984. Just for clarity did you in fact that afternoon, on 26 August, the Sunday, attend to the funeral arrangements in your family? -- Yes I did.

Now in the week thereafter did you see Mr Raditsela again? -- Yes a Monday or the Tuesday after that he had brought the loudspeaker back.

That would be 27 or 28 August? -- Yes.

Did he say anything to you other than just handing back the loudspeaker? -- Yes he told me that there was going(10) to be a stay away on 3 September.

Was that news to you or had you heard it already? -- It was news to me.

We know that there was a march on 3 September 1984. When did you become aware for the first time of that proposal? -- Towards the end of that week I came to know about that because it was being discussed.

Being discussed where? -- Well I am not talking about a discussion direct but there were rumours about that.

Did the committee of Evaton Ratepayers Association meet (20) at all during the week from 26 August 1984, that is after your meeting, until the morning of 3 September 1984? -- No we have not met.

COURT: And also not on the 3rd? -- No not at all.

MR TIP: We turn then to 3 September 1984. Where were you that morning, early in the morning? -- The evening of the 26th, on my return from Sharpeville, I overturned in a vehicle I was driving. As a result of which then I had to ask for a loan of a van from a relative of mine, a friend in this case.

COURT: Yes, what does that have to do with 3 September? (30)

-- The/....

-- The arrangement between myself and this friend was each and every morning I will have to call at his place to see him if he needs the van because he was a shop owner and he at times needed this for transporting goods. So on 3 September I was on my way to see him.

Where did he live? -- Residensia.

Now on the way to Residensia you pass the Roman Catholic Church at Small Farms? -- Yes.

Did you see anybody there? -- Yes I did see somebody, Esau Raditsela. (10)

And was there any conversation or ...

COURT: What was the time? -- Around 08h00.

MR TIP: Was there any conversation between the two of you? -- Yes, he indicated to me that I should stop which I did. He asked me where I was going to. As a result of which I told him that I was going to the owner of this van I am driving. He then said "Because the place you are getting to is a shop get me some stationery, namely marking pens", on which I said "Well it is alright you will get them on my return".

And did you succeed, did you manage to get some for (20) Mr Raditsela? -- Yes I did.

And did you hand them over to him again? -- On my way passing there there were other people as well. I then asked those people as to where could I find him, Esau. I was told he was somewhere in the yard at the back so I handed these pens to those people there to go and give to Esau.

And from there where did you yourself go? -- I went home.

Now you are a shop owner Mr Mokoena we know that. Was your shop open for business on 3 September? -- No it was closed.

What is ... (30)

COURT:/.....

COURT: Is it normally open on a Sunday? -- Yes.

But on a Monday, also? -- It was being said that this Monday was a stay away. Towards the end of the week before this Monday we received a pamphlet in which we were being requested as shop owners to close our businesses.

MR TIP: But did you yourself remain at home that day? -- Yes since my return from Residensia I remained home for the day.

Can you recall when you first noticed signs of untoward events in and around your area? -- I will first have to describe my residence there. I have a seven foot high fence (10) around my place with gates and this day the gate was locked and while I was in the yard just telling myself that I am going to hold a braai, at about 10h00, I noticed some smoke in the direction of Zones 11 and 12. At that time when I noticed the smoke to me it did not have just any meaning. I did not take it serious nor did I become inquisitive about that.

Was that the first time on that day that you had observed smoke anywhere? -- Yes it was the first time.

COURT: Is your fence a stop nonsense fence? -- No it is a diamond mesh. (20)

MR TIP: And did you see any events closer to you than Zones 11 or 12? -- Yes. I noticed a big group of people coming from the same direction towards an Indian shop in that vicinity where I live.

COURT: Just a moment, coming from what direction? -- From the direction of Zone 11 towards Small Farm, that is south-north.

And when was it? -- I beg your pardon?

At what time? -- I would not know exactly what time it was when I noticed that but it was some time not very long time that I had seen the first smoke that I noticed this (30) group./....

group.

Well an hour or half an hour or what was it? -- I estimate it to have been half an hour after I had seen that smoke that I noticed this group.

MR TIP: That would be at approximately 10h30 in the morning?  
-- About that time, yes.

Were you able to estimate at all the size of this group?  
-- Between two and three hundred.

COURT: Were they coming along the main road? -- They were running in the veld. (10)

Running through the veld? -- Yes running through the veld.

Not coming through Zone 12 but running from Zone 11 through the veld in the direction of Small Farms? -- I would say they were coming from Zone 12 because Zone 12 is the nearest to Small Farm.

MR TIP: You say then went to an Indian shop. By that I take it you mean a shop of which the proprietor was an Indian person? -- Yes.

Was that shop open or closed? -- It was closed.

And what took place there? -- While looking at that I (20) noticed that this group was attacking this shopping place with stones. Not long after they started that the Administration Board police arrived at the scene. They sjambokked the group. What happened is each time the police gave way then this group would go back and attack this place with stones. I later noticed that the SAP also arrived there, sjambokking the group. Each time the group would come back. It went on like that until later when I noticed there was a smoke from that place. And then thereafter I noticed people walking away from that shop with some goods, that is serving themselves. (30)

That/....

That place was in fact selling motor cars or vehicles as well. I later noticed that they were on fire. Then thereafter I noticed the same group running in the direction of another Indian owned shop across the spruit there.

COURT: Yes now just a moment, let me just get clarity now where this first shop is. Is the first shop to the south of Selborne Road? -- Yes well let us say it is Selborne Road, yes. On the southern side of Selborne Road.

Now well Selborne Road is the road on which the church also fronts I take it? -- That is true but the name of that (10) street, of the road, changes in that area. Then it is called Heath Road. It is Selborne and then it ends up being (10) Heath Road.

Well it is also called Nyembezi I have heard. -- Yes that is when you enter Residensia then it changes to Nyembezi.

Well anyway in Small Farms where is this Indian shop? -- As I was explaining yesterday, I do not know whether His Lordship can locate the place I said that is where I lived on that map.

Well I must not, possibly I was not following that (20) properly. Where exactly do you live? -- At the corner of Heath Road and the boundary on the western side, the old Golden Highway.

Yes I have got that. -- About 200 metres away from me on towards the south.

I am sorry, what is towards the south? -- There is the shop I am talking about.

Yes? -- It is about 200 metres south from where I live.

So is it correct that you live then on the corner of Selborne Road, which you called Heath Road, and the Golden (30) Highway?/....

Highway? -- Yes that is so.

And the shop is just south of you? -- Yes.

I see. So were these people running then from Zone 12 through the veld in a north-westerly direction? -- Yes.

Could you have a look at my map. I think I have located the exact spot where you live and where the Indian shop was. Could you make a small mark on my map, just a small cross. A small cross and a small circle, if possible in pencil because I have had the experience in courts that the witnesses made an awful mess of my maps. Make a small cross (10) where you live and a small dot where the Indian shop is.

MR TIP: My Lord might the witness at the same time indicate the whereabouts of the second shop?

COURT: Yes while he is busy, I think so yes. I have numbered on the map which is the aerial photograph which is before Court, AAR1, three spots. No. 62 is where the witness lives, no. 63 is the Indian shop to which the witness first referred and no. 64 is the Indian shop to which he is about to refer now. Would you like to see my aerial photograph Mr Bizos, Mr Tip? (20)

MR BIZOS: My Lord in order to save time is it in the vicinity of what is marked 49?

COURT: I think it is better that you look at my aerial photograph.

MR BIZOS: Because then we need not waste time and we can...

COURT: Yes it is somewhere near 49 but more to the left of what is 49.

MR BIZOS: More to the left, then we would be ad idem and we will fill it in in due course.

COURT: Yes then you can borrow my map. (30)

MNR JACOBS:/...

MNR JACOBS: Edele ons sal hom ook met u verlof later leen. Op die oomblik is ons sinne, mnr Fick is aan juis met die Hof se opdrag gister was om te probeer die dinge uit te werk.

COURT: Let me just complete my notes please. Yes thank you Mr Tip.

MR TIP: Thank you My Lord. Mr Mokoena do you recall at approximately what time the events at the second shop took place?

COURT: Let us just stop there. Do you know the names of these shops? -- Yes.

Which is the first shop? -- Boundary Stores. (10)

And the second shop? -- Saloojee's.

Saloojee's. Just a moment. I add to my list annexed to EXHIBIT AAR1 at no. 63 Boundary Stores and at no. 64 Saloojee's. Yes, we can refer to this shop as Saloojee's shop.

MR TIP: My Lord may I just raise, I am just looking at our list here and I notice that there is a point 62 referred to as Sebokeng Teacher's Training College and I wonder if that number has not become duplicated.

COURT: I have not got it.

MR TIP: Well that is a matter, that is one of the matters (20) we will have to attend to.

