

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

A

SAAKNOMMER: CC 482/85

PRETORIA

1988-06-06

DIE STAAT teen :

PATRICK MABUYA BALEKA EN 21
ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST en
ASSESSOR : MNR. W.F. KRUGEL

NAMENS DIE STAAT:

ADV. P.B. JACOBS
ADV. P. FICK
ADV. H. SMITH

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON
ADV. G. BIZOS
ADV. K. TIP
ADV. Z.M. YACOOB
ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS :

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COURT RESUMES ON 6 JUNE 1988.

COURT: Mr Bizos when CA.38 was handed in, I think last week, that is that Isizwe, you said there had been a previous ruling. Could you just give us the reference please?

MR BIZOS: It was ...

COURT: We do not want it immediately, you can just give us the page later on.

MR BIZOS: Ja it was a UDF Update but we have a judgment file, separate with your lordship's judgments.

COURT: I would like to place my finger on it. (10)

MR BIZOS: Yes it was in relation to ...

COURT: To the UDF Update.

MR BIZOS: To the UDF Update. We were still in Delmas at the time my lord. I will ...

COURT: I vaguely recollect it. I would like to read what I said.

MR BIZOS: As your lordship pleases. I would like to take the first opportunity to inform your lordship that we are going to , it looks as if we are going to run into difficulties with witnesses tomorrow. Two of the witnesses that were (20) supposed to come from the Eastern Cape over the weekend did not turn up. We hear reports that an examination which was due to take place on Friday was postponed until today and they made a choice to stay there. We tried hard to get people from the East Rand where there are a number of people still to give evidence. We managed to get one who is in the immediate vicinity of the court. We have a witness from Huhudi to lead right away and there is an East Rand witness. We are trying our best to get people for tomorrow but we hope we will have some success but it does not look very promising at the (30) moment/....

moment. We have arranged for a major witness for Wednesday morning. I want to tell you who that is, it is Dr Hartshorn, an educationist and he will speak on education. He is a professional man and we have specially arranged for Wednesday and I do not think that in fairness to him we can ask, I do not know whether he will be able to make it earlier than that at all but we intend contacting him anyway.

COURT: You can try and get him a bit earlier possibly.

MR BIZOS: If we can, if he has no other, so that in order to continue with the proceedings. (10)

COURT: Has he not retired in the meantime?

MR BIZOS: He has my lord but he is very active. He is very active and we will submit very knowledgeable about these matters but I may also, if we do have time tomorrow I will indicate in greater detail what the purport of his evidence is going to be and your lordship may be receive prematurely the De Lange Commission report of which he was a member and the first three chapters of that are going to be referred to so that if we do have any time I can give copies to the state and to your lordship to read in the meantime so that we can be (20) au fait with what he is saying. So that this is how we have, I have a note from the person who has almost an amazing memory, that is Mr Ratsomo, that is accused no. 22, he says it was the UDF Update, the exhibit is CA.1

COURT: CA?

MR BIZOS: One, and it was produced during November 1986.

EMMA KEBONE MOSIAPOA: d.s.s. (Through Interpreter)

EXAMINATION BY MR BIZOS: My lord accused no. 17, Mr Matlola, had an appointment for Thursday which he forgot about. Could he have his lordship's permission to go to the hospital (30)

tomorrow/.....

tomorrow if ...

COURT: He could not have been very sick on Thursday then.

MR BIZOS: Well except that he requires periodic observation.

COURT: Yes, permission granted.

MR BIZOS: Do you live in Huhudi Mrs Mosiapoa? -- Yes I live in Huhudi.

Have you lived there all your life? -- Yes I lived there for all my life.

You are married and you have nine children? -- That is so. (10)

You have passed standard 6 and were you a domestic worker during 1983, 1984, 1985? -- That is so.

Did you hear about the people of Huhudi being transferred to Pudumong? -- Yes I heard of that.

When did you hear about that for the first time? -- It was during the voting time when I heard for the first time about this.

Can you remember the year of that voting time? -- Yes I can.

When was that? -- In 1978. (20)

Yes. And were you in favour of this proposed move? -- No I was not in favour.

And why did you hear about it at voting time? How did it come that you heard about it at voting time? -- What happened is that when people were canvassing for the votes saying that we must vote for the Seoposengwe party and if we voted for Seoposengwe party according to those who were announcing this the place of Huhudi is not going to move to Pudumong. So that is how I came to know about the removal to Pudumong.

And were the people who were saying that they would (30)
trying, /....

trying, were opposed, that people who were opposed to the move, were they elected? -- Yes they were.

And did they become the councillors? -- Yes they were councillors.

And did they engage themselves in any way after their election in opposition to the move? -- Yes.

What did they do, can you recall, to show that they were against the move? -- They sent some notes around in the township to be signed by the residents.

And what did the notes say? -- The contents of the (10) notes were that we are not moving to Pudumong.

Yes. Did the councillors carry on being opposed to the move or did they appear to be changing their mind at any time? -- They changed at some stage.

When did you become aware of this change in their attitude? -- It was in 1982.

What happened which showed you that they had changed their mind? -- Hundred families were moved.

COURT: Were they moved or did they go of their own accord?

-- They were moved by the councillors. (20)

MR BIZOS: Why do you say that? -- Because the council vehicles were being used in moving these people.

Yes. Before these people were moved were there any new houses being built or any improvements being made to Huhudi? -- No no new houses were being built before they were moved to Pudumong.

Do you know of any promises that there were made of any advantages if you moved to Pudumong in 1982? -- Yes I do.

What promises? -- The promises were that the people moving to Pudomong were going to pay less rent in Pudumong. (30)

Anything/....

Anything else? -- I do not remember what else was said.

Right. Now do you know about anything about a delegation to Kimberly? -- Yes I do.

Were you at a meeting at which the delegation was elected or not? -- I was not present.

Do you know whether this delegation and the councillors came back to report what had happened at Kimberly? -- Yes I do.

Did you attend that meeting? -- Yes, that one I attended.

Can you remember when that meeting was? -- Yes I do. (10)

When was it? -- Towards the end of the year 1982.

Was that held in the community hall in Huhudi? -- Yes.

Now in your own words would you please tell us what happened at that meeting? -- It was a meeting of the Huhudi community at which Mr Dikole made a report.

What did he say? -- In his report he said that the delegation which was sent with them was not permitted to be present where the discussions were taking place.

What was the reaction of the audience to this report? -- The reaction of the community was that they were not happy (20) at all.

And did one or other of the councillors say anything about the proposed removal to Pudumong? -- Yes.

What? -- This person said we have tried to talk about this in resistance but we have been defeated and therefore the only alternative left is to move to Pudumong.

COURT: Who said that? -- Mr Dikole.

MR BIZOS: And what was the reaction of the audience to that? -- The community then decided and made a request to Dikole that they are going to elect a temporary committee. (30)

A/....

A temporary committee to do what? -- To resist the removal.

Who made this request or proposal that a committee should be formed? -- Dikole suggested that.

And was it taken up by other people? -- Yes it was accepted.

And did any people speak in favour of this? -- Yes.

Who? -- The community voted on that by raising hands.

Yes, and was a committee elected? -- Yes a committee was elected. (10)

Do you remember who they were? -- Yes.

Who? -- Hoffman Galeng, Jomo Khasu, Khotso Crutse, Cutter London.

COURT: Yes would the typist still remember how all these names are typed?

MR BIZOS: If it is the same one, I think yes.

COURT: Yes let us hope we get the same one.

ASSESSOR (MR KRUGEL): Except for the Carter, C-u-t-t-e-r, not K-h-a-t-h-a.

MR BIZOS: Yes, well I hope that the typist takes note. (20)

And was there any satisfaction expressed in relation to what the councillors had done, or any dissatisfaction expressed in relation to the councillors? -- You mean after the election of the four members of the temporary committee?

Either before or after, at the same meeting was there anything said about the councillors? -- Yes the people were not happy about the councillors.

And did they say so? -- Yes they did because they said the councillors are not taking these messages to those in authority. (30)

Was/....

Was any decision made about the councillors at this meeting? -- Yes the councillors had to stop for some time.

COURT: What do you mean by that? -- By that I mean for some time that I know they did not meet with the temporary committee which was elected.

MR BIZOS: Yes. Were all the councillors there at this meeting? -- No not all were there.

How many were there? -- Four of them were present.

Yes. Were you at a meeting at which HUCA was formed? -- Yes I was. (10)

How long after this temporary committee was elected was HUCA launched? -- It was in the beginning of 1983.

Yes. Who spoke at this meeting? -- Jomo Khasu.

Who else? -- Hoffman Galeng.

Anyone else that you can remember? -- No.

Were there any strangers there at that meeting? By strangers I mean people who did not live in Huhudi? -- No there was none.

Was there a white woman there named Sheena Duncan? -- No she was not there. (20)

Or a priest from Johannesburg called Frank Chikane? -- No he was not there.

And what did Crutse and Galeng say? I beg your pardon Khasu and Galeng say? -- Jomo explained to the community about this organisation that the name of it is HUCA and also explained the reason why this organisation was being formed as because of the delegation which was refused permission to be present at the time of the discussions in Kimberly it has been decided on the formation of this organisation. Galeng in his address said our moving to Pudumong is going to end up causing us (30) losing/....

losing our citizenship of South Africa. He also made mention of losing section 10 and also made mention that the travelling expenses from Pudumong to work is going to be costly.

Would you have been able to keep your job as a domestic servant if you had moved to Pudumong? -- No I would not.

Did you come back home every night? -- Yes.

And was a committee for HUCA elected? -- Yes, it was.

Were the same people elected as were on the temporary committee? -- Yes.

Anyone else? -- Yes Reverend Rathaba. (10)

Did you after this become a member of HUCA in any way?
-- I have never been a member.

And did you attend any of its meetings? -- No I never attended meetings after that.

Did you hear that there was a youth organisation formed in Huhudi? -- Yes.

Did you ever attend any of its meetings? -- No.

Now I want to turn to the events of 16 June 1985. Did you know that there was a meeting on 16 June 1985 to commemorate 16 June? -- Yes. (20)

Did you go to it? -- No I did not.

Late in the afternoon of the 16th did you see anything unusual happening on Ndukaza Street? -- Yes I did see something happening.

Well please tell his lordship what you saw happening? -- I noticed Mr Mathloko driving from out of his premises in a van, driving along Eli Mabusela Street, driving westwards along Eli Mabusela.

Yes and what happened whilst he was driving like that?
-- There were some children coming from the opposite direction/.... (30)

direction as he was going, the children were coming eastwards. He drove through those children, that is through the group of children.

What age group would you say this group of children was?

-- I estimated their ages to have been between 11 and 12 years.

And how many of them would you say were there in this group? -- Between 20 and 25 I would say.

And what happened when the driver drove into this group?

-- He knocked these children and one of them fell on the ground.

And what did the others do? -- The others gave way from (10) there. Some of them were also knocked by this vehicle but they managed to get away from that particular point where this incident happened.

Yes. You say one of them fell to the ground? -- Yes.

And what did you do? -- I went up to that point.

What did you do when you got to that point? -- When I came there where this child was lying on the ground I requested one of the children who looked quite older than the others to assist me in carrying this child onto the pavement.

Yes. And when you carried the child to the pavement, (20) what happened then? -- I started making enquiries as to whose child this was.

And were you told? -- Yes.

Did you give any directions as to what should be done?

-- Yes, saying that they must go and tell the mother to this child that the child is injured here.

And you yourself, what did you do? -- I requested another child to stand there and look after this one who was injured, when I had gone to a lady teacher's house to go and ask for a telephone in order to summon the ambulance to the scene. (30)

Did/.....

Did you go and did you come back? -- Yes.

Was the child still there when you came back? -- No the child was taken away.

Yes. Thank you my lord, I have got no further questions.

KRUISONDERVRAGING DEUR MNR JACOBS: Mevrou, u het gesê u het die eerste keer gehoor van die verskuiwing tydens 'n verkiesing, verkiesingstryd. Was dit op die stadium toe die raad wat toe in beheer was in 1984 en 1985 toe hulle vir die eerste keer...

HOF: Ek het gedink dit is 1978 wat sy meld. (10)

MNR JACOBS: Ek wil net by haar duidelik kry, want ek weet nie watse verkiesing in 1978 was nie.

HOF: Ja?

MNR JACOBS: Was dit toe daardie raad verkies is of was dit toe 'n ander raad verkies is? -- Nee, dit was in 1978 gewees toe daar verkiesings gehou was.

Was daar na 1978 weer verkiesings? -- Ja, daar was.

Wanneer? -- Iewers daar in 1982 of 1983.

Nou die petisie wat rondgestuur was, ek noem dit 'n petisie, jy het dit genoem papiere wat rondgestuur was, om te sê (20 wat die mense moes teken, wanneer was dit gewees? -- Dit was in 1982 gewees.

Was dit nie later rondgestuur deur Dikhole-hulle wat besluit het dat daar moet 'n petisie wees nie? -- Dit was Dikhole en andere gewees.

Nou die families wat daar verwyder is of wat getrek het wat sou u daarvan sê as gesê word dat hierdie mense het heeltemal vrywillig getrek uit Huhudi uit na Pudimoe toe? -- Ek sal sê hulle was gedwing gewees.