COURT: It may well be that you have agreed to that in the meantime without informing me.

MR TIP: Certainly without it coming to my attention either My Lord. Then we will remain at Your Lordship's determination of the no. 62, being the present witness' residence.

COURT: I am afraid you will have to. 61 is the commissioner's office and 62 is then the house of accused no. 6.

MR TIP: As Your Lordship pleases. Mr Mokoena then Saloojee's Stores, do you recall at what time the events that you (30)

witnessed/....

witnessed there took place? -- I will not remember exactly nor am I in a position to tell this Court about what time that happened because these people took quite some time at Boundary Stores and when they left Boundary Stores they did not leave in one group. They left Boundary Stores in small groups in the direction of this one. I am therefore not in a position to tell exactly what was the time.

C.580 COURT: Yes but now was it before or after midday? -- At about midday, about 12h00 midday or just round there.

MR TIP: And what took place at Saloojee's Store? -- This (10) shop now is quite far compared to the first one, that is the boundary stores, from my residence. At that distance all I could see was that the police were using tearsmoke there and doing something, there was a police action which resulted in the people running away and coming back to the scene. After some time I noticed a smoke from this one as well. And noticed of course that people were busy moving in different directions there with some goods.

When you say you noticed smoke you mean smoke as of a burning building, not tearsmoke? -- Yes from a burning (20) building.

So in short it appeared to you that this store too had been looted and set alight? -- Yes.

You mentioned to His Lordship a short while ago that you had thought of having a braai on that day? -- Yes.

Did you in fact have one? -- No but I could not have done that because of what I saw happening.

What did you do as a result of what you saw happening around you? -- I was just there around frightened, not knowing what to do because really according to what was happening (30) there/....



there people loot like they were mad.

What were you frightened of? -- What caused the fright to me is that I see people being sjambokked by the police and they still continue going to the same place from where they are being driven away.

Mr Mokoena we know, it is common cause that there was loss of life in the Vaal Triangle on 3 September 1984. When did you first become aware of that unhappy fact? -- You know to be able to tell about the events of that day will be very difficult. As a person who was in his yard that day, who (10) never went out, I heard from neighbours mentioning different stories saying some were saying Liphoko is late and some were saying no he is not, he is just admitted at the hospital. Some were saying Caesar is dead and some saying no. So one cannot exactly tell when did one hear about any particular event of death as a result of that.

And you remained at home throughout the day of 3 September?  
-- Yes that is so.

On Tuesday 4 September what did you do on that morning?  
-- I got a report that one of my relative's wife has been (20) stabbed. That is the wife of Haile Selassie Ramotshehoa.

I will spell the surname for the record, nothing turns on that, R-a-m-

COURT: Not the first two?

MR TIP: No, R-a-m-o-t-s-h-e-h-o-a. And what did you do in consequence of receiving that report? -- I went there.

How far does Mr Ramotshehoa live from your home? -- It is quite a distance, about four kilos or so.

Did you drive there? - Yes I drove.

And what did you observe on your way there? -- There (30) were/...

were barricades on the road by stones and further on by old motor car wrecks.

Was that the first occasion on which you had seen barricades? -- Yes, it was the first time.

Whilst you were at your friend's home did anybody come there looking for you? -- Yes.

And who was that person? -- Esau Raditsela.

COURT: Where does he live, that friend? It is not a friend it is a relative is it not? -- It is a friend, not a relative.

Well the wife of Haile Selassie Ramotshehoa, is Ramot- (10) shehoa a friend or a relative? -- It is a friend.

Yes, and where does he live? -- Along the road to the Administration offices of the Evaton offices, he lives on the eastern side, that is along that road.

Yes, so he lives in Evaton? -- Yes.

Yes, Esau came to see you? -- Yes.

MR TIP: Did he indicate why he was looking for you, what was the purpose of that? -- Yes he told me what the purpose was.

And what was it? -- He said we were supposed to hold a very urgent meeting at the Roman Catholic Church in Small (20) Farms.

Well did the meeting subsequently take place? And we have heard that it in fact took place at your home, is that correct? -- That is so.

COURT: On the 4th? -- Yes.

MR TIP: At about what time did it begin? -- Midday.

Do you recall who was present at that meeting at your home? -- Esau, accused no. 17, no. 9, Edith, Joseph Sithole, the late, Reverend Chikane, myself, no. 8, no. 10. And Sefakwo Mokoena. No. 7, did I count him? (30)

COURT:/....

COURT: Not yet mentioned. -- Yes he was also there.

MR TIP: The Reverend Chikane who you mention had you met him before that occasion? -- I had seen him at the General Council meeting of the UDF.

Yes. Now what was the purpose of this meeting? -- Esau conveyed to me that he was very much concerned about what happened within the area of the Vaal.

COURT: Esau conveyed to you at the meeting, or before? -- Yes at the meeting.

MR TIP: Was this privately or in the presence of all the (10) others in attendance there? -- We were busy with the meeting when he mentioned that.

COURT: That who was much concerned? -- Esau said he was concerned.

Yes? -- He further said that he wanted us to meet there and see if we cannot do something about this. Which thing could be applied or which can stop the action of what was happening, that is the damage on the properties which were burnt down and other incidents. All the people present there supported that, saying that is good, in fact we are supposed (20) to do that. There were many proposals put forward by different people there, to an extent some were even suggesting how about finding some people to remove whatever rubbles were in the roads obstructing the operation of buses so that the buses can operate normal. At the end of everything what was accepted is that there must be a mass meeting with the community. It ended up coming to a decision about a pamphlet that because Esau and Edith were going to Johannesburg with the assistance of Reverend Chikane they will have to see to it that there is a pamphlet. (30)

MR TIP:/.....

MR TIP: Was there a decision taken about when this meeting with the community should be called? -- Yes the decision was that this was to be held on 9 September.

And what were to be the purposes of the pamphlet that you have just mentioned? -- The pamphlet was going to serve in calling for a meeting, that is advertising the meeting, and ask for peace in the area.

By whom was the pamphlet to be issued? -- By two organisations, namely VCA and Evaton Ratepayers Association.

Now I want to go back a little while in your evidence. (10) You mentioned that Esau Raditsela set out the purpose of the meeting, is that correct?

COURT: The purpose of the meeting in your house I take it?

MR TIP: Exactly My Lord.

COURT: Not the mass meeting to come.

MR TIP: No My Lord, I did not put it clearly, I am sorry. The purpose of the meeting which was being conducted in your home, at the beginning of it? -- Yes.

Were you able to form any opinion of his frame of mind or mood at that stage? -- He looked to me frightened. I (20) remember even making a remark about that after this meeting to Reverend Chikane.

What was your own mood arising out of what you had seen on 3 and 4 September? -- It was frightening, in fact shocking because there were rumours that people were dying.

Can we just be clear, do you say your mood was shocking or shocked? -- It was shocking to me to learn about that because it was being said that people were dying.

Oh I see.

COURT: Were dying or had died? -- That people had died (30) and/....

and they are still dying.

MR TIP: Mr Mokoena you mentioned that there had been raised for discussion the possibility of removing barricades? -- Yes that is so.

What was decided about that? -- That one did not succeed as a decision that it could be done because the police were already working there, that is operating all over that place. As such the feeling was that they may misjudge what is happening there while we are removing the barricades and take it that we are putting them up and then cause a confrontation (10) with the police. It was therefore not approved.

Well what had you thought the understanding of the police might be if you were seen at the barricades? -- They were going to think that we are putting up the barricades.

Was there anything said about what, or shall we say the mobs might think if you were seen removing the barricades? -- Yes it was discussed that because of the attitude of the people as a result of what one had seen happening the previous day it was thought it wise not to interfere with the barricades because the feeling was that they may think, that is the (20) same people who I thought were mad the previous day may come and say we are the people involved in the whole thing and therefore do something about us.

As you were meeting there on the afternoon of the 4th September 1984 was the situation in the Vaal settled or was it still very volatile? -- I will say the situation was changing in fact it was becoming better.

My Lord I am going on to the events of the following day.

COURT ADJOURNS FOR TEA. COURT RESUMES.

MORAKE PETRUS MOKOENA: d.s.s. (Through Interpreter) (30)

FURTHER/....

FURTHER EXAMINATION BY MR TIP: Mr Mokoena moving now to the following day, Wednesday 5 September 1984. -- Yes.

You mentioned some pamphlets which were to be produced in respect of the meeting intended for 9 September. Were any enquiries made about whether they were ready? -- Yes.

Who made those enquiries? -- Myself in the company of accused no. 10 went to Vereeniging from where we telephoned Reverend Chikane to make enquiries about these pamphlets, whether they were ready or not.