Was hulle geforseer? Was hulle huise omgestoot en is (30

hulle/ ..

hulle toe geforseer om daarso weg te trek? -- Nee, die huise was nie omgestoot gewees nie.

Nou hoe was hulle gedwing gewees? Is hulle goed sommer met geweld uit hulle huise uitgeneem en op die raad se vragmotors gelaai en toe verwyder na Pudimoe toe? -- Wat gebeur het is dat byvoorbeeld die ene wat hulle môre gaan laat trek sê hulle soos vandag, kyk, môre trek jy hiervan af, jy moet jou goete pak. So ek moet vandag begin pak. Ek het nie 'n keuse nie.

En as die mense onwillig was en het nie gepak nie, (10
het die polisie dan gekom en die ander mense en hulle goed sommer met geweld toe opgelaai? -- Nee, die mense het ag geslaan op dié wat Dikhole-hulle gesê het omdat hulle in beheer was van daardie woonbuurt. Die mense kon niks anders gedoen het nie.

Wat het Dikhole vir hulle gesê? Hoe het hy hulle gedwing?
-- Verskoning?

Hoe het hy hulle gedwing? -- Al wat Dikhole gesê het aan hulle is dat op hierdie dag, hy het toe die datum genoem en gesê dit is die dag vir die mense om te trek. (20

Sou jy sê Dikhole het hulle gedwing om te gaan? -- Ja.

Maar as mens sê iemand dwing iemand anders dan is daar mos iets meer as net om te sê daardie dag gaan julle trek?
-- Die mense daar het dit nie so verstaan nie.

U sien mevrou, ek wil aan u stel u het nie eens gesien toe hierdie mense getrek het nie want u het self gewerk. -- Ek het gewerk, u is reg, maar ek het net tot 14h00 gewerk en by daardie tyd wat ek tuiskom die voertuie is nog besig om die woonbuurt te verlaat.

En wat meer is, dat hierdie storie wat u sê die mense (30
gedwing / ..

gedwing is, is 'n totale leuen want die getuienis was in hierdie hof dat die eerste klomp mense, ongeveer 200 en wat een van die raadslede toe gesê het is nie soveel nie, gesinne, het heeltemal vrywillig gegaan na Pudimoe toe. -- Ek sê dit nog dat daardie mense was gedwing gewees om te trek na Pudimoe toe want byvoorbeeld soos ek nou hier staan, van die mense het teruggekome van Pudimoe af.

HOF: Na hoeveel tyd? -- Onmiddellik toe dit bekend gemaak was dat Huhudi nie meer gaan trek nie, het hulle begin terugkom. (10)

MNR JACOBS: Nou mevrou..

HOF: Was u by toe Dikhole vir hulle gesê het môre trek julle? -- Nee, wat gebeur het is dat die mense wat getrek het het ons gesê dat Dikhole alreeds vir hulle in kennis gestel het dat hulle op so 'n dag moet trek en op daardie dag het hulle getrek.

MNR JACOBS: Nou kan u vir die hof sê watter jaar, wanneer was dit gewees toe hierdie mense gedwing was om daar weg te gaan? -- Dit was in 1982 gewees.

Nie in 1980 nie? -- Nee, in 1980 is toe dit nou sterk (20 gesê is dat daar mense sal moet trek of ons moet trek daarvan af, maar daar was nog nie mense gewees wat alreeds besig was om te trek of wat in daardie tyd getrek het nie.

Kan u vir die hof sê watter maand dit was toe hierdie mense in 1982 getrek het? -- Ek kan nie die maand onthou nie.

Was dit in die winter gewees, somer, herfs? -- Dit was so in die somer gewees as ek reg is.

Is dit in die voorjaar of in die najaar? -- In die begin van die jaar, van die somer.

En jy sê toe het die raadslede al klaar van plan (30
verander/..

verander dat die mense sal moet trek, dat julle almal sal moet trek?

ASSESSOR: Ekskuustog, kan ons net - u het nou eers gesê in die begin van die jaar en toe aan die begin van die somer? -- Begin van die somer.

Begin van die somer?

HOF: Van 1982.

ASSESSOR: Van 1982. -- In die begin van die somer in 1982.

MNR JACOBS: En toe was dit reeds gesê op daardie stadium dat die raadslede, of u getuienis is dat op daardie laat (10 stadium het die raadslede alreeds van opinie verander omtrent die ding van die verskuiwing? -- Ja, dit is nadat hulle dit gesê het.

En hierdie dinge het dit nou gebeur voor of na die vergadering toe daar 'n delegasie na Kimberley gekies was? -- Dit is voor die mense na Kimberley toe was.

Dan verstaan ek nie. Hoe kan die raadslede dan van opinie verander het as hulle agterna in Kimberley 'n vergadering gehou het en mense gekies is om saam met hulle te gaan na Kimberley om te baklei teen die verskuiwing. Hoe kan (20 jy dan sê daar het 'n verandering by die raadslede ingetree? -- Nee, dit is na die gemeenskap van Huhudi gesien het dat van die families alreeds getrek het na Pudimoe toe dat hulle toe besluit het dat daar afgevaardigdes saam met die raadslede Kimberley toe moet gaan.

Is dit nie so gewees dat daarso nie aanvanklik by Kimberley vergadering sou gewees het nie maar die eerste vergadering sou gewees het op Vryburg? -- Die besluit oor die vergadering met die afgevaardigdes in Kimberley was besluit in hierdie vergadering.

(30

My / ..

My stelling aan u is nie dit nie, my stelling aan u is dat die eerste ontmoeting met die administrasieraad sou plaasgevind het op Vryburg en daarom was daardie mense gekies om die vergadering op Vryburg by te woon. Op Vryburg is dit net weer uitgestel na Kimberley toe en toe is hulle na Kimberley toe weer. -- Nee, dit is nie so nie.

Weet u dat hulle ontmoet het, die administrasieraad het die dorpsraad en die afvaardiging ontmoet in Vryburg? Weet u daarvan? -- Nee, daar was nie.

U sê daar het niks so-iets gebeur nie? -- Nee. (10)

En is dit so dat mnr Dikhole het voorgestel dat daar 'n afvaardiging gekies moes word om hulle te vergesel om die raad te spreek? -- Dit is nie so nie.

HOF: Hoe kan u so sê mevrou? U was nie op die vergadering nie? -- Die mense het eintlik nie hierdie mense vergesel nie, hulle het eintlik daar self gaan praat. Hulle sou saamgegaan het maar hulle gaan self praat, nie dat die mense daar namens hulle gaan praat nie.

MNR JACOBS: Hoekom kom u nou met hierdie storie dat hulle sou self gaan praat as u nie eens self op die vergadering (20 was nie? Waar kom u daaraan? -- Met die vergadering wat gehou was, dit wil sê die vergadering wat die mense teruggerapporteer het, het die gemeenskap gesê ons het hierdie mense gestuur om vir ons daar te gaan praat en terug te kom met 'n antwoord. Bedoelende dat hulle die afvaardiging gestuur het om te gaan praat en terug te kom met 'n antwoord.

Ek verstaan nie hoe die gemeenskap dit kon gesê het nie. Hoe sê die gemeenskap so-iets op 'n vergadering? -- Die eerste persoon wat gepraat het daar was Dikhole en die ene wat hierdie woorde gebesig het dat ons die mense gestuur het om (30

namens / ..

namens ons te gaan praat en 'n antwoord terugbring, dié ken ek nie maar daar was so 'n persoon gewees.

ASSESSOR: Maar u was nie op die vergadering nie? -- By die "report back" vergadering was ek daar gewees.

Dankie, ekskuustog.

MNR JACOBS: Nou by hierdie "report back" vergadering, kom ons beskou dit 'n bietjie nader. Wanneer was dit gehou gewees?
-- Einde 1982.

Is u seker daarvan dit is einde 1982, mevrou? Was dit nie in 1983 gewees nie, begin van 1983 nie? -- Die einde (10
1982 was die vergadering.

U sien die getuienis wat ons hier gehad het was daardie verslagvergadering was aan die begin van 1983 gehou. -- Die vergadering in 1983, dit is waar die tydelike komitee gekies was.

Hierdie verslagvergadering waarna u verwys nou die eerste ene, wie het dit georganiseer? -- Die raadslede.

Weet jy van enige verslagvergadering wat gereël was deur die afvaardiging en lede van die gemeenskap? -- Ja.

Wanneer was dit gewees? -- Ek sê die vergadering was (20
daar om en by die einde van 1982. Dit is dieselfde vergadering wat ek na verwys as die raadslede se vergadering. Daardie mense het almal daardie vergadering gereël.

So u weet van - verstaan ek u dan nou korrek dat daar was geen verslagvergadering net gereël deur afgevaardigdes, die 'delegates' en lede van die gemeenskap nie? -- Nee, Dikhole en sy mense was ook betrokke gewees met die afgevaardigdes en die gemeenskap.

Weet u dat Dikhole en die dorpsraad daarna nog voortgegaan het om stappe te neem om hierdie verskuiwing na (30

Pudimoe / ..

Pudimoe te beveg en dat hulle selfs die minister gaan sien het daaroor? -- Nee.

As dit so is sal u saamstem dat u getuienis is heeltemal verkeerd as u sê dat die raadslede en die dorpsraad het van standpunt verander en toe begin om te werk vir verskuiwings? -- Nee, hulle het dit nie voortgesit nie.

Kan u onthou of op hierdie verslagvergadering gesê is dat die raad, dit is die dorpsraad en Dikhole-hulle 'n afspraak wou probeer kry om met die minister samesprekings te gaan voer en dat dit op Kimberley gesê is dat hulle sal nie (10 die minister kan sien as hierdie delegasie saamgaan nie? -- Dit is nie so nie.

Nou op hierdie verslagvergadering het Dikhole gesê dat daar moet 'n tydelike komitee gestig word of wie het so gesê? -- Dikhole het dit voorgestel.

Hoe het hy dit gemotiveer aan hierdie gehoor en gesê hoekom moet hulle 'n tydelike komitee kies? -- Hy het gesê daar moet 'n tydelike komitee gekies word want die raadslede het hierdie ding beveg maar hulle het nie daarin geslaag om te wen nie, so daar moet 'n tydelike komitee gekies word. (20

Nou hoe het hy gesê wat moet hierdie tydelike komitee nou doen? -- Hy het gesê die tydelike komitee sal die verskuiwings moet beveg.

Het hy gesê dat hulle sal saam met die raad werk om hierdie verskuiwings te beveg? -- Nee.

Nou wat het hy gesê hoekom moet dit 'n tydelike komitee wees? Hoekom nie 'n permanente komitee nie? -- Al wat hy gesê het is dat die tydelike komitee sal moet die verskuiwings beveg want hulle is baasgeraak.

U sien mevrou, ek wil dit nog aan jou verder stel dat (30

hy / ..

hy het nooit, op daardie vergadering is nooit gesê deur enige raadslid dat die raad is baasgeraak nie. -- Ek het alreeds so gesê. Ek sê Dikhole het.

Behalwe hierdie een vergadering, hierdie verslagvergadering, het jy enige ander vergaderings, openbare vergaderings in Huhudi bygewoon? -- Nee, ek het nie.

Hoekom nie? -- Ek het gewerk.

Wat het dan gemaak dat jy hierdie dag nie gewerk het nie? -- Daar is dae wat ek af is.

Het u gesien dat daar vergaderings geadverteer word (10 wat gehou sou word deur organisasies, gemeenskapsorganisasies in Huhudi? -- Ja.

Hoe is dit geadverteer? -- Ons het dit miskien in die môre in die strate gekry.

Is dit nou plakkaat en pamflette? -- Dit was die klein papiertjies.

Weet jy van vergaderings wat geadverteer was waar daar sprekers van UDF as sprekers sou optree? -- Nee, ek het nie daarvan gehoor nie.

Het jy ooit geweet dat daar enige spreker van UDF daar opgetree het in Huhudi? -- Nee.

Het jy ooit al gehoor van die naam wat aan jou genoem is, Frank Chikane? -- Ja, ek het.

Het hy ooit daar 'n vergadering gehou in Huhudi? -- Hy het 'n biduur kom hou daar.

Wanneer was dit, mevrou? -- Ek weet nie, ek het net daarvan gehoor.

Het mev Sisulu van UDF daar gepraat in Huhudi? -- Ek het net daarvan ook gehoor.

Het u gehoor dat 'n persoon met die naam van Terror (30

Lekhota /..

Lekota daar vergadering gehou het? -- Nee.

Het jy gehoor dat Curtis Nkondo daar was en vergaderings daar toegesprek het? -- Ekskuus?

Ek vergaderings toegesprek het? -- Ek het niks van hom gehoor nie.

So u volstaan daarby dat u het net hierdie een openbare vergadering daar bygewoon en dit is die verslagvergadering?

MR BIZOS: The evidence is not that she attended only one meeting.

HOF: Wel, die vraag was: het u enige ander openbare vergaderings bygewoon in Huhudi behalwe die verslagvergadering en die antwoord was nee.

MR BIZOS: M'lord, I did not..

COURT: Well, that is what I wrote doen, Mr Bizos.