And were you told that they were ready or not? -- He (10) said the pamphlets were not ready yet but all the same we can come and see him the following day, that is the day after the day on which we made enquiries.

Now we will come to that but before we move on to your visit to his office do you recall any meetings during that period being held at the house of the Reverend Lord McCamel? -- Yes.

Were you present at such a meeting? -- Yes I was.

Do you recall when it was held? -- During that week I had a lot to attend to. I therefore cannot remember precisely (20) the events. I am not certain whether this was on the 5th or the 6th when we were at a meeting that was held at Reverend Lord McCamel's residence.

Do you remember whether it was during the day or in the evening? -- It was in the evening.

Who was present? -- Myself, Jonas Khubeka, Reverend McCamel, Tsotso, accused no. 11 and some other people who were strangers to me. That is including accused no. 11 and Tsotso. I came to know them that day.

What was the purpose of this meeting? -- Because of (30) what/....

what had happened there people had died, some were arrested and in fact there were some problems about the inhabitants in the area. We wanted to start a committee which was to look into such problems within the community. Another thing that I knew was that Reverend Chikane was prepared to negotiate with the churches to get some funds in assisting those who had lost members of their families in burying them. How I came to know about that I am not certain. I cannot remember how I got to know about that information.

And what was, did the funds that might become available (10) form the subject matter of what was discussed in any way? -- Yes it was in fact pertaining to the matter which we were going to discuss there that mention was made of these funds. In fact it was already heard that there is money which money was to be collected by Reverend McCamel from the SACC, that is the Reverend McCamel and the other clergymen were to be involved in that money. There then we were there to form a committee which was going to look into the problems of the people who had lost members of their families, that these people be buried and those who are in need of some assis- (20) tance must be given that assistance they need.

COURT: Did you give your committee a name? -- At that time it was an interim committee which was to start doing that kind of work but later it ended up being VIS, Vaal Information Services.

MR TIP: And was the assistance given to the families, bereaved families, to include financial assistance? -- Yes including food parcels.

Now when that meeting at the home of the Reverend McCamel commenced was it contemplated that anybody would chair or (30) head/....

head this committee, this relief committee? -- Yes.

Who was that? -- Reverend McCamel was the person who was chosen as a leader of this committee. But at the time now of electing the committee and establishing it Reverend McCamel made it known to us that he was not prepared to be a member or to serve in this committee.

COURT: So was he proposed as the Chairman but he did not become the Chairman? -- It was expected that he was going to be the Chairman of the committee because the people with whom he was working there were members of the VCA with him. (10)

MR TIP: Did the Reverend McCamel make this attitude clear in the course of this meeting at his home? And by attitude I mean that he was not prepared to serve on this committee? -- He made it clear there, yes, saying we can go on and choose whoever we wanted to elect in forming that committee. He was not interested and then he started getting busy with his documents there.

Did he indicate to you what his reason was for not being interested in serving on this committee? -- What he advanced there as a reason was that there is money already in the (20) pipeline which was to be received by the clergymen of which he was forming a part, which money was to come from the SACC and he is therefore concerned about that.

How did the other persons present at this meeting feel about the Reverend McCamel's attitude? -- They were not at all pleased about that.

Do you recall anyone in particular who was displeased? -- Yes Tsotso. To indicate his dissatisfaction, that is Tsotso he accused Reverend McCamel by not having informed his committee there about the money which he was referring to (30) because/....



because it was the intention of the VCA to assist in whatever way it could in respect of this subject in question.

I want to move now to the following day, Thursday 6 September 1984. Did you travel to Johannesburg on that day?  
-- Yes we did go to Johannesburg.

And it is common cause I think that you travelled there with accused no. 8, accused no 10 ...

COURT: Was this now the following day or the 6th?

MR TIP: It is the 6th.

COURT: How do you know that? I have heard from previous (10) witnesses it was the 7th. And this witness says it was the 5th or the 6th that he met McCamel so it is the following day is either the 6th or the 7th. Why do you lead the witness on the basis of it being the 6th? Then it would mean that the previous evidence can be rectified to the 5th?

MR TIP: My Lord let me confine myself then simply to the date of the 6th and to ignore the ...

COURT: No you can just go ahead by saying the following day you went to Johannesburg. Unless the witness now knows that it was the 6th, which he did not know quarter of an hour (20) ago.

MR TIP: Well My Lord I do not recall there being a serious dispute about ...

COURT: No it is just a question of what is correct and what is incorrect. Do not lead the witness on a date and then lead him into a trap so that he is cross-examined on the date later on.

MR TIP: As Your Lordship pleases. The visit which you made in the company of accused no. 8, accused no. 10 and the Reverend Mahlatsi ... (30)

MNR JACOBS://....

MNR JACOBS: Edele ek wil ook vra dat my Geleerde Vriend nie sal sê hierdie vergadering is definitief in dispuut gewees. Daar is ander mense wat ook hierdie vergadering sou bygewoon het dat hy nie die getuie lei en vir hom sê wie is die mense wat saam met hom sou gegaan het. Laat die getuie vir homself sê. Ek maak beswaar teen hierdie antwoorde lê in die mond van die getuie.

MR TIP: Well My Lord I understood that to be the evidence of the Reverend Mahlatsi and also the evidence of accused no. 10 and that was not disputed in any way by the State. If (10) that recollection is wrong I am, I am merely seeking to eliminate now any possible confusion about which event the witness is going to deal with by positioning him in the company of the others.

MNR JACOBS: Ek sal verkies Edele dat hy hom liewerste vra op hierdie, want op hierdie vergadering kom belangrike aspekte wat aan daardie getuienis gestel was en as die getuie liewer vir homself kan sê wie saam met hom gegaan het sal dit beter wees.

COURT: Let us follow the correct procedure Mr Tip. (20)

MR TIP: As Your Lordship pleases.

COURT: So the next day you say you travelled to Johannesburg. With whom? -- Myself, no. 10, no. 11 and Reverend Mahlatsi.

MR TIP: Where did you go on that day? -- We went to Khotso House.

And what was the purpose of your visit there? -- We had gone there looking for Reverend Chikane in connection with the pamphlets as arranged that we must get possession of those pamphlets so that they could be in our possession in order to advertise the meeting of the 9th in the Vaal. (30)

Would/....

Would you describe to His Lordship whether you had success or not or what happened there? -- On arrival there we made enquiries about the presence of Reverend Chikane as a result of which a stranger in that office said, this person is a stranger to me, there were pamphlets somewhere there and these are intended for Vaal. This person took us to the pamphlets there to take them along. We checked the contents of the pamphlet. One of these pamphlets is the one which is an exhibit on the AN series.

My Lord may the witness have AN15, the series AN15 (10) before him.

COURT: Have you got a copy for the witness?

MR TIP: I have a copy My Lord, I do not need one before me.

COURT: Just hand it over to the witness.

MR TIP: That is the series AN15. Would you look through that bundle and see whether you identify the pamphlet that you saw on that occasion? -- Yes I do find it here, this is the one.

Which document is that? -- AN15(3).

Now whilst you were still at the offices in Khotso House did you look at that pamphlet? -- Yes. (20)

And what was your reaction to it? -- What we discovered in this pamphlet, in the contents, it did not indicate that it was in fact advertising a meeting. As a result of which then we proceeded to Reverend Chikane to go and find out from him as to what does he know about this kind of a pamphlet with such contents.

And did you make such enquiries of him? -- Yes we did. On making enquiries from him about this document, this is the pamphlet, he said he does not know about this particular one we are making enquiries and ours is still being prepared. (30)

That/....

That is the one he knows about. As a result of which then we said to him he must speed it up because there is not much time left to notify the people about this meeting which is to be held.

Did you thereafter have occasion to examine the document AN15(3) further? -- Yes on our arrival at his place.

COURT: At whose place? -- I am sorry on our arrival at my place we then had enough time to check the pamphlet in details.

MR TIP: Do you recall who was present at that stage? -- Myself, no. 10, no. 15 and no. 8. (10)

And what were the conclusions that you came to after examining it? -- We concluded that I was to destroy these pamphlets. The reason being that it does not show anywhere where it is advertising the meeting of the 9th. My complaint about this pamphlet was that it does not make mention of my Association which is the Evaton Ratepayers Association who, together with the Vaal Civic Association, which is being mentioned here, were calling that meeting. And there was a further mention made pertaining to the telephone numbers contained on this pamphlet that it was not possible for people (20) to get any information at these numbers as set down on the pamphlet.

COURT: Why? -- The reason being that one of the numbers here was Esau's telephone number and at that time his house was already bombed. Accused no. 17's telephone number I believe was also there on this document but at that time this was out of order.

MR TIP: Do you now recall any other reservations that were voiced?

COURT: Just a moment there is another telephone number. (30)

What/....

What about the other one? -- I beg your pardon?

What about the other telephone number? -- I cannot quite remember exactly what the problem was with the other number but all that was said is that in fact the main reason was that this pamphlet does not make known the meeting it was intended for.

MR TIP: Do you recall any other reservations or objections that were voiced in regard to this pamphlet at that time? If you do not recall any then simply say so and we will carry on. -- I do not recall anything else offhand now. (10)

Were any of those pamphlets distributed, AN15(3)? -- No not at all.

Just one or two matters that arise from what you have said in relation to this. Mr Mokoena you say there was ...

COURT: Just a moment, did you destroy them? -- Yes I asked my wife to destroy them.

MR TIP: YOU made mention a short while ago of one of the problems being with the telephone numbers that Mr Raditsela's house had been bombed at that stage. Now do you have any personal knowledge in relation to Mr Raditsela's house (20) during that week? -- Yes I do.

And what is that knowledge? -- I went to see what had happened to this house and I found it to be like that and on the 7th when I met Esau at Reverend Chikane's place, where we met with Chikane, I told him about what the condition of his house was, that it was burnt down on which he said "Yes I know", meaning he is aware of that. Because I remember pertinently what I did this day when I went to see what happened to this house. I proceeded further to his parents, that is namely his father and mother, to go and find out what happened there, (30)

at/....

at which they informed me about having taken some of the things out of the house, televisions and other things were burnt but all the same were taken out. I even made enquiries to the neighbours, that is from Esau's neighbours there, as to what they saw happening if they did see anything and when was this.

Yes well we do not want to hear the reports from the neighbours at all. I want to just ask you this, on the occasion at Khotso House when the pamphlet AN15(3) were handed to you could you tell His Lordship again who was in your company on that day? -- Myself, no. 8, no. 10, Reverend Mahlatsi. (10)

If my recollection is accurate I think the witness mentioned also no. 11, initially.

COURT: At a previous stage yes. No, no, he did not. No he mentioned no. 8, no. 10, Mahlatsi and himself went to Khotso House. -- No I did not.

MNR JACOBS: Edele mag ek miskien net help. Ons notas, beide mnr Hanekom en myne, sê dit is nr. 10, nr. 11 en Mahlatsi.

COURT: Yes?

MR TIP: May I just, I am sure this is not contentious but (20) for the sake of having a clear record, if you mentioned no. 11 previously was it in fact no. 10? -- No there is no way in which I could have involved accused no. 11 in those things and those discussions. Whenever I am talking here I am talking about no. 10 only.

Now Mr Mokoena can we turn now to 7 September 1984. Do you recall what you did on that day?

COURT: Are you on the correct date now?

MR TIP: Well certainly on my ...

COURT: Because when I write it down I write it down. (30)

MR TIP:/.....

MR TIP: Well certainly on my instructions.

COURT: Right. 7 September 1984. -- Yes. I recall having gone to Reverend Chikane's office. The reason was that we had gone there to get the pamphlets in connection with the meeting, and I had gone there to explain to him about the meeting which was formed at Reverend McCamel's residence.

MR TIP: Did you see Reverend Chikane in his office? -- Yes.

Who was present in that office that you can now recall?  
-- Reverend McCamel, Esau Raditsela, Tsotso, accused no. 11, no. 9 and Cassim Saloojee. (10)

When you arrived was the Reverend Chikane himself ...

COURT: This Cassim Saloojee has got nothing to do with that shop? -- No, no, he is not related to that.

MR TIP: Mr Mokoena do you recall if the Reverend Chikane was there in the office when you arrived? -- He was not in.

Could you describe to His Lordship what took place?

COURT: Who was not in when he arrived?

MR TIP: Reverend Chikane was not in when he arrived. Can you describe ... -- On arrival there I greeted the people I found there and then it was at that stage that I reported to Esau(20) about his house which was burnt. There was some discussions, short discussions and it appeared to me as if it was not long that Reverend McCamel arrived there.

COURT: Reverend McCamel? -- McCamel yes.

Just a moment now. So Reverend Chikane was there and Reverend McCamel was also not there when you came? -- No Reverend Chikane was not there but McCamel was there at my arrival which means I found him in.

Yes but you, it was interpreted - I do not know whether it was said- that shortly after Reverend McCamel arrived. (30)

That/....

That is why I raised the question. -- What I said is on arrival there there were certain people in except Reverend Chikane. There was some short talk to the people there and from what we were talking about I assessed as if it was not long that Reverend McCamel had arrived there at the time when I came.

MR TIP: Do you mean that .... -- That means.

COURT: That McCamel had not been there long? -- Had not been there long.

MR TIP: Yes, please continue. -- Not long Reverend Chikane came in. Then this issue of the people who had died in the (10) Vaal was discussed and the need for moneys to bury those who died was also discussed. At which discussions Reverend McCamel made it known to us there that the SACC made a grant of some thousands, if I am not mistaken it was five thousand, in respect of that. And he further explained that that money is going to be used by the clergymen organisation and that is the organisation with which he, Reverend McCamel, is going to work. It was as a result of that statement by Reverend McCamel that Tsotso accused him in saying "But we started you the organisation of the VCA and now today that you have been (20) given a grant from the SACC you don't even discuss that with us. Instead you deviate from us, going to work hand in hand with the clergymen, that is taking part in what they are involved in." He even mentioned to him there that we were at your residence, you did not even care about our being there and what we were doing, you left it to us to struggle at our own. Esau also joined in that, saying to him it was not fair, we have not seen you for some time within the organisation, you had just disappeared. Knowing very well that this organisation does not have finance, much as it would be very much (30) interested/....



interested in assisting people financially it will have to ask for some financial assistance from somewhere in order to be able to assist the people in need of money. As a result of which there was a heated argument because of Reverend McCamel trying to say that the SACC cannot make grants to other organisations which are not concerned about the churches. Which resulted in my intervening because of the heated argument which resulted from what they were trying to say. I intervened in this by saying look this has got to do with VCA. If there is anything which is in fact causing some misunderstanding (10) amongst the people in the VCA this is not a proper place to come and discuss that here in the presence of strange people. Then again it became normal and there was peace. I then spoke to Reverend Chikane about the pamphlets I wanted from him. And also informed him about the formation of the interim committee we had decided on, which was formed, which will look into the problem of the food parcels, how they were to be delivered and give whatever assistance is required by the people.

What did you learn about the pamphlets? -- What I learnt about the pamphlets was they are being processed, (20) they are not yet ready but he is going to try by all means that we get possession of the pamphlets.

Did you yourself ever see the pamphlets that were under discussion on these occasions? -- I only saw those pamphlets the day of the meeting.

The day of which meeting? -- The meeting of the 9th, which meeting was to be held on the 9th.

That is 9 September 1984? -- Yes.

Did that meeting take place? -- No it did not.

Could you describe briefly to His Lordship what you (30) know/....

know of the reasons why that resulted, that there should be no meeting? -- During the course of that week, towards the end of it, I got a pamphlet which was announcing a meeting, a VCA meeting, which was to be held in Zone 12.

COURT: At the end of that particular week? -- Towards the end of that particular week.

Yes? -- And this meeting was advertised for the 9th.

Now just a moment now, this can mean anything. The meeting of 9 September 1984 did not take place. That was your meeting which was to be held where? -- Roman Catholic Church, Small (10) Farms.

And you got a pamphlet advertising a meeting for which date? -- For the 9th, Zone 12, Roman Catholic Church.

Yes? -- As a result of what I received in this pamphlet advertising the meeting on 9 September 1984 at the venue Roman Catholic Church, Zone 12, I felt it was necessary for me to meet with the officials of the VCA because this pamphlet was purporting to be a meeting of the VCA. The people with whom I was involved in organising a meeting to be held on the same date at a different venue, that is the one at the Roman (20) Catholic Church, Small Farms. As a result of the preparations in which I was involved for the burial of the person who had died in Sharpeville who was to be buried on 8 September, I did not succeed in meeting with the VCA people to find out exactly as to what was happening.

MR TIP:

On the morning of 9th September what did you do, did you find out then? -- Yes I proceeded to the Roman Catholic Church.

Which one? -- Small Farms. Where I met accused no. 10.

On talking to him there it appeared to me that there was a disagreement about what was happening because now he was (30) saying/....

saying the meeting which was initially supposed to be held at this venue, that is the Roman Catholic Church, Small Farm, is now to be shifted to the Roman Catholic Church, Zone 12. He further explained to me that that was not his own arrangement that it be done in that way but the arrangement from their Chairman, namely Lord McCamel. I left this place, that is the Roman Catholic Church, Small Farm, with a view of meeting with Lord McCamel and find out from him how this happened that he changed the venue of this meeting. On arrival at this venue, that is the Roman Catholic Church, Zone 12, I found that (10) they were busy with a church service.