MR BIZOS: Perhaps I was not concentrating. Anyway, I will leave it at that because..

COURT: We can read through the record again but that is my note. Yes?

MNR JACOBS: Antwoord die vraag? -- Wat is die vraag?

Ek sê volstaan jy dan met jou getuienis dat jy net een openbare vergadering in Huhudi bygewoon het daardie tyd en dit is hierdie verslagvergadering? -- Nee, maar ek het twee vergaderings hier genoem.

HOF: Ekskuus? -- Ek het twee vergaderings genoem.

MNR JACOBS: Wanneer was die ander vergadering wat jy bygewoon het? -- Dit is die ene by die begin van 1983 oor HUCA.

Ek vra wanneer het u die tweede vergadering bygewoon - wanneer het u die tweede vergadering bygewoon? -- Dit is HUCA.

Nou vra ek weer vir u, wanneer het u hom bygewoon? -- In 1983.

(30

Was / ..

Was dit aan die einde van 1983, middel van 1983 of wanneer? -- Aan die begin.

Nou as jy sê aan die begin, in watter maand in 1983? -- Ek kan nie die maand onthou nie.

Was dit al naby die winter gewees, in die winter? -- Nee tussen Januarie en Februarie.

Nou hoekom het u hierdie vergadering gaan bywoon tussen Januarie en Februarie? -- Dit is omdat ek daarvan gehoor het dat daar 'n organisasie is met die naam van HUCA.

O, toe u die vergadering gaan bywoon het, het u al (10 klaar geweet daar is 'n organisasie soos HUCA? -- Ek het die vergadering bygewoon. Wat ek gehoor het is dat mense gekies gaan word wat sekere posisies sal moet neem in HUCA.

Nou wat is die posisie - het HUCA alreeds bestaan of het hy nog nie bestaan nie? -- Dié het alreeds bestaan.

Weet u wanneer het HUCA tot stand gekom? -- Ek weet nie.

Edele, my aandag is daarop gevestig ek het alweer oor die tyd gegaan.

DIE HOF VERDAAG VIR TEE / DIE HOF HERVAT

EMMA KEBONE MOSIAPOA, nog onder eed - (20

VERDERE KRUISONDERVRAGING DEUR MNR JACOBS: Mevrou, hierdie stigtingsvergadering van HUCA was 'n baie groot geleentheid gewees, 'n besondere belangrike geleentheid in Huhudi? -- Ja, dit was.

En dit was baie goed geadverteer gewees met plakkate en pamflette en sulke dinge? -- Ja.

En is dit nie so nie, omdat dit so 'n belangrike geleentheid was, was daar besluit om ten minste mense van die buurdorpe as sprekers te ncoi, van organisasies van buurdorpe? -- Nee, ek weet nie daarvan nie. (30

Jy / ..

Jy weet nie. Jy kan ook nie betwis dat dit so is nie nê?
Hoekom sukkel u so, mevrou? -- Moet ek antwoord?

HOF: Ja. Die vraag is of u dit kan betwis. -- Naburige dorpe
aan Vryburg?

Ja. -- Nee, daar was niemand gewees wat ek kan dink wat
genooi was van naburige dorpe nie.

MNR JACOBS: Sal u saamstem daar was meer as twee sprekers
gewees? -- Ek stem nie saam nie.

Sê u daar was net twee sprekers gewees? -- Ja.

In hierdie hele vergadering was net twee toesprake (10
gehou of net twee mense wat daar gepraat het? -- Ja.

En as iemand miskien gesê het dat behalwe vir Galeng en
Jomo het ook Crutse daar gepraat dan is dit 'n leuen? -- Ja,
dit is 'n leuen, die persoon praat nie die waarheid nie.

Ken jy vir Khotso Crutse? -- Ja.

Was hy op die vergadering, kan jy dit vir die hof sê?
-- Watter vergadering?

Die stigtingsvergadering. -- Die vergadering wat mense
se posisies gegee was by die organisasie?

Ja, dit was seker die stigting of watse vergadering (20
was dit? -- Ja, hy was.

Die vergadering waar mense posisies gegee was op die
organisasie, watse vergadering was dit? -- Dit is die HUCA
vergadering.

Is dit 'n ander vergadering as die vergadering waar die
organisasie gestig was? -- Dit was gedurende die tweede ver-
gadering van HUCA.

HOF: Sê u dit was die tweede vergadering van HUCA? -- Ja.

Wat was die eerste een? -- Dit is die tydelike komitee.

Die eerste vergadering van HUCA is daar waar die (30

tydelike / ..

tydelike komitee gestig is? -- Ja.

Ja?

MNR JACOBS: Mevrou, op hierdie vergadering was daar plakkaat en baniere gebring en is die saal versier daarmee? -- Nee, dit was nie so nie.

Was daar vryheidsliedere gesing op daardie vergadering? -- Nee, dit was net die kerkliedere gewees.

Was daar slagspreuke geskreeu? -- Nee, dit was net liedere gewees, kerkliedere wat gesing was.

Kan jy vir ons sê watter liedere was gesing of van (10 hulle wat gesing was? -- "Nkosi Sikelele iAfrika".

Ja, nog? -- "Senzeni na".

Nog?

HOF: "Senzeni na" met watter woorde? -- Dit was in een van die Nguni-tale gesing.

So u ken hom nie? -- Nee.

Dit is nie 'n lied van u kerk nie? -- Nee vir my kerk is "Nkosi Sikelele".

MNR JACOBS: Nou behalwe hierdie twee wat nog? -- Dit is die enigste twee wat ek kan onthou wat herhaalde kere gesing (20 was.

Het hulle "Nkosi Sikelele" herhaalde kere gesing, die vergadering? -- Ja, dit is herhaalde kere gesing.

Was dit nie aan die einde van die vergadering net gesing nie? -- Nee.

Was daar gesing van Mandela? -- Nee, daar was nie gesing gewees van Mandela nie.

U sien mevrou, ek wil dit aan u stel op hierdie stigtings-vergadering van HUCA het daar byvoorbeeld ook mense van die Huhudi Youth Congress of Association daar gepraat? (30

HOF / ..

HOF: Youth Association of Organisation?

MNR JACOBS: Ek dink dit is HUCA.

HOF: HUCA?

MNR JACOBS: HUYO - Organisation. -- Nee, nee, nie waar ek was nie. Hulle was nie daar nie.

Het daardie organisasie daardie tyd nog nie bestaan nie?
-- Watter ene?

Die Youth Organisation. -- Ja, dit is voor dit gestig was.

Het HUCA kantore gehad daar in Vryburg? -- Ja, daar (10 was.

En UDF was hulle saam met HUCA daar in daardie kantore gewees? -- Nee, ek weet nie, want ek was self nog nie daar gewees nie.

En HOYA..

HOF: HUYO.

MNR JACOBS: HUYO, het hulle kantore daar gehad? -- Nee, ek weet net van HUCA.

Kom ons gaan na die volgende aspek toe, dit is hierdie 16 Junie herdenking. Was dit die eerste keer dat daar so 'n herdenkingsdiens gehou was op 16 Junie 1985? -- Dit was nie die eerste keer nie.

Hoeveel keer is dit tevore daar gehou? -- Omtrent vier jaar voor hierdie jaar.

Was dit net een wat vier jaar voor hierdie jaar gehou was of was dit vir vier jaar aanhoudend gehou, elke jaar? -- Elke jaar op die 16de was daar 'n herdenkingsdiens.

En deur wie was dit georganiseer die vorige jare? -- Ek kan net nie sê deur wie dit georganiseer was nie.

Wie het dit hierdie jaar georganiseer, dit is 16 Junie(30

1985/..

1985. -- Ek het ook nie geweet deur wie dit georganiseer was nie.

Nou was dit nie geadverteer gewees nie? -- Nee.

Het u geweet wie sou sprekers wees daar op hierdie byeenkoms? -- Ek het nie geweet nie.

Voor 16 Junie 1985 toe was daar in Huhudi alreeds moeilikhede gewees, is dit reg? -- No.

HOF: Wat verstaan u onder moeilikhede? -- As ek dit moet vergelyk met dit wat gebeur het op die 16de, dit is die moeilikhede wat plaasgevind het op die 16de. As mens praat (10 van moeilikhede dan praat 'n mens van iets soortgelyk aan hierdie gebeure van die 16de.

U bedoel 'n ongeluk? -- Nee, die volgende dag die 17de, kyk die ongeluk was die 16de, die 17de was daar toe baie dinge gewees wat plaasgevind het. Dit is wat 'n mens kan beskrywe as moeilikhede wat daar was.

K1417 Nou watter soort dinge? Het manne met vroue baklei oor hulle nie geld huis toe gebring het nie of dié soort van dinge? -- Die mense wat vreemdelinge was daar wat mense geloop en slaan het met sambokke, ingevoerde mense wat (20 ander met sambokke geslaan het is dié wat ek kan beskou as moeilikhede wat daar bestaan het.

O, as mense met sambokke geslaan word dan is dit moeilikhede? -- Dit was nie speletjies gewees nie, u moet dit verstaan. Daar was busse, die Hippos, alle soorte voertuie, almal gewapen met sambokke wat daar geslaan het.

Ja?

MNR JACOBS: Sal u saamstem dat voor 16 Junie 1985 was daar skoleboikotte in Huhudi gewees? -- Ja, daar was 'n boikot gewees by die hoërskool bekend as Bopaganang. (30

HOF / ..

HOF: Was dit nog aan die gang op daardie tyd of was dit gewees en verby? -- Nee, dit was al verby.

MNR JACOBS: Hoe lank het die skoleboikot geduur daar? -- Omtrent twee of drie weke.

Was die skole gesluit gewees? -- Ja, daardie skool was gesluit.

Weens die boikotte deur die departement? -- Ek het net nie geweet wie die skole gesluit het nie, of dit nou die departement was of dat die onderwysers besluit het dat die skole gesluit moet word, dit kan ek nie sê nie. (10

En het jy kinders gehad op skool daardie tyd? -- Nie by die skool Bopaganang nie.

En toe die skool gesluit is het die kinders nogtans skole toe gegaan, daar by die skole gaan bly?

HOF: Maar mnr Jacobs, as daar een skool geboikot is en daardie selfde skool word gesluit dan kan u nie die volgende vraag vra: het die kinders nogtans skool toe gegaan nie; want al die ander kinders gaan dan in elk geval skool toe.

MNR JACOBS: Na dié skool toe, ekskuus, edele. -- Nee, hulle het nie skool toe gegaan nie. (20

Kan u onthou dat daarso voor 16 Junie 1985 aanvalle met handgranate was op raadslede se huise? Polisiebeamptes se huise? -- Nee, nie sover ek weet nie. Dit was nie so nie.

U sê dit het nooit gebeur nie? -- Nie onmiddellik voor die 16de nie.

HOF: Nee, maar enige tyd voor die 16de. -- Nee, voor die 16de? Nee, daar was niks wat gebeur het nie.

Was daar sulke aanvalle na die 16de? -- Ja, ek het daarvan gehoor.

MNR JACOBS: Nou op die 16de self en voor die 16de, was (30
daar / ..

daar aanvalle op die huise van raadslede, klipaanvalle? --
Nee, dit was nie so gewees nie.

Nou die dag van die 16de self, was daar nie 'n aanval op hierdie raadslid wat die kinders sou raakgery het, se huis nie? Matlhoko se huis nie? -- Nee, daar was nie 'n aanval gewees op sy huis nie.

Was daarso 'n aanval op sy winkel gewees? -- Nee, daar was nie.

Of op die slaghuis daar in Huhudi?

HOF: Op dié dag? (10)

MNR JACOBS: Die betrokke dag, edele. -- Daar was wel 'n aanval gewees op die slaghuis maar nie op die 16de nie.

Is dit..

HOF: Was dit voor dit of na die tyd? -- Na die 16de.

MNR JACOBS: Is dit die Maroping Butchery? -- Ja.

Hoe ver is jou huis van mnr Matlhoko se huis af? -- Drie strate van my huis af kom jy by Matlhoko se huis.

Die straat wat voor jou huis verbyloop, loop ook voor Matlhoko se huis verby? -- Nee, van my straat af, as jy my straat tel is dit my straat en nog twee strate en dan die (20 vierde ene is Matlhoko se straat.

So is dit dan reg as jy by jou huis staan dan kan jy nie Matlhoko se huis sien nie? -- Nee, ek kan dit nie sien nie.

En die betrokke dag, die 16de, toe jy jou waarnemings gedoen het was jy by jou huis gewees of waar was jy gewees? -- Nee, ek was by 'n plek wat bekendstaan as Vergenoeg.

HOF: Wat is dit, 'n voorstad? -- Ja, dit is 'n nuwe voorstad.

MNR JACOBS: Is dit ver van jou huis en Matlhoko se huis af? -- Ja.

Hoe ver sou u sê is dit van Matlhoko se huis af? -- (30

Dit / ..

Dit is twee strate van Matlhoko se huis af.

En daar waar jy was kon jy Matlhoko se huis sien? --
Nee, vanwaar ek was in Vergenoeg kon jy nie Matlhoko se huis sien nie.

Goed, en hoe laat was dit gewees? -- Hoe laat wanneer op pad terug huis toe of terwyl ek daar by Vergenoeg was?