Did you speak to any officials there in Zone 12? -- No I did not.

Did you see any policemen at Zone 12? -- Yes. What happened at Zone 12 is that I went into the premises of the church and that is how I ascertained that in fact what was happening there was a church service and not a meeting, as a result of which then I decided to leave. Just on leaving the premises into the street I noticed the police vehicles, namely the Hippos. One of the police there called me by my name (20) and handed me a document saying "Here you are take this notice. The meetings are banned".

What did you do with that notice? -- I received it.

Yes, did you do anything with it thereafter? -- I then proceeded to the Roman Catholic Church Small Farms where I found people milling around and I explained to them that what I have with me here is a notice in which it is being said that the meetings are banned.

And did the meeting that you had proposed for 9 September 1984 take place? -- No it did not take place. (30)

Mr Mokoena/...

Mr Mokoena we have had some evidence about a funeral on 15 September 1984. -- Yes.

Were you present? -- Yes I was.

COURT: Whose funeral was it? -- The late Joseph Sithole.

MR TIP: Is that the funeral on 15 September 1984? -- No on the 15th it was a mass funeral.

Now on 15 September at the mass funeral in what capacity were you present? -- As a member of Evaton Ratepayers Association.

Did you take part in the proceedings? -- Yes. (10)

What was that part? -- We are the people who arranged the programme of those deaths.

COURT: Did you draw up the programme? -- Yes we drew the programme.

That is Evaton Ratepayers Association only? -- All the people interested in this took part in the drawing of the programme. That being the organisations which were invited by the clergymen to meet with them. At this meeting this was in fact a launch of a minister's Solidarity group.

MR TIP: I want to go on now to the arrangements for the ... (20)

COURT: Just a moment. The launch of the minister's solidarity group, did that have anything to do with the funeral? -- Yes, it was being launched because the purpose of it was to bury the deceased involved in this mass funeral.

How many were there? -- It was quite a few ministers there involved. That is where I met accused no. 3 for the first time.

MR TIP: Mr Mokoena if we can go on to the arrangements made for the funeral of 23 September 1984. Whose funeral was that?

COURT: 21 September? (30)

MR TIP: /.....

MR TIP: 23 September My Lord. -- The late Joseph Sithole.

COURT: When had he died? -- From what I heard he had died on the second or the third day, oh no, no, I am sorry not that. What I mean is about a week after the riots had started this person died. That is the information I had.

MR TIP: Now who was arranged would be the Master of Ceremonies at this funeral, that of 23 September? -- All the people who had died during the riots were supposed to be buried by this Ministers Solidarity Group of which Reverend Lord McCamel was the Chairman and therefore he was the person who was pre- (10) paring for this funeral.

Did you attend the funeral ceremony? -- Yes I did.

When the time came for the ceremony to begin was the Reverend Lord McCamel present? -- No he was not.

Did somebody become the Master of Ceremonies? -- People who were looked at as possible Master of Ceremonies was myself and Reverend Lethale(?). At the end I ended up being the Master of Ceremonies.

Do you recall whether accused no. 1 was present during those proceedings? -- Yes he was. (20)

Did he speak? -- Yes he did.

C.581 Can you recollect what he had to say on that occasion? -- I recall what he said there. What he said was pertaining to the organisation of AZANYO. And in his speech he said that he was feeling bad about the death of Sithole. He further said at this time, meaning during that time, it was necessary for the youth to meet in organisations. And he also made reference to educational proceedings saying that it was necessary for students representative councils to be there at Black schools. That is my recollection of his speech if my memory serves (30) me/....

me well.

COURT: Now just before you continue what did AZANYO have to do with the whole thing? -- From what I understood he was a person who came from this organisation AZANYO.

You understood that no. 1 came from AZANYO or that the deceased also came from AZANYO? -- No I am talking about accused no. 1, that he came from AZANYO.

But now why would he speak and propagate AZANYO at a funeral? Unless the deceased was also a member? -- I did not understand him to be propagating AZANYO but what I understood him to be saying in his speech was that he is a member of AZANYO and therefore encouraging the youth to belong to organisations for the youth then to be able to meet with other youth through organisations. (10)

But now what did this have to do with the death of Joseph Sithole? -- That is what I heard him saying in his speech at the time when he delivered his speech.

Do you know what AZANYO is? -- No I do not know.

Yes, thank you.

MR TIP: Did you remain the Master of Ceremonies throughout the proceedings? -- Yes. (20)

Do you recollect whether there were any speakers whose speeches were interrupted? -- Yes.

Who was that? -- Siphso Sibusi. A person who I understood was from a University or from an institution of higher learning. Who was also making mention of the students representative councils. He explained further that when he completes about his education on return to his place of residence it is necessary that there be an organisation of the youth. He had a long speech and address there in English. Until at some/.... (30)

some stage when he had to say something about the deceased, his speech was in a form of putting questions. Like for instance the following: It would appear that the deceased had a RMC T shirt on at the time when he, the deceased, met his death. Now questioning the following, is it really the truth that a person having on an RMC T shirt would just be attacked by people because of his having had this RMC shirt on. It is after he had said a lot and he had been on the floor for quite a long time and in fact it was quite apparent that the people there were sort of restless and I (10) looked around. In so doing I saw Reverend McCamel. On looking at the direction where I saw Reverend McCamel he was not far from me where he was seated. I uttered the words saying that this person has spoken rather too long on which Reverend McCamel said "You had better stop him now". As a result of which then I interrupted him by stopping him.

What do you say to the suggestion that it was the speech of accused no. 1 that was brought to an early halt? -- No that is not true. Sibusi is the only person whose speech was interrupted by stopping him. After a discussion between (20) myself and Reverend McCamel prior to his being stopped.

COURT: And Sibusi was interrupted because his speech was long winded, is that correct? -- Yes that is true. He had in fact taken more time. Another thing is that he was addressing in English.

MR TIP: Did you proceed to the cemetery after these proceedings? -- Yes we proceeded to the cemetery.

Would you describe to His Lordship what took place at the conclusion of the proceedings at the cemetery? -- At that time just before the finishing of the service at the graveyard (30) there/....

there were police vehicles which were stationery on the premises of the graveyard which are being described by the witness as Hippos.

COURT: On the premises of the graveyard, in the cemetery, or outside the cemetery at the boundary? -- Inside.

Yes? -- Just before the finishing of the service there these vehicles started moving. It appeared as if they were now taking certain positions. They were taking positions as if they were trying to circle the mourners who were at this grave. When that happened the people were still busy closing the grave, that is putting back the ground onto the grave. Just before people left for their vehicles in which they had come to the graveyard the police started shooting teargas at these people, that is the mourners. As a result of which then there was a confusion and some shots were being heard from all directions being fired. Some people ran to the vehicles which were on the cemetery and police had said there is no vehicle which is going to leave the cemetery there. I was driving in my small car, a small Escort. People were just throwing themselves into that small car. (10) (20)

Could I just get clarity now. Did the police say no vehicle could leave or did the police say people could only leave in vehicles? -- They said no vehicle is leaving from there.

Yes, thank you. There were vehicles which reached the exit gate from the cemetery first before me, while I was still proceeding towards that exit. Those were the people who were told first that no vehicle was going to leave from the cemetery.

Well were you there? -- No not when they were told but (30)  
when/....



when I reached the gate myself that is what was said to me.

But then the others had passed or did they turn back? --  
No they were stationary there.

Yes? -- Then the police went on sjambokking the mourners on the cemetery. While being at that gate the people who had got into my vehicle were sjambokked out of that vehicle. Reverend McCamel also drove up and stopped next to me. We were both stationary there. At that time, I just cannot remember, what is the name of this person Brigadier Viljoen? The one who gave evidence? (10)

Yes. -- He now emerged from other police vehicles which were there. At that stage when he emerged the police were busy chasing the people around there with sjamboks and rubber bullets were being used. This is what he said, I quote him saying "Slaan die kaffirs, slaan die kaffirs." As a result of which I remarked to a person who was with me, Khubeka and asked him now what is happening? This man is supposed to be in charge and look at what is happening and he is in fact happy about it.

MR TIP: Well Mr Mokoena we are not concerned with your (20)  
discussions with your colleagues there. Is there anything else noteworthy that you yourself observed at the events there?

COURT: But now could I just get clarity now. Is it alleged that the police were chasing the people back towards the grave or were they chasing them out of the cemetery? -- From my judgment because the police had not said anything to these people and in fact was not telling them to which way they must go they were not being driven to any particular direction by the police. The purpose there according to me was just to (30)

hit/....

hit them.