Wanneer het jy die waarneming gedoen wat jy gesê het, terwyl jy op Vergenoeg was of terwyl jy op pad huis toe was? -- Ek was op pad huis toe.

En hoe laat was dit toe? -- Tussen 17h30 en 18h00. (10

Was dit al donker? -- Ek kon nog sien.

In Juniemaand hierso by 17h30 is dit nie al donker nie? -- Nee, dit was nie donker nie.

Hoe ver was jy van Matlhoko se huis af toe jy jou waarnemings gedoen het? -- As die bank Matlhoko se huis is was ek omtrent by daardie muur.

HOF: Twintig meter?

ASSESSOR: Ja.

HOF: Twintig meter.

MNR JACOBS: En die kinders wat jy gesien het waar was (20 hulle in verhouding met Matlhoko se huis? -- Drie huise verder vanaf Matlhoko se huis.

Behalwe hierdie groep kinders..

HOF: Was hulle nou aan die anderkant? -- Aan die anderkant nie aan my kant van Matlhoko se huis nie.

En moes u met Matlhoko se straat loop om by u huis te kom? -- Ja, ek moet by Matlhoko verby om by my huis te kom.

MNR JACOBS: Was dit die enigste groep kinders wat u in daardie straat gesien het daardie dag? -- Op daardie stadium ja.

Het jy op enige ander stadium nog kinders gesien? In (30

'n / ..

'n groep? -- Ja, na hierdie ongeluk.

Waar het jy hierdie groep gesien? -- Daar was ander groepe wat gekom het vanaf die rigting waar oorspronklik hierdie kinders gekom het net voor die ongeluk en die ander kinders het van die teenoorgestelde rigting gekom van wat dié kinders gekom het. En daar was 'n klomp wat uit Mdugasestraat uitgekom het, dit is die straat waaruit ek gekom het om by hierdie straat aan te sluit.

Nou wat het hierdie groepe kinders so in die straat gemaak? -- Hulle het aangestap gekom. (10)

Het hulle gesing? -- Nee, hulle het nie gesing nie.

Nou dit is eienaardig dat kinders in sulke groepe hier so rondloop in die straat. Kan u vir die hof enige idee gee wat hulle gedoen het so in groepe in die straat? -- Ek weet nie.

Het hulle enige iets gedoen behalwe om daar te loop, dié wat u agterna gesien het? -- Hulle het net gestap.

Was daar enige klipgooiery van enige aard hoegenaamd daarso by Matlhoko se huis? -- Nee, nie wat ek gesien het nie. (20)

Het jy nie gehoor nie? -- Ek het gehoor daarvan.

Nee, maar daar terwyl u daar was, hoor u daar word met klippe gegooi en geraas nie? -- Nee, nie terwyl ek daar was nie.

En waar jy van geskakel het was dit naby Matlhoko se huis en waar die kind was? -- Nee, Matlhoko se huis is ver vanwaar ek gaan bel het in die sin dat vanaf Matlhoko loop 'n mens tot by 'n hoekhuis langs Matlhoko, dan draai jy af met daardie straat verby nog twee huise in daardie straat nou voor jy by die huis kom waarvandaan ek gaan skakel het. (30)

Toe / ..

Toe Matlhoko daar gery het in die straat toe jy hom gesien het, het sy voertuig se ligte gebrand? -- Nee, dié het nie gebrand nie.

Het jy Matlhoko in daardie voertuig gesien? -- Ja, ek het gesien dat dit hy was in die voertuig.

Was hy alleen in die voertuig? -- Ja, hy was alleen.

En toe hy aangery het na die kinders toe wat jy in die straat sien, het hulle maar net in die straat gebly of het hulle gee pad voor sy kar? -- Hulle het padgegee.

Hulle het padgegee? Nou hoe is dit dan dat hy hulle (10 raakgery het as hulle padgegee het? -- Hy het mos na hulle kant toe gery.

Maar mevrou, die man ry in die pad. Het die mense dan in die pad geloop in die eerste instansie? -- Ja, hulle was in die straat.

En hulle sien tog sekerlik hier kom 'n voertuig aan. Het hulle nie padgegee vir daardie voertuig in die pad nie? -- Hulle het padgegee vir hom.

Nou ja, dan as hulle padgegee het dan ry hy mos tussen hulle deur? -- Nee, hulle het padgegee, hy het ook in die (20 rigting van die kinders gery, na die kant toe waar hulle padgegee het.

HOF: U meen soos hulle padgee uit die pad uit is hy agter hulle aan? -- Ja.

So sê jy hy het hulle opsetlik raakgery? -- Ja, dit was opsetlik.

MNR JACOBS: En toe hulle padgegee het uit die pad uit het hulle op die kant, die sypaadjie van die pad gegaan? -- Kyk, ek weet nie of ek moet sê dit is 'n sypaadjie nie, maar daar is nie 'n randsteen nie. Dit is net 'n grondgedeelte vanaf (30

die / ..

die teer.

HOF: En is hy op die grond? -- Ja.

MNR JACOBS: En hulle toe daar op die grondgedeelte gestamp ook? -- Ja, op die grond gestamp.

En toe hy hulle daar gestamp het sê jy het net een omgeval? -- Ja, net een het geval.

Het hy nie drie persone daar omgery nie? -- Die voertuig het die ander twee net geraak.

Het hy nie drie persone omgery nie? -- Die twee het nie geval nie. (10

En die een wat hy dan raakgery het, het hy heeltemal van die pad af op die grond raakgery, wat geval het? -- Ja, van die pad af.

Was dit dan naby aan die draad aan die kant van die pad waar die huise is? -- Nee, die draad was nog 'n endjie ver vanaf die punt van botsing.

Hoe ver? -- Vanwaar ek staan na die muur toe.

HOF: Watter muur? -- Daardie muur.

Vyf meter.

MNR JACOBS: En toe hy hulle raakgery het, het hy hulle net so gelos of wat het hy gedoen? -- Hy het weggery. (20

Nou ek neem aan toe u nou gegaan het om hierdie ambulans te skakel het u baie gou gemaak? -- Ja, ek het.

Sou u sê u was binne 'n paar minute weer terug nadat u geskakel het om te gaan kyk na die kind? -- Dit is die volgende wat gebeur het. Ek kom by die huis waar ek wou gaan bel het vir die ambulans, ek vind dat die mense nie daar was nie; hulle was nie tuis nie. Terwyl ek nog daar probeer vasstel by watter ander huis kan ek gaan bel en terwyl ek nog daar rond was, kom daar toe 'n kind wat vir my sê, dit is na ek 'n tyd (30

daar / ..

daar spandeer het, dat Cutter London daar opgedaag het en die kind weggeneem het. Eers daarna het ek teruggekeer.

Mevrou, het u ooit op enige stadium vir die verdediging gesê dat op 16 Junie het Matlhoko daar by die saal waar die byeenkoms was, die herdenkingsdiens was, daar toe die mense uit die saal uitkom in hulle vasgery en drie persone daar omgery? -- Nee, die kinders was nie daar by die saal beseer nie. Die kinders was beseer in Eli Mabuselastraat, dit is die straat van Matlhoko.

Ek vra of jy so-iets vroeër vir die verdediging gesê (10 het dat hulle is raakgery daar toe hulle uit die saal uitgekom het? -- Nee, ek het nie so gesê nie.

Weet u enige iets daarvan dat dit gesê is, dit is gestel hier aan 'n getuie dat as gevolg van die raakry van die persone daar by die saal, het die mense soos hulle daar by die saal uitgekom het, het berserk geraak, kwaad geraak.-- Nee, dit is nie my verklaring nie.

Wat sê u daarvan, dat hierdie mense wat dan so kwaad geword het, berserk geraak het, het toe daarna Matlhoko se winkel gaan aanval. -- Ek het nie daardie getuienis gelewer(20 nie.

En ook die slagtery is daardie selfde dag aangeval. -- Ek kan nie oor die slaghuis getuig nie, edele.

Mevrou, ek wil dit aan u stel dat hierdie getuienis wat u gegee het dat Matlhoko met sy voertuig hierdie kinders so doelbewus omgery het is 'n leuen. -- Ek sê dit is die waarheid.

Matlhoko het geen mense raakgery daardie dag nie. -- Hy het.

Dan stel ek dit verder aan u, die getuienis wat u gee oor die stigting van HUCA, daardie vergadering is ook 'n leuen (30

wat / ..

wat u vertel. Daar het meer as twee mense gepraat op daardie vergadering en daar was mense van ander plekke af wat op die stigtingvergadering was. -- Luister wat dit ookal is waarvan u lees, daardie stelling, dit is nie wat ek gesê het nie. En tweedens, die vergadering wat ek bygewoon het, het geen vreemdelinge gehad nie. Ek betwis nie die feit dat daar wel vergaderings gehou was wat ek nie bygewoon het nie, maar nie die ene waar ek was nie.

En ek stel dit aan u dat u getuienis is heeltemal verkeerd en dat u moontlik nie eers op daardie vergadering was nie (10 en hier dinge kom sê wat u gehoor het. -- Ek het vir die hof hier gesê van dinge wat ek gehoor het en dié wat ek persoonlik gesien het waar ek by was.

Maar die ander getuies wat hier deur die verdediging geroep is, wat ook op daardie vergadering was, het vir die hof vertel dat Crutse was ook 'n spreker op daardie vergadering. -- Nie by die vergadering waar ek teenwoordig was nie. Daar was wel baie vergaderings wat ek nie bygewoon het nie. Dit sal ek nie kan sê nie, maar nie die ene waar ek was nie.

Maar mevrou, ons praat nie van die baie vergaderings nie. (20
Ons praat spesifiek van die vergadering waar HUCA gestig is en waar die bestuur van HUCA gekies was.

HOF: Gaan u nou baie verder met die getuie kom deur oor en oor met dieselfde ding te gaan? Die punt is gemaak en sy is reg of die ander getuies is reg, een van die twee is reg.

MNR JACOBS: En ek wil dit ook net aan u stel dat die terug-rapporteervergadering van die raadslede, dat u was ook daar verkeerd, dat die raadslede het nooit gesê hulle gee moed op nie en ek wil dit ook verder aan u stel dit was nooit - u is die eerste persoon wat vandag kom en sê dat die raad daar (30

voorgestel / ..

voorgestel het of raadslid Dikhole voorgestel het dat daar 'n tydelike komitee moet gestig word. -- Dit is die waarheid.

Dankie, edele.

RE-EXAMINATION BY MR BIZOS: No further questions.

ASSESSOR: Mevrou, u sê die mense wat ingevoer is met die sambokke, wat op die 17de gekom het, 17 Junie 1985. -- Ja.

Het ek reg verstaan dat u getuienis is dat voor 17 Junie 1985 was daar geen moeilikheid hoegenaamd in Huhudi nie? -- Ja.

HOF: Jy skeep dieselfde probleem wat ek netnou gehad het. (10 Die woord "moeilikheid" kan enige dekselse ding beteken.

ASSESSOR: Ja, by moeilikheid bedoelende handgranaatontploffings, aanvalle op die raadslede se huise, aanvalle op winkels of slaghuise. Voor daardie tyd was daar nie so-iets nie? -- Nie voor daardie dag nie. Daar was nie sulke dinge gewees nie.

Goed, dankie.

HOF: Was daar voor daardie dag klipgooiery? -- Nee, daar was geen klipgooiery gewees nie.

Enige vrae voortvloeiend uit dié van die hof? (20

GEEN VERDERE VRAE NIE

MR BIZOS / ..

MR BIZOS: My lord my learned friend Mr Yacoob will lead the next witness but may I make available, if your lordship, it may help the state and your lordship and your lordship's learned assessor if I hand to your lordship copies of the Provision of Education in the Republic of South Africa, more commonly known as the De Lange Report.

COURT: And which pages are prescribed reading?

MR BIZOS: The first three chapters, it is up to about page 49 I think.

COURT: 49. (10)

MR BIZOS: Oh I beg your pardon, it is page 90. I know it is the first three chapters.

COURT: And you, well we can read it in the meantime and you can hand it in as an exhibit through the witness I think.

MR BIZOS: As your lordship pleases, yes we, and I may say it may be of some assistance, the witness is really going to deal with the roots of what is called the education crisis during the period of the indictment but that it goes back. That is really the evidence. This will be a document to which reference will be made. I am informed that it is cheaper (20) to buy it than photocopy it so, the pages, that is why we are handing in the book my lord.

COURT: Yes Mr Yacoob.

KHALULU SOLLY NGOBESE: d.s.s.

EXAMINATION BY MR YACOOB: Mr Ngobese how old are you? -- I am 34 years of age.

Do you have a family? -- Yes I do.

How big is that family? -- My wife and one kid.

What work do you do? -- I am a sales representative.

Where do you live? -- I live in Tembisa. (30)

For/....

For how long have you lived in Tembisa Mr Ngobese? -- I have lived in Tembisa since 1961.

Do you recall that there were elections for the Community Council in Tembisa in the late 1970s? -- Yes I do.

Were any meetings held in respect of those elections? -- The meetings that I can recall were, those meetings were where the councillors were canvassing for support.

And what was the general tenor of speeches that you heard which canvassed for support during that time? -- Well there were lots of promises, promises as to what sort of improve- (10) ments were going to come about in the township as a result of the election.

What sort of promises of improvements can you now remember? -- Something like the electricity was going to be improved and brought to the homes of household owners, the sewerage system, the roads, I would say just those general.

Now up to 1983 had any of the promises improvements been brought about? -- Well I would say very little if any.

Do you recall that there were elections in respect of the black local authorities during 1983? -- Yes I do. (20)

Did you vote in those elections? -- Personally I did not.

Were you aware of any campaign conducted in Tembisa by which people were asked or persuaded not to vote in the elections of 1983? -- I am not aware of any some such campaign.

Did you attend any meetings called by prospective councillors or candidates who wanted to stand for elections in respect of the 1983 black local authority elections? -- Yes I did.

About how many meetings did you attend during this period? -- I think three. (30)

And/....

And what was the general tenor of the speeches of the candidates this time? -- Well basically it was the same sort of promises that had been made before like rents were not going to be increased, you know tar roads were going to be installed, the sewerage system was going to be done away with.

Right. Was anything said about rent or not? -- Yes rent was mentioned.

What was said about rent? -- That the rents were not going to be increased.

Now ...

(10)

ASSESSOR (MR KRUGEL): What did you mean by the sewerage system would be done away with? -- The situation in Tembisa, particularly at that stage was as follows, we actually had the bucket system, that is where I made, yes it was the bucket system.

Did you mean that the bucket system was going to be done away with? -- The bucket system was going to be dispensed with.

Thank you.

MR YACOOB: Now did you at any stage become part of the committee of the Tembisa Civic Association? -- Yes I did. (20)

About when was that, can you remember? -- About March 1984.

How did it come about that you became a member of the Tembisa Civic Association, or a part of it? -- Well I had heard about the Tembisa Civic Association and some of the people I knew actually served on it. I was approached by one person, Mr Seeta.

COURT: By? By Mr? -- Seeta.

Seeta? -- S-e-e-t-a my lord.

S-e-e-t-a? -- That is right.

(30)

MR YACOOB: /...

MR YACOOB: Yes go on, you were approached by Mr Seeta. Was he a member or had he to your knowledge been a part of the Tembisa Civic Association? -- Yes that is the case.

COURT: Was he on the committee? -- That is right.

What was he? -- He was Vice-President.

MR YACOOB: Yes and what was his approach to you about? -- Well I think at that stage there was much talk about the rent increase that was going to come about.

COURT: Yes but why did he approach you about it? -- Well he thought my input would be necessary. (10)

Did he ask you to stand for election or did he ask you to be co-opted or what did he ask you to do? -- To be co-opted.

MR YACOOB: Did you agree? -- Yes I did.

And after you were co-opted onto the committee was there a mass meeting in connection with the rent issue? -- Yes there was.

About when was this mass meeting held? -- It was during March.

1984? -- 1984.

Can you recall where it was held? -- The likelihood (20) was that it was at Rabasotho hall.

COURT: Ramasotho? -- Rabasotho, R-a-b-a-s-o-t-h-o.

Is that the community hall? -- That is right.

MR YACOOB: Were you at the meeting of the committee which decided that this mass meeting should be called? -- That is right.

What was the purpose for which this mass meeting was called? -- There was this pending rent increase and the general feeling, and personally I felt that the increase in the rental was not justified. (30)

Yes/....

Yes but why did you decide to call a mass meeting? -- So that we could hear the views of the residents regarding this.

Now what was decided at this mass meeting? -- The mass meeting resolved that the committee of the Tembisa Civic Association should call a meeting with the councillors and try and persuade them to halt the increases, as had been promised in their election campaign.

Were there any other decisions taken at this meeting? -- Yes the other decision was that we should consult legal advice.

And as far as the first decision was concerned what (10) did you do to implement it? That is the decision to meet with the councillors? -- We asked Mr Maloko who worked at the town council and who was also in the committee to try and set up a meeting with the councillors.

COURT: Mr Maloko? -- Maloko, M-a-l-o-k-o.

MR YACOOB: And did Mr Maloko report back to the committee concerning his effort? -- Yes he did.

What was his report? -- His report was that the council was not interested in meeting us and they wanted to know who we were. (20)

What did you do as a result of that report? What did you decide as a committee? -- We decided that we should go back to the residents and we subsequently issued a pamphlet.

What was the purpose of issuing the pamphlet? -- The purpose of issuing the pamphlet was to make, was to report back basically as to what had happened, you know at the input that Mr Maloko tried and also to find out from the residents if we could continue.

Did you want the councillors to do anything at that stage? -- Yes we did. (30)

Yes/....

Yes what did you want them to do? -- We actually wanted to persuade them to rescind the increase, the pending increase so to speak.

I would like to show you a document please. Do you have before you a copy of a pamphlet? -- Yes I do.

Do you recognise it? -- Yes I do.

Who was it issued by? -- It was issued by the Tembisa Civic Association.

What is the date on it, when was it issued? -- 5 April 1984. (10)

Is this the document that was issued, is this the pamphlet that you have been talking about or is it some other? -- That is right.

My lord I would like leave to hand that up. It is DA.205 I am informed.

COURT: 205?

MR YACOOB: Yes.

COURT: Yes it becomes DA.205.

MR YACOOB: As my lord pleases.

COURT: Yes could you just give us a moment Mr Yacoob, I (20) would like to read it. If you want to sit down during your evidence you are welcome to do so Mr Ngobese. -- Thank you.

Yes, thank you.

MR YACOOB: Now concerning the second decision taken at the meeting, that is that you were to go to lawyers, was anything done about that? -- Yes something was done.

What was it? -- We actually asked one of our members, it was the chairman of the Civic Association, to consult legal counsel.

COURT: Who was he? -- It was the Legal Resources Centre. (30)

No, /

No, who was the chairman? -- Oh Mr Ndlovu.

MR YACOOB: And what was the final result of the legal steps that were taken at that stage? -- What happened at that stage was the Legal Resources Centre got in touch with the town council and they pointed out a technicality which technicality did not, would not have enabled them to increase the rental and subsequent to that the council rescinded its decision.

About when did you become aware that the rent was then not going to be increased?

COURT: Was again being increased? (10)

MR YACOOB: Sorry?

COURT: Are you now going back or is there again an increase? I did not catch what you were saying Mr Yacoob.

MR YACOOB: No I said about when did you become aware that the rent was not going to be increased. -- That was towards the end of April in 1984, I would say.

Yes. And what was the next development as far as the increase of rent and other charges was concerned? -- I would say at that stage one thing that actually happened was some people had been charged a R4 increase, in other words it (20) was illegal.

Alright. But was there an effort made to increase the rent again? -- Yes there was.

How did you become aware of that? -- There was an advertisement in The Star, I think The Star was dated the 25th as well as 26th of May, in which the council made known its intention to promulgate for new increases.

COURT: May of what year? -- 1984.

MR YACOOB: And was the advertisement drawn to the attention of the committee? -- Yes it was. (30)

What/....

What did your committee do about it? -- I think at that stage we actually called a meeting because the advertisement actually said if you want to raise an objection you have to finalise the reasons, I think it was within 21 days.

Is this a mass meeting that you called? -- That is right.

Alright. What was the purpose of this mass meeting? -- To find out once again if the residents were prepared to give us some more reasons as to why the rents should not be increased.

Right, and what steps did you take after this mass meeting had taken place? -- We submitted our objections to the town (10) council in line with the advertisement.

Was this objection in writing? -- It was in writing.

Will you have a look at a document I now show you. Now is that a copy of the objection? -- Yes it is.

My lord may that go in as DA.206?

COURT: Yes DA.206. Let me just read that first Mr Yacoob.

MR YACOOB: Yes my lord I am going to ask him to read it to himself anyway.

COURT: Well while he is reading it he can read it aloud or I can read it for myself much quicker. Has he read it (20) before?

MR YACOOB: Yes he has, I want to ask him to read it to himself while your lordship is reading it once more anyway. Can you read the document to yourself quickly please.

COURT: Yes Mr Yacoob.

MR YACOOB: Do you confirm that those were the terms of the objection contained in that document? -- That is right.

Now did you get any response to your objections? That is DA.206? - We did not get any response to these objections.

What did you then decide to do? -- When we got no (30)
response/....

response to this we subsequently thought of other ways of contacting the town council, like we tried to send Mr Maloko to go back in ...

ASSESSOR (MR KRUGEL): Mister who? -- Mr Maloko, to go back in but there was no feedback.

MR YACOOB: Yes. What did you then do? -- We then wrote a letter to the Department of Co-Operation and Development I think it was wherein we sent in a copy of these objections because we thought they were reasonable and we were entitled to an answer. (10)

Did you get a response? -- Yes we did.

What did it say? -- The response was that the matter was being investigated and that we would be hearing from the department soon.

Was there subsequently a meeting? With the council? -- A meeting? Actually what actually happened we got a letter, a frantic letter through Mr Maloko from the council saying they wanted to discuss these objections.

COURT: A what letter? -- A letter.

MR YACOOB: A frantic letter. (20)

COURT: A frantic letter. -- In other words it was like a short notice that

MR YACOOB: Yes, and ...

COURT: Sent through Mr Maloko? -- Mr Maloko, that is right.

Where did he work? -- At the town council.

Was he a clerk there? -- That is right.

MR YACOOB: And was there a meeting held? -- Yes a meeting was held.

About when was this meeting held? -- I would say it was the middle of June, middle of June. (30)

And/....

And about how many members of your committee were there present at this meeting? -- There were six of us, actually we were given that number.

Were there councillors present? -- Yes they were present.

Were there any other categories of people present? -- Yes we had, apart from the senior employees of the town council like I think Mr Harmse which was at the meeting, we had some gentlemen who were, I think two gentlemen who were introduced as members of the security police and we had a brigadier I think of the riot squad, Brigadier Smith it was I think, (10) Smith or Smit.

What was the attitude of the committee, Tembisa Civic Association members to the presence of the police representatives? -- It was scary because we did not expect it. I think it came as a shock and one of our members raised a question as to why the presence of the police.

And ...

COURT: What was the answer? -- The answer was that they are there to maintain law and order, one. I think the other answer was that there was an allegation that they feared that if (20) the rent was increased the Tembisa Civic Association was going to act in a violent way.

MR YACOOB: Now ...

COURT: Was there at the time any violence in Tembisa? -- I would say, I would say on a small scale.

What type of violence? -- Well things like stoning of buses were there.

MR YACOOB: And did you report back concerning this meeting with councillors at a mass meeting? -- Yes we did.

About when was the mass meeting held? -- It was shortly (30) thereafter./....

thereafter, shortly after our meeting with the councillors.

COURT: Yes but now what was the outcome of this meeting with the town council? -- Well nothing was decided.

MR YACOOB: Alright now between this meeting with the town council and the mass meeting was there any other police action? -- Yes there was.

Yes what sort of action was there? -- I was one of the people who were raided at my place.

ASSESSOR (MR KRUGEL): You said raided? -- Raided.

MR YACOOB: Was your house searched and things taken away? (10)
-- That is right.

Were there any other members of the committee who were visited by the police and who had their house searched or not? -- About two. That I can recall.

Now did you speak at this mass meeting where you reported back on what had happened at the council meeting? -- Yes I did.

And were some of your comments subsequently reported in a newspaper? -- Yes they were.

Can you recall what newspaper this was? -- I think it was most likely to have been in the Rand Daily Mail. (20)

Daily Mail. And about when was this mass meeting of yours held, can you remember the exact date or can you give us a specific date? -- I would say towards the end of June.

1984? -- That is right. Oh yes, the end of June.

I would like to show you a newspaper article. My lord the best we could do, this is how one gets copies of documents when they come off the microfilm. Do you see that article? -- Yes I do.

And are you quoted there? -- Yes I am.

Could you read out the respect in which you are quoted?(30)

-- I/....

-- I will start from the second paragraph:

"Why should the council need police protection if they are working in the interests of the people?"

COURT: You are a man who used to speak at meetings so it need not be very difficult for your voice to reach me. -- I am sorry, I thought you heard me.

"Why should the council need police protection if they are working in the interests of the people? The council exercised dirty tactics by informing the police we will use violence in the event of the increase coming (10) through. We want to make it clear to the people we do not believe in violence as nothing could be achieved through force. We maintain the Town Council has no knowledge of our support. We represent the 83% silent majority which did not vote in the previous community council elections."

MR YACOOB: Was that what you said at, was that part of what you said at the meeting? -- That is right.

My lord may that go in as EXHIBIT DA.207.

COURT: Yes it goes in as DA.207. Just let me read the (20) rest of it please. Yes, thank you.

MR YACOOB: As my lord pleases. Was the rent and other charges, were these charges ever increased? -- They were not.

COURT: Why not? -- It might be my contention that the effort that we put into it and the reasons that we subsequently raised received a sympathetic hearing. I do not know. But the fact of the matter is they were not increased.

MR YACOOB: Now did you, did your committee ever call for any rent boycott in your area? -- No.

Apart from the problem concerning rent did the committee (30)
of/....

of the Tembisa Civic Association do any work in connection with any other problem faced by the people? -- Yes we did.