Yes? -- At that time we were still waiting there stationary because some of the police were just standing quite close to us. One policeman came there carrying a blooded butcher knife. He was busy wiping this knife. He makes the following remark to the one who was standing not far from us saying "Seker een van hulle gaan dood daarso" while he was busy wiping the blade of this butcher knife. As a result of which then I remarked to my colleague who was with me there about what I see happening, whether he sees that. At that (10) stage the police were bringing together all the people they had sjambokked to their cars of vehicles which were nearby there.

To whose cars? -- To the police vehicles. They did not let them climb into the vehicles. They just brought them there to come and stand together. After these people were brought together to come there we, the people who were travelling in vehicles then were told to drive off. The people who were all the time in my vehicle then drove with me in my car to the residence of the deceased. (20)

Mr Mokoena the, and does that complete your observations at the site of the cemetery? -- Yes that is so.

Did you observe perhaps whether from the church to the cemetery how the mourners moved? -- Yes I did. What happened is when we left the church after the service proceeding to the cemetery there were police vehicles which were moving right ahead of the mourners. And there were others right at the back. That would mean the head of the procession was led by the police vehicles and the tail was also the police vehicles. That was the position until we reached the cemetery. (30)

What/....

What do you say to the suggestion that there were people marching on foot from the church to the cemetery? -- There is no truth in that because there were many vehicles available there for people to use as transport. To crown that the taxi people had brought their taxis in, offered them as transport to the cemetery. Some of them were even running empty. All the same they were still with the funeral. That is excluding the buses which were there.

Thank you. Just final matters, subsequent to the events in the Vaal during September 1984 did you attend any further (10) General Council meetings of the UDF in the Transvaal? -- I cannot quite remember if I ever attended any other General Council Meeting of the UDF. What I remember is that in October I went to pay the affiliation fee, namely R100, for our organisation to UDF.

One penultimate matter, you mentioned fairly early on in your evidence an increase in what you call the land tax from R2 per month per acre to R16 per month.

COURT: Are we speaking per acre or per morgen? I cannot remember, we used both. I think it is per morgen. (20)

MR TIP: I think the morgen related to the grazing land. But whatever the .... -- A sub-divided portion.

COURT: Yes it was R2 per sub-divided portion? -- What was happening there the replanning it was expected by the Council and the Administration Board that people, that is the stand owners, must have their places divided which was then expected to be the following: One acre would be equivalent to eight stands.

MR TIP: And is that the basis then of the calculation to R16? -- Yes why I say that it is because of what was being (30) said/....

said by the Administration Board and the Council, that is the Evaton Council, that that one, that is the owner of a stand who does not want his stand to be divided that person will have to pay the R16 from out of his pocket.

COURT: So did the authorities intend to make as many housing units available as possible in the Evaton area? -- Yes that is so because Mr Ganz, the Chief Director of the Administration Board said at one meeting of the Council that he has got a population of people which can occupy the size of Evaton nine times. (10)

MR TIP: My Lord I am going on to what hopefully will be the final topic to be canvassed with the witness. I wonder if Your Lordship might not grant me an indulgence for a few minutes just to look through my notes before doing that.

COURT ADJOURNS UNTIL 14h00.

COURT RESUMES AT 14h00.

MR BIZOS: My Lord an unfortunate error was made during the adjournment on Your Lordship's map. Our instructing attorney thought that he was working on our copy and by mistake he made two markings on Your Lordship's map which ought not to have been there. Your Lordship will see two 61's now on Your Lordship's map. What I suggest, we draw attention to it as soon as possible. We know precisely what has been on but I believe that it can be removed with a little methylated spirits and ... (10)

COURT: Can it be removed?

MR BIZOS: It can be removed.

COURT: It seems to me your attorney is worse than some witnesses I have come across.

MR BIZOS: If Your Lordship would allow this to happen with Your Lordship's registrar this afternoon we will see to it that it is put right.

COURT: Yes please, but do not in the process erase other marks that are on the map.

MR BIZOS: No we will try not to perpetuate the error. (20)

COURT: I must really say I do not trust your attorney any more with this map. I think my registrar should do it.

MR BIZOS: As Your Lordship pleases.

COURT: Or I shall do it myself. I think that might be safest.

MR BIZOS: If Your Lordship can easily recognise what is not Your Lordship's marking then if Your Lordship would just ...

COURT: Does it come off with methylated spirits?

MR BIZOS: So I am told My Lord.

COURT: Well could you tomorrow morning hand me some (30)  
methylated/....

methylated spirits and we will do the operation then.

MR BIZOS: We will try that My Lord.

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

FURTHER EXAMINATION BY MR TIP: Mr Mokoena I want to deal finally with your acquaintance with your fellow accused. You have mentioned to His Lordship that you met accused no. 1 at the funeral on 23 September 1984. Had you ever encountered him before that date? -- No.

When did you first meet accused no. 2, Mr Hlomoka? -- Johannesburg Prison during my detention. (10)

COURT: Is this now met, not seen? -- Both, seeing him for the first time and meeting him for the first time.

MR TIP: And accused no. 3, the Reverend Moselane? -- I saw him for the first time at this meeting where we were busy with the preparations for the mass funeral of the 15 September 1984.

The erstwhile accused no. 4, Mr More? -- I saw him for the first time in Pretoria when we appeared in court, that is the day when I saw him.

Accused no. 5, Mr Malindi, you have mentioned to His Lordship that you had seen him at an Evaton Ratepayers Association meeting in about 1981 and 1982? And you have testified that he spoke at the meeting on 26 August 1984? -- Yes that is so.

Did you meet him at all in the intervening period between those two meetings? -- I saw him at the funeral of the late Joseph Sithole.

Accused no. 7, Mr Mphuthi? -- We grew up together in Evaton.

And when did you first meet him in relation to the events which have been, or when did you first have discussions with him rather in relation to events which have been canvassed (30)  
in/....

in relation to this trial? -- During the preparations of the demonstration in May 1984, that was the first time when I had something to do with him.

Accused no. 8, Mr Nkopane? -- I came to know him for the first time on the 4th at my residence.

4 September 1984? -- Yes. )

Accused no. 9, Mr Ramagula? -- I also came to know him during the same time.

COURT: When you say came to know does it mean you saw him for the first time? -- Yes I saw him for the first time. (10)

ASSESSOR (MR KRÜGEL): On the 4th? -- Yes on 4 September.

MR TIP: Accused no. 10, Mr Vilakazi? -- I knew him by sight during the time when he was working at his father's dry cleaning shop. To speak to him I spoke to him for the first time on the 4th.

The 4th being? -- 4 September 1984.

Accused no. 11, Mr Mokoena? -- I came to know him when we were busy with the preparations for the meeting which was held at Reverend McCamel's residence.

COURT: Just a moment, what meeting? -- That is when we (20) launched the interim committee which ended up being a VIS.

MR TIP: The erstwhile accused no. 12, Mr Amos Malindi? -- I met him for the first time at the Johannesburg Prison.

Accused no. 13, Mr Nkoli? -- The same applies to him, Johannesburg Prison.

Accused no. 14, Mr Thlopane? -- The same applies to him, Johannesburg Prison.

Accused no. 15, Mr Hlanyane? -- I met him during the week, that is the week during which the riots started.

And accused no. 16, Mr Manthata? -- I knew him also (30)  
during/....

during the course of that week, when he passed my place in the company of Mbatha, who was a member of the Evaton Ratepayers Association.

Accused no. 17, Mr Matlole? -- Those were the first people from the Zone 7 committee which was VCA who made contacts with us in the Ratepayers Association to have a connection with them.

Yes, at what time? -- It was during May 1984.

The former accused no. 18, Mr Simon Vilakazi? -- I knew him after we had been charged when we were appearing in court at Pretoria. (10)

Accused no. 19, Mr Molefe? -- I met him, that is seeing him for the first time, at the General Council meeting I attended. I did not know who he was. I only came to know him proper when we were charged together.

Accused no. 20, Mr Lekota? -- I only saw him for the first time after having been charged.

Accused no. 21, Mr Chikane? -- I had seen him during the General Council meetings which I attended, those are the UDF meetings.

When did you first have any discussions with him? -- (20)  
It is after we had been charged that I spoke to him.

And finally accused no. 22, Mr Ratsomo? -- I came to know him after having been charged with the indictment being available.

Thank you My Lord, that concludes the examination-in-chief.  
KRUISONDERVRAGING DEUR MNR. JACOBS : Ek het net 'n paar van hierdie beskuldigdes wat jy genoem het, nie duidelikheid oor nie. Beskuldigde nr. 8 het jy gesê "The first time know him on 4 September 1984." Nou, beteken dit ook dat dit is die eerste keer wat jy hom gesien het? -- Dit beteken dat ek (30)  
hom/...



hom vir die eerste keer gesien het.