Yes what was it, very briefly please? -- Some of the things that we did was, I do not know, the geography of Tembisa is such that we have got very few main roads and you know there were problems with the roads that were taken by buses and taxis in that it actually meant people had to travel long distances in order to go to bus stops and things like those. So what we did was we spoke to the Putco company regarding the routes as, and any improvements you know in the quality of (10) life of the residents because we felt salary was also a factor you know when people had to travel long distance. We also spoke to the taxi association regarding routes.

COURT: Which association? -- Taxi association, the local taxi association my lord.

MR YACOOB: Alright. Now was your committee affiliated to the UDF at all? -- No.

ASSESSOR (MR KRUGEL): I beg your pardon? -- No.

MR YACOOB: Were there any UDF speakers at any of your mass meetings? -- We did not have any UDF speaker at our meetings. (20)

Was the UDF discussed at any of your committee meetings or mass meetings? -- Not that I could recall. I do not think, we never, the question never arose about the UDF at all.

Now was it the position of your committee that the councillors should resign at all? -- No we did not. I think one of the reasons why is because we thought if we went to the councillors and they were there, I mean as a fact we, and we could get the best for the residents we might as well do it.

Did your committee run any campaign against councillors, such as boycotting of their businesses or anything of that (30)

sort?/....

sort? -- No we did not.

Thank you my lord, I have no further questions.

COURT: Yes, now how long did the committee last? Are you still on the committee? -- I am no longer on the committee.

Why not? -- I actually had lots of pressure, you know because I was also involved in church activities and I just could not ...

When did you resign? -- I think just on, I think the end of 1984.

December or before? -- Ja that is right, I think (10)
December 1984.

Does it still exist, that committee? -- I do not think so.

Yes, thank you.

CROSS-EXAMINATION BY MR JACOBS: You said you resigned at the end of 1984 for different reasons. What reasons were there? -- I said I had pressure of work....

I beg your pardon, you must speak clearer sir, I cannot hear you.

COURT: No do not worry about the microphone, that will not help you. But just stand well back and see whether you can (20) reach the back of the court. -- I said pressure of work.

And other reasons? -- I said I was also involved as a deacon at church so I had ...

I beg your pardon? -- I was also involved as a deacon at church.

Yes what are the other reasons? -- I think that suffices.

Were you not, when you started to be a member of this Civic Association were you not at that stage a deacon of the church? -- I was. But the activities at church were, now needed lots of my attention. (30)

And/....

And the other work, your pressure of work? -- It is then that I went out, you know like on the road most of the time.

Now what is your main activity as, what employment is your main employment, a deacon at the church or your other work as a representative? -- Both.

COURT: Is a deacon a paid job? -- No not a paid job. It is a voluntary job.

MR JACOBS: Do you know when the Tembisa Civic Association was formed? -- I would say it actually stretched back to I think around 1981 perhaps, ja. (10)

You have not got any knowledge about that, it is only a... -- In depth knowledge?

Yes. No do not shake your head, please your voice must be taken up on the machine. Will you answer the question please, not by shaking your head please. -- Oh, no.

And when was it that you became interested in the activities of the Civic Association? -- I think around March 1984.

COURT: What is the nature of your work? What do you represent, what do you sell? -- I sell office equipment.

Office equipment. -- Yes. (20)

MR JACOBS: And when you became involved in the Tembisa Civic Association what office did you hold in the organisation? Were you only an ordinary member or what were you? -- I was secretary.

And were there any other organisations in Tembisa at that time, operating in Tembisa? -- Organisations? The organisations that I could recall were like the residents, the Hospital View residents ...

COURT: I am sorry, what view? -- Hospital View.

Hospital View Residents Association? -- Residents (30)

Association./....

Association.

Is Hospital View a section of Tembisa? -- It is, that is right.

Is that all? -- Then there was another one in Jiyani, that is also a section in Tembisa.

That was also a residents association? -- They might not have gone under that name. They might have gone as Jiyani Residents, not necessarily association but the main name was Jiyani.

MR JACOBS: On this, on Tembisa itself do you know accord- (10)
ing to the, whether there were any area representatives on the Tembisa Civic Association? -- We had individuals like I say from the various areas, the various sections.

Representing areas? -- That is right.

And did they form committees in the areas? -- That is right.

And this Hospital View Residents Association, was that not part of the Tembisa Civic Association and they represented the area of Hospital View? -- That is what I pointed out.

Yes. So I want to know about other organisations that (20)
is not part of Tembisa Civic Association. What other organisations were there in Tembisa?

COURT: Yes well you should limit that Mr Jacobs. I am sure there are a number of church organisations and sporting associations and debating societies and we may have a list as long as your arm and not get anywhere.

MR JACOBS: Political organisations first. -- Political organisations. I think I had heard about AZAPO at that stage. And I think there was a youth group, it was not a political group so I think the only organisation that I knew that (30)
existed/....

existed was AZAPO.

ASSESSOR (MR KRUGEL): Could you speak up slightly please. -- sorry. I think I am right in saying the only organisation that existed, that was in existence as such was the group known as AZAPO, in Tembisa.

MR JACOBS: Any youth organisations in Tembisa? -- There was a youth organisation associated with I think the Catholic church.

Do you know the name of that organisation? -- MOYA Youth Organisation or some such. (10)

COURT: M-O-Y-A? -- M-O-Y-A my lord.

MR JACOBS: Any women's organisation?

COURT: Well we can think about that during the lunch adjournment.

COURT ADJOURNS UNTIL 14h00.

COURT RESUMES AT 14h00.

KHABULU SOLLY NGOBEZE: d.s.s.

FURTHER CROSS-EXAMINATION BY MR JACOBS: Was there a women's organisation in Tembisa? -- I think there were lots of women's organisation in Tembisa.

I beg your pardon? -- I think there were lots of women's organisations in Tembisa.

Can you name any of them? -- I cannot remember their names. We had Ikageng Women's Club and Thusanang Women's Club and various names. (10)

COURT: I am sorry. The moment somebody kicks against a chair or anything in this court I do not hear what you are saying. You will have to speak up. -- Sorry.

What was your last sentence. -- I say Thusanang Women's Club.

Yes that I have got, and after that? -- I am just trying to think of what is the other name again. We had also Zenzele Women's Club and ...

Zenzele.

ASSESSOR (MR KRUGEL): What does Thusanang mean? -- Help (20) each other.

MR JACOBS: Yes, were they part of the Tembisa Civic Association? As an area committee? -- Not really.

I beg your pardon? -- Not really.

What really. What is the meaning of an answer like not really? -- They were not.

Did they assist Tembisa Civic Association in their activities? -- Not that I know of.

Was there a branch of COSAS in Tembisa? -- Yes there was.

Were you and, in the Tembisa Civic Association and (30)

COSAS/....

COSAS working together closely? -- Not at all.

Not at all? -- The only time I got something from COSAS was when we wanted objections to the rent increase.

When was that? -- I think it was during May or the beginning of June 1984.

What did you receive from COSAS? -- We received some documentation in which they were actually objecting to the rent increase as well.

Do you know who the people, the committee of COSAS, was?
-- I do not know. (10)

And who were the members? -- I do not know them.

You do not know any member of COSAS? -- I do not know any of them.

And what was the purpose of this communication you received from COSAS in connection with the rent? -- I think I said earlier on that we actually asked the residents to give us anything that they wanted us to present as part of the objections and Hospital View Residents Committee actually put up something, COSAS put up something ..

Now what something did COSAS put up? -- Well it was (20) basically objections to the rent increase where they were saying they feel that as scholars the rent should not increase because that affected I think their parents' ability to pay and that would affect their school funds, and stuff like this.

Did Tembisa Civic Association and COSAS ever hold a combined meeting or mass meeting? -- A mass meeting together?

Yes. -- Not that I can recall.

COURT: I am sorry? -- I am saying not that I can recall.

MR JACOBS: Well it must be something, if you held a joint meeting then you must remember that, you must recall that? (30)

Does/....

Does it mean then that it did not happen or what is the meaning of your answer? -- What I am trying to point out is a joint meeting never materialised but I cannot rule out perhaps the presence of some of their members in a mass meeting.

But you never organised a joint meeting? -- Not together, no.

And MOYA, do you know whether it was, the name was later changed to Tembisa Civic Organisation?

COURT: Tembisa Civic? (10)

MR JACOBS: Youth Organisation, sorry Tembisa Youth Organisation?

-- As far as I am concerned MOYA was a youth organisation based at I think Roman Catholic Church and that Roman Catholic church is known as MOYA, hence that name MOYA.

Yes and was the name later, do you know whether the name was changed from MOYA Youth Organisation to Tembisa Youth Organisation? -- As far as I am concerned the name remained MOYA.

Was MOYA engaged in political activities in Tembisa? -- As far as I am concerned MOYA was a youth organisation. I (20) do not know of any of their political activities in Tembisa.

You yourself, why were you co-opted in Tembisa Civic Association? Was there a vacancy or what was the position? -- I think I said earlier on that one of the executive members of the Tembisa Civic Association actually felt I could make an input.

I beg your pardon, I could not hear the last? -- I repeat I said earlier one of the members of the executive members actually felt I could make an input in the running of the Civic Association which I think I duly did. (30)

Now/....

Now before you were co-opted into Tembisa Civic Association did you attend their meetings, mass meetings? -- I did not.

And before that date did you know what their policy was? -- Before I joined?

Yes. -- I knew roughly that the whole intention of the Tembisa Civic Association was to try and better the quality of life for the residents, that is one of the things that made me join.

Do you know whether they regard themselves as being (10)
part of taking part in the freedom struggle? -- Could you repeat the question please?

Did you know that they regard themselves as part of the freedom struggle in this country? -- I think my association with the Civic Association might have been interpreted to be a political act in itself.

Now can you answer my question. Did you know whether they regarded themselves as part of the freedom struggle in this country? -- I think I will answer in the negative.

Why do you say "I think" Mr Ngobese, can you not tell (20)
the court what the position is? -- Maybe I should rephrase my answer. I do not think so. I say so because we were involved mostly with, we were involved with local issues.

You said in your evidence-in-chief, you referred to UDF. What did you know about the UDF at the time of your joining the Tembisa Civic Association? -- I knew about the UDF as a collection of organisations which were fighting the Local Authorities Act and various other laws.

Have you received any documents from UDF in Tembisa while you were part of the Civic Association? -- No. (30)

In/....

In your private capacity did you receive any documents from UDF? -- In my private capacity I did receive some documents.

What did you receive? -- Documents that I can remember are the constitution of the UDF, what the UDF means.

Yes, what else? -- And I think a newsletter of the UDF.

What newsletter? -- A newsletter. I cannot remember the name of the newsletter.

Why was it sent to you? -- It was not sent to me. It was distributed in town and I took a copy. (10)

Can you remember then that on, what did you do with this UDF constitution? -- I glanced through it and I think I must have put it away.

Did you throw it away or what did you do with it? -- I think I must have put it away.

Where? -- I cannot remember exactly where but it must have been somewhere at my place.

Can you remember that on 20 March 1985 that your house was searched by the security police? -- Yes I cannot remember the date but my house was searched by the security police. (20)

You see and at that stage did they find certain, inter alia, a UDF declaration? -- Yes I think they must have.

Was it fixed to a wall? -- I do not think it was fixed to a wall. It was not fixed to a wall, it must have been on the table.

Did they find a UDF calendar there for 1984? -- 1984. Ja it is quite possible.

Yes I put it to you that the UDF calendar was found in your office, in your house on that date? -- It is quite possible.

Where did you get the calendar from? -- It was (30)
distributed/.....

distributed in town.

Now I would like to show you something else that was found in your house on that same date. That is an advertisement of a meeting, Tembisa, it reads:

"Tembisa Residents, a meeting for all residents to be held at Mathole Cinema on Sunday the 28th of October 1984 at 9 a.m. concerning Putco increases, high rents, school crisis. Please attend."

Do you agree this was found in your house? -- Yes I do.

Now did this meeting take place? Why are you waiting (10) so long sir? Did it take place or not? -- I am going through, concerning whatever it was. I do not remember the meeting taking place. 28 October 1984?

Yes. -- Sunday, oh Sunday.

What is your answer now? -- I do not remember this meeting taking place.

You see because I want to know from you why did you lie to the court that you said that you, Tembisa Civic Association and COSAS never held a combined meeting? -- I said that because we never held a joint meeting. (20)

Well this placard was issued by Tembisa Civic Association and COSAS, Tembisa. -- Can I just add something before we start questioning this pamphlet. To start off with the handwriting I do not think is known to Tembisa Civic Association. However anybody could have used the name of Tembisa Civic Association in a bid to get attendance at a meeting.

Well ...

COURT: Yes well then they would have surely put it a bit more distinctive at the bottom because one has difficulty reading it, it is very small. (30)

MR JACOBS:/.....

MR JACOBS: What is your answer to what the court suggested to you? -- I do not think, this meeting never took place even though the handwriting at the bottom says Tembisa Civic Association I can vow no member of the Tembisa Civic Association would have been there. The reason why this was in my possession was because at that stage various meetings were advertised in our name and I actually took possession of these documents because I found lots of them lying in the street.

So is your evidence to the effect then that COSAS used your name for the purpose of this meeting without your (10) consent? -- I do not know if it was COSAS indeed but if it was then they used our name.