En dan beskuldigde nr. 10 het jy ook gesê "The first time spoke to him on 4 September 1984." Beteken dit ook dit is die eerste keer wat jy hom gesien het? -- Nee, ek het gesê ek het hom al vantevore van sien geken. Dit is gedurende die tyd wat hy werksaam by sy vader se droogskoonmaakwinkel te Sebokeng.

En beteken dit toe jy die eerste keer met hom gepraat het, dat jy hom ook gesien het in verband met hierdie saak se dinge? Was dit die eerste keer? -- Toe ek met hom die(10) eerste keer gepraat het, was gedurende die vergadering wat gehou was, by welke vergadering besprekings uitgevoer was aangaande die planne hoe om die beskadigings te stop wat daar was te Sebokeng na aanleiding van die onluste.

Ja, dit is nou die eerste keer toe jy met hom gepraat het, maar het jy al gesien dat hy deelneem, waar jy ook by was, aan aktiwiteite wat in hierdie saak ter sprake gekom het sover? -- Nooit nie. Ek het hom nie gesien nie.

Dan beskuldigde nr. 15 sê jy het jy ontmoet in die week toe die onluste begin het. -- Ja, dit is so. (20)

Het jy hom gesien waar hy deelgeneem het aan enige van die aktiwiteite voor dit? -- Ek het hom vir die eerste keer gesien toe ons die dokument, BEWYSSTUK AN15(iii) in sy voertuig gehad het om dit te vervoer.

Beskuldigde nr. 19, jy sê jy het hom eerste op 'n algemene raad se vergadering gesien. Kan jy ons sê, was dit die eerste vergadering wat jy bygewoon het of was dit enige van die ander? -- Dit is die algemene raadsvergadering van 30 Junie waar ek hom gesien het.

En die ander vergaderings wat jy bygewoon het, het (30)

jy/...

jy hom ook gesien daar? -- Ek kan nie onthou dat ek hom daar gesien het nie.

Dan beskuldigde nr. 21, is dit op daardie algemene vergadering van Junie 1984, 30 Junie 1984, waar jy hom vir die eerste keer gesien het? -- Ek het hom vir die eerste keer gesien by die algemene raadsvergadering van die UDF. Wat ek spesifiek kan onthou is die een van Juliemaand, waar beskuldigde nr. 21 as h voorsitter opgetree het.

Terwyl ons dit nou vra en by die algemene raad is, kan jy net vir ons sê hoeveel algemene raadsvergaderings (10) het jy in totaal bygewoon namens ERPA? -- Die algemene raadsvergaderings van die UDF wat ek bygewoon het, was na ons nou kontak gemaak het met VCA. Die een wat ek onthou is die een van 30 Junie 1984.

HOF : Net een? -- Die tweede een was in Julie.

Net twee? -- Dit is die enigste twee wat ek op die oomblik aan kan dink. Daar was wel op h ander stadium h geleentheid wat ek na die kantore van die UDF gegaan het om die affiliasiefooie te gaan betaal. Ek kan nie onthou of daar nou h vergadering gehou was, al dan nie. (20)

MNR. JACOBS : Ja, maar ek vra vir jou of jy kan onthou hoeveel vergaderings - jy het nou vir ons genoem van twee - in totaal het jy bygewoon? Dit is wat ek wil weet? -- Ek onthou net van hierdie twee wat in hierdie klagstaat genoem word.

Jy het nie h vergadering bygewoon in September 1984 nie? -- Nee, ek kan my nie voorstel dat ek soontoe gegaan het nie.

Jy sien, volgens hierdie register van UDF, BEWYSSTUK 26, was daar h vergadering gewees wat bygewoon was deur jou en nog h ander persoon. (30)

HOF/...

HOF : Wat se soort vergadering?

MNR. JACOBS : h Algemene raadsvergadering van UDF op 11 September, lyk dit my, 1984? -- Ek kan nie onthou dat dit gebeur het nie.

Ek wil net die register vir jou toon en dan kan jy net kyk of dit jou handtekening is. Ek kan nie die persoon wat saam met jou was uitmaak nie. Dit is bladsy 49 van hierdie register? -- Ja, die handskrif is my handskrif.

Kan jy vir ons help en vir ons sê wie is die tweede persoon wat daar saam met jou was en wie se handtekening (10) daar verskyn wat h bietjie onleesbaar is? -- Dit is nie vir my duidelik nie. As ek na hierdie skrif kyk, val dit my by dat ek op h stadium na Khotso House toe gegaan het in die geselskap van ene Motsetse. Hierdie handskrif hier is nie vir my duidelik nie. Dit is nie Motsetse nie, maar dit is nie vir my duidelik wat die naam is daarop nie.

Kan jy nou onthou dat jy so h vergadering, algemene raadsvergadering bygewoon het ... (Hof kom tussenbei)

HOF : Wat is die nommer wat u daar gekry het?

MNR. JACOBS : 49. (20)

HOF : Nee, dit is u eie nommers, maar wat is die nommer van die aantekening? Het hy nommers daar?

MNR. JACOBS : Nee, myne het nie nommers nie. Bo-aan die bladsy staan, die vorige bladsy begin dit, "UDF Special General Council Meeting held 11 September 1984."

ASSESSOR (MNR. KRÜGEL) : Is dit nou Augustus wat verander is na September?

MNR. JACOBS : Na September en daarna gaan dit aan na die volgende bladsy. Dan sewe van bo af is beskuldigde s'n.

HOF : Kyk h bietjie na die handtekening in die oorspronklike. (30)

Daar/...

Daar is twee kruisies getrek agter hulle. -- Die een daar sonder enige twyfel is my handskrif. Die ander een, ek is bevrees, ek weet nie wie se handskrif dit is nie.

MNR. JACOBS : Stem jy saam dit is die enigste geleentheid wat daar n kollega van jou - U Edele, mag ek met verlof van die Hof na ERPA as Evaton Ratepayers Association en dan ... (Hof kom tussenbei)

HOF : Dink u nie u gaan die getuie verskriklik verwar nie? U ken maar ERPA sê as u wil. Ek skryf dit in elk geval as ERPA al n hele tyd. Wie het u gesê dink u is die ander (10) persoon of weet u glad nie? -- Wat ek sê is dat ek onthou van n geleentheid wat ek Khotso House toe was in die geselskap van n ander lid van Evaton Ratepayers Association. Die persoon se naam was Motsetse.

Kan dit by dié geleentheid wees? -- Ek kan my nie voorstel dat dit weer gebeur het op n ander geleentheid dat ek saam met iemand gegaan het met my besoek aan Khotso House nie.

Dan moet dit dié geleentheid wees waar hierdie aantekening by staan? -- Ja. (20)

Weet u wat is sy voorletters? -- Nee, ek weet nie wat sy voorletters is nie.

MNR. JACOBS : Die mnr. Motsetse wat saam met jou gegaan het, is hy van ERPA? -- Ja.

Op die bestuur, uitvoerende bestuur? -- Nee.

Jy het geweet dat julle is geregtig om twee afgevaardigdes af te vaardig wat gereeld die vergaderings van die algemene raad kon bywoon. Is dit reg? -- Dit is die waarheid.

Jy was een afgevaardigde. Wie het bestuur van ERPA verder afgevaardig om die tweede afgevaardigde te wees? (30)

Dit/...

-- Dit was net ek gewees.

HOF : Is u die enigste persoon wat aangewys is as afgevaardigde? -- Ja, ek is die enigste persoon.

MNR. JACOBS : Ek wil ook net 'n paar algemene vrae vir jou vra oof die begrafnis van 23 September 1984. Kan u vir die Hof vertel by hierdie kerk - kom ons vat dit eers net by die kerk - was daar enige baniere van organisasies daar gewees? -- Nee, ek het dit nie gesien nie.

Was daarso enige plakkate in die kerk? -- Ek het nie opgelet nie. (10)

Nadat julle nou uit die kerk uitgegaan het, is die kis gedra of is hy met 'n lykswa vervoer? -- Dit was uit die kerk gedra tot in die straat waar die lykswa gestaan het.

Het jy dit gesien? -- Ja, ek het dit gesien.

Toe die kis uit die kerk gedra is en tot by die lykswa gedra is, hoe is hy gedra? Kan jy vir ons beskryf? -- Ek kan nie onthou hoe dit uitgedra was nie, want ek kan nie aan 'n spesifieke gebeurtenis dink wat dit vir my belangrik gemaak het om dit as 'n nuwe manier van die dra van 'n kis te kan herinner nie. Dus, sal ek sê dit was normaal gedra. (20)

Laat ons nie naderhand 'n stryery kry nie, laat ons net hoor wat is die normale wyse van 'n kis uitdra na die lykswa toe? -- Ek weet van twee normale manier van 'n kis dra. Dat die mense dit aan weerskante dra op hulle sye.

Aan die handvatsels?