COURT: Are you saying that you picked this up in the street? -- I picked lots of these documents and some of them were brought to me to find out if the meeting was indeed going to take place.

MR JACOBS: I suppose according to your evidence then that this placard was brought to you before the meeting because your name, Tembisa Civic Association's name was used to advertise this meeting? -- I do not know about this meeting (20) at all and I think I must have found some on a Thursday and some on a Friday because I had about 15 to 20 in my possession and some of which were destroyed.

Well that is strange that the others were destroyed but not this one, you kept this one and when the police visited your house in March 1985 you still had this placard? -- Another thing that I would like to raise is the fact that they found also other material at my residence which was there for everybody to see. There was nothing hidden about this.

No but Mr, this was the only placard found in your (30) possession/....

possession at the time when your house was searched on 20 March 1985. Why did you keep it all this time from October 1984? -- I did not consider it important.

Did the Tembisa Civic Association organise a meeting in connection with Putco increases, high rents and school crisis? -- At some stage we did.

When? -- It was during the month of November.

COURT: Of what year? -- The same year.

MR JACOBS: And was the school crisis one of the aspects of your, Tembisa Civic Association's activities? -- I want to (10) point out that the school issue was so much a burning issue that the Tembisa Civic Association was at some stage called upon to try and assist but the one thing that happened there was one of our members was co-opted into the, I think it was called the Parents Interim Committee or some such, and at this meeting he actually wanted to make it clear to the residents that we did try our best to resolve the school crisis but at that stage we had actually, actually felt it was a specialised field and it needed, it did not warrant our attention any more.

When was that? -- Like I say I think it was during (20) November.

You think it was during November? -- That is right.

COURT: What was the crisis? -- The situation in Tembisa regarding schools was, if I may use the term it was a no go situation. The pupils were boycotting classes and there was no harmony at school.

And that had lasted since when? -- I am saying this under correction but I think from the beginning of the year.

1984? -- That is correct.

Till? -- I think it continued into the following year. (30)

MR JACOBS:/....

MR JACOBS: Were there school boycotts going on for more than a year then? -- School boycotts interspersed with school attendance. In other words I am trying to point out that there was no normal schooling.

Were there boycotts? I am not asking whether it is normal schooling or not. Were there school boycotts for more than a year? -- Could you perhaps explain to me what you understand by the term "boycott"?

Do you not understand what is a school boycott? -- To me a school boycott would mean non-normal attendance at school (10) and this is what I wanted to refer to when I said the attendance or the schooling was not normal.

And were the schools closed during this period? -- During 1984 yes.

For the whole year? -- I think for some time period the schools were closed.

You only think so? Are you not sure? -- For some time period. The thing is I cannot actually say it was during this month and that month but I know for sure it was closed for a certain period. (20)

When were the schools closed? -- I have just said I cannot recall the month. But it was during 1984.

Well you told the court that you had this pamphlet in order to investigate what was going on, is that correct? Why your name ...

COURT: I am sorry what pamphlet now? The last thing we dealt with was a placard.

MR JACOBS: I am coming back to the same placard, this one of the advertisement of 28 October 1984. I think it would be best if we give it a number at this stage sir. It will be (30)
easier/....

easier.

COURT: Yes but now just a moment Mr Jacobs. What you have placed before the witness seems to be much bigger than what you placed before us.

MR JACOBS: That is the original one and this is a photocopy, the smaller ones are only photocopies of the original.

COURT: This is made smaller by you?

MR JACOBS: Yes sir, that is the only way we can produce it in court is by making it smaller.

COURT: Yes well then you will have to hand in the original (10) and I will keep a copy as well.

MR JACOBS: Yes. It will be EXHIBIT CA.39.

COURT: Well do I need both of them?

MR JACOBS: They were found like that, two of the same found.

COURT: Pinned together?

MR JACOBS: Yes sir.

COURT: Yes well really do I need two of the same?

MR JACOBS: Well I just handed them in so that there cannot be any complaint later on that I did not hand everything to the court that was found in this way. (20)

COURT: Very well there will not be any complaint. You can have this one back.

MR JACOBS: As the court pleases.

COURT: What will this be?

MR JACOBS: CA.39. You said to the court that you had this EXHIBIT CA.39 in your possession because you wanted to investigate who used your name? -- Can I rephrase what I said? The school crisis in Tembisa was such that, I wonder if I am audible, was such that everybody was asking why the matter is not being taken up. So like I said earlier one of our (30) members/....

members had been in that committee and he wanted to explain to the residents for once and for all why the Civic Association felt that the matter is beyond the Civic's realm.

So can you answer me now. Did you take up and investigate why the name of Tembisa Civic Association was used on this placard? -- I never got any answer.

Did you take it up, yes or no? -- I tried to take it up but I could not get anybody to tell me.

With whom did you take it up? -- Just asking various residents and also at our meeting in November, I think the (10) second week of November or the first week of November.

You investigated it by asking only residents and some of your members? -- That is correct.

Why asking your members? -- Why asking some of our members?

Yes. -- To find out if perhaps they did not know about this pamphlet.

Did you go to COSAS and ask them why they used your name on this placard? -- Like I say I did not go to COSAS because I did not know who COSAS were.

Tell me Mr Ngobese, during November, 5 and 6 November, (20) did it, quite a number of people died in riots in Tembisa?

COURT: 1984?

MR JACOBS: 1984. -- 1984, yes I think so. Yes I recall that.

There was a mass ... -- I beg your pardon?

A mass funeral for people who died during that period?

-- There was a mass funeral.

Did you attend that funeral? -- The mass funeral?

Yes. -- I did not attend the mass funeral.

Why? -- If I recall the mass funeral was held on a Sunday and I think we had talents at church on that Sunday and I (30)

was/....

was one, you know like I said as a deacon I had to assemble the money raised on the day in question.

Was this mass funeral not held on 17 November? -- I cannot remember the date but it was in November.

Were your organisation, Tembisa Civic Association, was that organisation invited to attend that funeral? -- Not at all.

You are sure of that? -- I am sure.

That was, that funeral took place at the time when you were still a member of the Tembisa Civic Association? -- (10) Exactly.

Well I do not know we have got here a pamphlet or a programme of that funeral. It was handed in as EXHIBIT ABA.46 and on the list here on the programme the third one "Tembisa Civic Association" was a speaker. -- I, nobody from the Tembisa Civic Association was a speaker as far as I am concerned. Can I just hasten to add something. The fact that Tembisa Civic Association existed meant that it was a high profile organisation and that being the case maybe the organisers or the people who were organising the funeral would have loved perhaps to (20) take Tembisa Civic Association as a speaker.

So do you say on this programme, again EXHIBIT ABA.46, the name of Tembisa Civic Association was again used for, without their consent for a certain purpose? -- I say this with authority because nobody from the Tembisa Civic Association was a speaker at that funeral.

Now you said that UDF never attended any meetings in Tembisa? -- Never attended any meetings in Tembisa?

Yes any meetings organised, mass meetings organised in Tembisa during the period that you were staying, say for (30)

1983, /....

1983, 1984 and into the middle of 1985? -- Can I just say the middle of 1985 I was not an executive member.

But you were a citizen, you were staying in Tembisa during that period? -- Yes and I still do.

Now can you tell whether a mass, did you attend, after your resignation from Tembisa Civic Association did you attend any mass meetings after that? -- As far as I can recall there were not any mass meetings after that date.

No mass meeting at all? -- Not that I can recall.

Did you, in Tembisa Civic Association, assist in the (10) UDF million signature campaign? -- As an organisation we did not.

Is it correct on that same date when the police searched your house, on 20 March 1985, they found UDF million signature campaign forms, signed forms in your possession? -- Like I say those forms were actually signed but the Tembisa Civic Association never assisted.

Were they found in your possession, is it correct? -- I accept they were found in my possession.

And that is ... (20)

COURT: Now when were they signed? -- They were signed earlier on in the year or it was, ja earlier on in 1985.

MR JACOBS: And that is people from Tembisa who signed that forms in your possession? -- As far as I can remember that it could have been people from Tembisa as well as people from town because at that stage I was close to Wits.

You agree that this is the forms that have been found in your possession, the lists of the signatures? -- I think there is some confusion here. I think there is some confusion. What has happened is these forms were the thousand signatures, (30) were/....

were amongst the thousand signatures that we got supporting the rent increase, they were not the million signature of the UDF.

Where did you find the forms, the forms that were found in your possession, the million signature form that were in your possession where did you get them from? -- At Wits.

I beg your pardon? -- At Wits.

And did you take them around for the signatures in town and in the township? -- I did not.

Who collected the signatures in your township? -- Can (10) I just find out. Are you referring to this one?

No I am referring to one that you said was found in your possession that was a million signature campaign forms that were signatures of people in the township and in town, you mentioned two places. -- Oh. What was the question again?

So I asked who collected them? -- I think they must have been collected by Mr Msane.

COURT: By Mister? -- Msane.

Mosane? -- M-s-a-n-e.

MR JACOBS: Is he attached to any organisation? -- Not as (20) far as I know but he had those, I think I had about four of them from him.

I beg your pardon I could not hear the last part? -- About four of those forms from him.

Well you collected them in Wits, you brought it to Tembisa, did you hand it over to him? -- I was supposed to but then I misplaced them.

I cannot understand, you were supposed to and you misplaced them. Did you hand them over to him to collect signatures or not? -- I did not. (30)

So/....

So how did he get it into his possession then?

COURT: Well who says he did? -- Did not go to him because I misplaced them.

MR JACOBS: So then I will ask again the forms that were found in your possession with the signatures who collected those signatures? -- The signatures were collected by Mr Msane in Tembisa and some of those signatures were attached at Wits.

So now we have got it from, it is signatures from three places, from Wits, from the town, Benoni or where is Tembisa situated and from Tembisa township itself. Is that correct(10) now? -- Tembisa township, by town I actually mean Wits, in the Braamfontein area.

Oh. And who collected the signatures at Wits? -- The signatures at Wits were collected by Mr Msane.

Yes. And who collected the signatures in the township? -- They were collected by Mr Msane.

Is it correct that you are the person who got the forms originally from Wits? -- I actually collected the forms in the street from some students who were distributing them at Wits and I subsequently gave them over to Mr Msane. (20)

Now for what purpose? -- He was further away from Wits. He wanted to collect the signatures because he thought it was a good thing to do.

And what happened to the forms afterwards? -- I misplaced them.

Have you known a Mr Mazibuko in Tembisa?

ASSESSOR (MR KRUGEL): Are you going onto another subject now Mr Jacobs?

MR JACOBS: Yes.

ASSESSOR (MR KRUGEL): I still do not understand. Were (30)
these/....

these forms blank when you first got them at Wits? -- The forms were blank.

And did you actually give them to Mr Msane? -- I did.

How did they come into your possession again, for the second time? -- I was supposed to have, in fact how the forms got to me after they were signed was because they were in my car and Mr Msane was supposed to have taken them through to I do not know who in town, and I actually misplaced them with all the documentation like these ones.

Who is this Mr Msane? -- He is a friend of mine. (10)

Do you often travel together? -- That is correct.

Yes, thank you.

MR JACOBS: Did you know Mr Mazibuko? -- Who is Mr Mazibuko? -- I do not know, if you do not know him then it is so. He was a member of Tembisa Civic Association when it was formed in 1983. -- I do not recall that name.

You cannot recall that name. -- Could you possibly give me a name.

Mazibuko is the surname? -- Yes, first name perhaps?

Brian Mazibuko. -- Oh Brian Mazibuko. I know him. (20)

COURT: You know him? -- Yes I do.

MR JACOBS: And did you know that he was a member of the Tembisa Civic Association when it was launched in 1983? -- No.

Now during 1984, at the time when you were a member of the Tembisa Civic Association did you arrange for him and, a commemoration service for him during 1984? -- The question is did I?

Did the Civic, Tembisa Civic Association organise the commemoration service for him during 1984? -- No, the Tembisa Civic Association did not organise any memorial service (30)

in/.....

in 1984.

Can you tell the court was there a commemoration service held on his behalf? -- I heard in, I think some time during 1984 that a commemoration service was held somewhere I think at Mathole.

And did any of your ...

COURT: Somewhere? -- Oh excuse the language, I surely wanted to say at Mathole Cinema.

At Mathole Cinema? -- That is correct.

MR JACOBS: Can you tell the court whether any of the members (10) of the Tembisa Civic Association attended that commemoration service? -- As far as I can recall no one from the organisation attended.

Well I put it to you that he was an ex-member of your organisation, that is the Tembisa Civic Association, and that the Tembisa Civic Association attended the commemoratoin service on 14 October 1984. -- Can I just say I cannot talk about the members of the Tembisa Civic Association before my time but the Tembisa Civic Association never attended the commemoration service in honour of Brian Mazibuko. (20)

ASSESSOR (MR KRUGEL): What was the date again please?

MR JACOBS: 14/10/1984. And I put it to you that it was specially asked from UDF to supply a speaker by the name of Confidence Madosa, a speaker, and that Mr Confidence Madosa from UDF was allocated to address this commemoration service. -- I cannot answer for that because I am not in the know but like I said as far as I know the commemoration service I know was held but the Civic Association was not there.