HOF : Op hulle sye of aan hulle sye maar aan die handvatsels? -- Aan die handvatsels aan hulle sye en dan die tweede manier is, dit word hoog gehou bokant die skouers. (Getuie dui aan)

MNR. JACOBS : En as dit op die skouers gedra word, dan dra gewoonlik meer, want gewoonlik dra ses mense aan die (30)

handvatsels/...

handvatsels of agt mense en as hy op die skouers gedra word is dit dan meer mense? -- Ek het nog nie getel hoeveel mense in getal dra die kis op die verskillende maniere nie.

Kan jy vir ons sê op hierdie spesifieke dag of die kis gedra was op die skouers en of hy aan die handvatsels gedra is? -- Nee, ek kan nie meer onthou nie.

Kan jy onthou en vir die Hof sê, was daar baniere gewees by die kis toe hy gedra is van die kerk af na die lykswa toe?

HOF : Op die kis?

MNR. JACOBS : Nee, by die kis. (10)

HOF : Voor of agter?

MNR. JACOBS : Voor of agter die kis. Was daar baniere gewees wat in die lug was? -- Dit is nie wat ek nou hier vir die Hof kan beskrywe nie. Die rede daarvoor is toe ons die kerkgebou verlaat het, is ek saam met die predikante uit, dit wil sê heel voor. Met ander woorde, die kis het agter ons gekom. Dus is ek nie in staat om dit te kan beskryf nie.

U het nou-nou net vir die Hof gesê u het gesien toe die kis van die kerk af kom na die lykswa toe. Hoekom verander u nou u getuienis? -- Daar is geen verandering in my getuie- (20) nis nie. Ek het gesien dat die kis deur mense uit die kerkgebou uitgedra word tot buite die erf van die kerk. Dit wil sê na die lykswa toe.

As jy dit gesien het dat hulle die kis dra, het jy gesien of daar baniere was wat gedra was? -- Ek kan nie onthou van die baniere, of daar baniere was of nie. Al wat ek onthou is dat die kis uitgedra was.

Net om onsekerheid uit te skakel. Toe die kis by die kerkhof ut die lykswa uitgeneem was, was jy daar gewees? -- Ja, ek was daar gewees. (30)

En/...

En het jy gesien toe die kis uitgehaal was en na die graf gedra word? -- Ek het nie so goed gesien nie, want ek sal vir u sê, as ons by die kerkhof kom, dan is die werk daar, dit wil sê die hele prosedure is gelaat in die hande van die predikante en die gesin van die oorledene.

Kan jy sê hoe was die kis gedra daar? Was hy op die skouers gedra of aan die sye met die hande? -- Nee, ek kan nie onthou nie.

Ek neem aan as jy wag vir die kis om te kom van die lyks- wa na die graf toe, het jy ook daar gekyk vir hulle? -- As(10) jy in 'n posisie is om te kan sien wat gebeur daar, ja.

Was jy in 'n posisie om te kan sien? -- Soos ek alreeds vroeër gesê het in my getuienis wat gebeur by hierdie begraaf- plase is die volgende. Dat jy nou 'n pad sal moet gee vir die predikante sowel as die gesinne van die oorledenes om die werk oor te neem. Dit is wat ek gedoen het. Dit is hoekom ek nie in staat is om dit te kan verklaar nie.

Hoe bedoel jy om pad te gee? Heeltemal weg te gaan van die begraafplaas of wat bedoel jy nou? -- Nee, dit is nie wat ek sê nie. Die indruk wat ek wil skep by die Hof (20) is die volgende. Ek staan eenkant vir die ander mense om nou verder voort te gaan met die diens van die begrafnis. Vanwaar ek gestaan het, kon ek sekere dinge gesien het en sekere dinge nie.

Was jy ver van die lykswa af? -- Ek was nie baie ver gewees nie. Dit was nog in my sig gewees, ek kon sien. Ek het niks snaaks gesien wat daar gebeur het nie.

Hoe ver was jy van die lykswa af waar jy gestaan het en gewag het? -- Dit was nie baie ver nie. (Getuie dui moontlike distansie aan) maar die enigste verskil sou (30) gewees/...

gewees het dat in hierdie opening tussen ons is daar beweging van mense.

HOF : Die afstand is 6 meter.

MNR. JACOBS : En as 'n kis daar op mense se skouers geplaas was en gedra was na die graf toe, dan sou dit hoog bo die mense uitgestaan het en jy sou dit gesien het? -- Ek sou dit gesien het, ja.

En as daar 'n banier was, dan sou jy dit ook gesien het as dit hoog gehou was in die lug? -- Ja, ek sou dit gesien het. (10)

Het jy dit gesien? -- Ek het gesê dat ek nie die baniere gesien het nie omdat ek nie juis daarna opgelet het nie. Al waarvoor ek na hierdie begrafnis toe gegaan het, was om te gaan sien of die oorledene nou reg begrawe word, dit wil sê normaal begrawe word. Dit is belang wat ek daarby gehad het, nie om ander dinge op te let nie.

En die kis op die skouers, het jy dit gesien? -- Nee, op die tydstip wat u nou beweer die kis hoog bokant die skouers gehou was nie of gedra was nie. Dit het ek nie gesien nie. (20)

Nee, nie hoog bokant die skouers nie, op die skouers gedra was en dan staan dit uit bokant? -- Ek sê ek het dit nie gesien nie.

Ek wil net een ding duidelik kry, wat sê jy as dit by die graf kom dan neem die predikante en die familie die werk oor? Wat presies bedoel jy daarmee? Laat ek net duidelik verstaan? -- Wat ek daarby bedoel is die volgende. 'n Predikant is by die begrafnis om die persoon te begrawe volgens die Christelike maniere. Met Swartmense is daar verskillende gewoontes van begrafnisse. Dit wil sê, 'n (30)

mens/...



mens wat as 'n voorsitter gedien het, sal moet padgee vir die mense om hulle gewoonte van begrafnis as 'n gesin van die kraal uit te voer tesame met die predikant wat sy deel ook sal moet uitvoer. Dit is wat ek daarby bedoel.

As ons konsentreer op wat by hierdie saak gebeur het en nie gewoontes en daardie tipe ding nie, sal ons vinniger gaan. Wat was die werk wat oorgeneem was by hierdie begrafnis deur die predikant en deur die familie? -- Wat ek sê is die volgende. Wat die familie gedoen het om die kis tot by die graf te kry, weet ek nie. Dit is weens die feit (10) dat ek ver was. Al was die kis op die skouers gedra, dit het nie op my 'n spesiale indruk gemaak dat ek vandag nog dit kan onthou nie, want dit is niks abnormaal om dit te sien gebeur nie.

Kom ons kry dan net duidelikheid, wat het die predikant gedoen? -- Op hierdie stadium by die graf sal die predikant dan die mense versoek om stil te bly ... (Hof kom tussenbei)  
HOF : Die getuie was gevra wat het die predikant by hierdie diens gedoen, nie in die algemeen wat doen predikante nie, hierdie diens? -- Ek praat ook van hierdie begrafnis. (20)

Goed, wat het hy gedoen by hierdie begrafnis? -- Hy het versoek dat die mense moet stilbly sodat hy, wat die predikant is, kan bid. Hy het toe gebid. Na hy gebid het, was daar toe gewyde liedere gesing ... (Mnr. Jacobs kom tussenbei)  
MNR. JACOBS : Kan ek u net vir 'n oomblik in die rede val. Gebeur dit wat jy nou vertel by die graf self of nog voor die graf toe die kis uit die lykswa gehaal is, want my vraag gaan nog altyd oor toe hy uit die lykswa gehaal was? Ek wil net duidelik verstaan.

HOF : Dit was nie u vraag nie. U vraag was by die graf (30)  
neem/...

neem die predikante en die familie die werk oor. Dit is waar ons begin het. Van toe af het ons verder gegaan.

U kan die vraag anders stel as u wil, dit hinder my nie, maar moenie die getuie korrigeer nie.

MNR. JACOBS : Kan ek dit so aan jou stel, ons bepaal ons nou nog net van die lykswa tot by die graf. Laat ek dan net duidelikheid kry. As ek verkeerd verstaan het, dan vra ek om verskoning, want ek het gedog u praat van by die lykswa neem die predikante en die familie oor. Is ek verkeerd daarmee? -- Wat daar gebeur het, is toe ons by die begraaf-(10) plaas kom, waar ons tot stilstand gekom het met die voertuie, het ek tot stilstand gekom in die onmiddellike nabyheid van die graf, wat dus dan beteken dat wat daar gebeur het is, ek was nie by hierdie lykswa gewees met ons aankoms by die begraafplaas nie.

GETUIE STAAN AF.

HOF VERDAAG TOT 6 MAART 1987.