Did you attend any other commemoration services during 1984? -- During 1984 in Tembisa? (30)

Yes./....

Yes. -- That was the only commemoration service I had heard of.

There were no other commemoration services held in Tembisa in 1984? -- I am trying to say the one commemoration service that I heard about was the one that I had spoken about. I have never heard of any other commemoration service besides that one.

In 1985 did you attend any commemoration services in 1985? -- No.

Do you know anything about a commemoration service (10) about 16 June being held on a yearly basis? -- Yes I do.

Was it held in Tembisa also? -- In 1980?

ASSESSOR (MR KRUGEL): Did you reply to the question? -- Well actually I am just trying to find out in which year?

MR JACOBS: Well I asked you about 1984. -- 1984?

Yes. -- No.

Do you know of the commemoration of 16 ...

COURT: I am sorry was the answer no? -- No.

MR JACOBS: Do you know of any commemoration service being held on 16 June 1985? -- Yes. (20)

Did you attend that one? -- 1985, 16 June. I think I recall 1986 not 1985.

COURT: Did you attend 1985? -- I do not recall 1985. I recall 1986 I think, ja 1986.

ASSESSOR (MR KRUGEL): Do you only recall it or did you attend it? -- I attended 1986.

MR JACOBS: Can you remember that accused no. 20, that is Mr Lekota, was a speaker on a mass meeting on 3 February 1985 in Tembisa? -- 3 February 1985?

Yes. 3 February 1985. -- If you could refresh my (30) memory, /....

memory, what was the supposed discussion on that date?

Rent, bus tariffs and to discuss a plan of action against the black local authorities. -- I was not there.

Did you attend any meeting where Mr Lekota was the speaker? -- Unfortunately not.

And Mrs Amanda Kwadi, can you tell the court whether she addressed a meeting in Tembisa? -- Not any meeting where I was present.

Did you attend any meeting where Mr Frank Chikane addressed the people in Tembisa? -- I think that was the commemoration(10) service I was referring to in 1986.

I would like to put it to you that there was a commemoration service on 16 June 1984 and Mr Frank Chikane addressed that commemoration service in 1984. -- I do not recall that.

And Mr Goba Ndlovu, he was the president or the chairperson of your organisation, Tembisa Civic Association, is that correct? -- He is the chairperson.

And he also spoke at that meeting. Do you know a person by the name of Greg Thulare?

COURT: What is the answer now? (20)

MR JACOBS: He shakes, I am sorry he shook his head.

COURT: Well I am sorry I cannot record a shake Mr Jacobs.

MR JACOBS: I am sorry. -- I did say I did not attend that commemoration service so I would not know about the contents thereof.

But you attended the one where Mr Frank Chikane spoke? -- But I think that was in 1986.

Well I put it to you that was in 1984. -- My recollection then ...

Your correction, can you now remember? -- I am saying (30)

my/....

my recollection fails me on that one.

Mr Goba Ndlovu is he the president or chairperson of Tembisa Civic Association? -- Yes he is.

Do you know Mr Greg Thulare, T-h-u-l-a-r-e? -- Greg Thulare?

Yes. -- Greg Thulare, yes that name rings a bell.

Do you know that person? -- That name rings a bell.

Because he was a member of the COSAS committee in Tembisa.

-- Was he?

Is it correct? --I do not know. I know Greg Thulare (10) because he was, he lived close to where I live.

So you know Mr Greg Thulare? -- Yes I do.

Was he a scholar? -- Yes he was a scholar.

And you do not know that he was also active and a speaker on many occasions in Tembisa on meetings and commemoration services? -- Not meetings that I attended.

Did you, while you were in office in Tembisa Civic Association did you attend any mass meeting organised by that organisation? -- Which organisation?

Tembisa Civic Association. -- Yes I did. (20)

Did you invite any speakers from any other organisation to attend and to be a speaker on such meetings? -- I do not recall any speaker from any other organisation.

Did you in, during the time that you were in office did you receive any invitation by organisations in Tembisa to address meetings organised by them? -- Meetings other than like the sectional committees?

Other organisations, I do not ask you about part of the Tembisa Civic Association. I am asking you about other organisations, did they ever invite Tembisa Civic Association to (30) attend/....

attend their meetings, mass meetings, and to speak on their mass meetings? -- I cannot recall any invitation. I cannot recall any invitation.

ASSESSOR (MR KRUGEL): While Mr Jacobs is looking what were you doing at Wits Mr Ngobese, were you studying there at the time? -- Actually I used Wits because that explains the proximity to Wits, it was in De Korte Street which lies, which cuts through Wits.

What is your relation with De Korte Street then? -- I work in that area. (10)

Oh you work there? -- That is right.

I see.

MR JACOBS: Can you remember that during August 1984 that there were school boycotts and clashes with the police in Tembisa? -- I do recall that during that time period there were lots of problems at school.

And can you remember that there were clashes with the police between the students and the police and some students were even killed in the clashes, is it correct? -- It is quite possible. (20)

No it is not a question of possible, do you know about it or not? -- What I am trying to say is you know when you go into the realm of schools we actually had somebody who was working closely with the school issue so I would not be familiar with the contents and the details as such.

No well if you had something from your committee working closely with the schoolchildren did he not report back to you? -- The reports were like filed away, it is just recollection as it were. I do not have documentation to that effect.

So the reports were not discussed at your meetings (30)

at/....

at all? -- What I am trying to say was I know there was abnormalcy at school.

No my question is did you discuss it or not at all? The report backs? -- We just got feedback as to what was happening.

And you did not discuss it at all? -- We just got feed-backs as it were.

You only filed the reports and that is the end of it? -- After we got feedback, that is right.

Do you know that during November, 5 and 6 November 1984(10) there was a boycott, a consumer boycott going on or a stayaway going on in Tembisa? -- Yes I did.

COURT: Both of them a consumer boycott or a stayaway? -- A stayaway.

MR JACOBS: Who organised that stayaway? -- The stayaway as far as I am concerned it was some committee that was formed.

No, who organised it? -- I do not know the individuals concerned.

Which organisation organised it? -- I do not know.

Who formed the committee? -- I do not know the people (20) concerned.

Where was the committee situated? -- Can I just say, regarding this stayaway I only heard there was a stayaway and I only heard that students wanted parents to show support to their needs and I just stayed away because I thought that was going to resolve the school situation.

Did your organisation, Tembisa Civic Association, discuss the stayaway? -- The Tembisa Civic Association never discussed the stayaway.

Did you receive any knowledge or any notification from (30)

other/....

other organisations to assist them in this endeavour to stay away? -- Not at all, nothing.

Did the Tembisa Civic Association ever decide to, did they decide to participate in this stayaway? -- I do not recall any of our members for that matter participating in the stayaway in terms of organising it. Our organisation had never called a stayaway and we have never encouraged people to stay away as it were.

Did you on that day stay away? -- Yes I did.

Did you stay away? -- Yes I did. (10)

Can you remember on the 5th and the 6th that there were many clashes with the police between the people in that township, and the police? -- Yes I did.

It first started off with the buses being stoned taking people to work? -- I heard that there were lots of incidents on that day.

And were the buses stoned when they tried to pick up the people to go to work? -- I do not know.

What did you do that day? -- I was at home.

Are you on a bus route before your house? -- No I am (20) actually far away from a bus route.

Is it correct that in different areas of the township, different suburbs of the township there were clashes with the police in quite different ... -- Yes I actually heard some shots being fired.

And in your own suburb were there clashes with the police? -- No.

Were the police patrolling the township? -- Yes I saw lots of police cars and the hippos on that day.

And why did you stay away from work for the two days? (30)

-- I/....

-- I said earlier on that as I understood it the stayaway was meant to say the pupils wanted the parents to help them, or to sympathise with them at school because they felt the parents were not helping them or they were not interested in their schooling problem and I thought by staying away, and other people staying away, that we would actually resolve the problem which would bring the resolution of the student problem closer.

COURT: Did you have a child at school? -- I actually have my nephews at school. (10)

So you had no child of your own at school? -- Not a child of my own but my nephews because I am directly responsible for their schooling.

ASSESSOR (MR KRUGEL): How old are they? -- They are now 22 and 19.

COURT: Were they living in your house? -- They were.

MR JACOBS: You see I am going to put it to you that you are not honest with the court and open with the court, you are not telling the court everything that happened there in Tembisa. -- I think I am under oath, I have actually said (20) what I can recall and what I have said is the truth.

Was there a committee formed in Tembisa to conduct the million signature campaign? -- Was there a committee formed in Tembisa?

Yes. -- Not as far as I know.

Do you know of any committee holding meetings, the UDF signature campaign committee holding meetings in Tembisa?

-- What I can recall about that million signature campaign was that after one of our meetings there was a person, you know taking up signatures. But as to committee organising (30)

that/....

that I do not know.

You see I would like to refer you to a UDF document and I just want to hear your comment on it. It is EXHIBIT AL.42, the second paragraph of that.

ASSESSOR (MR KRUGEL): Volume?

MR JACOBS: Sorry sir, volume 3. The first paragraph, we start off with this, the heading is "The UDF signature campaign in Transvaal. Report from the Transvaal UDF Signature Committee 10/3/83".

"A. Formation of Transvaal signature committee. (10)

In early January a co-ordinating committee for the campaign was set up with the responsibility of establishing signature committees in local areas and organisations and in drawing churches, unions and other groups into the campaign. So far meetings of activists have been held in many Witwatersrand areas and organisations (Tembisa, Alexandra, Soweto, Johannesburg, Pretoria, Fordsburg, Lenasia, DESCOM, JODAC, YCS, AZASO, NUSAS) and signature committees have been set up on about half of those." (20)

So I put it to that there was meetings, a meeting was held and that is why you were in possession of those signature campaign forms that were found in your possession? -- I have actually explained my position. I did not even, I was not even aware of meetings of activists in Tembisa regarding the signature campaign.

And I would like to refer you also that, ja at that time you were out of that organisation, sorry we will leave that one. Can you tell the court whether you know or not whether MOYA was affiliated to the UDF? -- I do not know enough (30)

about/....

about MOYA. Like I have said I think it was a youth organisation or a church organisation based at Moya.

I put it to you that either you are not conversant with the activities of this youth organisation, this Tembisa Civic Association or you are not honest with the court? Because they were conducting a campaign against the black local authorities and they asked for the black local authorities, the councillors, to resign. -- My answer to that is the Tembisa Civic Association, as far as I am concerned, were not involved in any campaign against the local, the councillors, as you (10) say. I am saying this because if they were I do not think they would have engaged in talks with the council as such.

And I put it to you that on the meetings they were made out to be puppets of the government, to be dishonest and sell outs. -- Can I just say regarding the question of dishonesty I think it is now common knowledge that you know lots of dishonesty were alleged against the councillors. But I want to put it very clearly that I actually had held discussions with some of those councillors and at no stage were councillors called sell outs at our meetings or puppets as is said. I (20) would not have been in a position to do that because I personally believed that I have got to talk to them whilst they are there.

Do you know a Mr Charlie Mabiso? Maloko, that is the name, Charles Maloko? -- Yes I do.

Did he resign from, was he a member of the Tembisa Civic Association? -- I said earlier on that he was.

Did he resign from the Civic Association? -- He did not resign as such. He was actually beset by some problems and he was given time off so to speak. But as far as I am (30) concerned/....

concerned he was still a member of the organisation.

COURT: What does that mean? Was he put on ice? -- Can I just say, you know I actually had to take over his secretarial work because he feel behind. He was not put on ice as such because he attended most of the meetings.

MR JACOBS: So now it is, we come to the nitty gritty, so you did come into the Tembisa Civic Association to replace somebody else? -- I think maybe I was misunderstood. I actually said I took over from him when he left because he had problems that he had to resolve and I was actually asked to take over his (10) secretarial work.

Now when he left where did he go? -- All I am trying to point out by he left, I mean he left the, he was out of the executive committee but he did not leave the organisation as such. He still remained a member of the organisation.

But he was no longer a member of the executive, that is the main point? -- That is precise.

So did he resign as a member of the executive of Tembisa Civic Association or was he kicked out? -- He was not kicked out. He actually had problems and he stated his problems (20) to the executive then and I think that is the reason why he was relieved of his duties.

Relieved by whom? -- By the executive committee.

What were his troubles? -- One of his major problems was that he was actually scouting for work at that time and he felt he could not concentrate.

Was one of his troubles, one of the troubles between him and the executive not the fact that he did not agree with the executive and that he was the person who wanted to consult with councillors and all that people and the executive did (30)

not/....

not want to consult with councillors? -- I want to state very clearly that that is not the reason. The reason, like I said, in fact if that were the reason there would not be any point in us, you know continuing to talk to the councillors after he had left.

Did he write a letter to the executive committee of the Tembisa Civic Association stating his reasons for dissatisfaction with the Tembisa Civic Association? -- I think he was not dissatisfied with the Tembisa Civic Association.

Did he write a letter, yes or no? -- He did not. It (10) was verbal.

I beg your pardon? -- It was verbal.

I would like you to have a look at this document. Is it not his signature at the bottom of this document? Is it his signature? -- Can I just say something here. This letter was written to the chairman of the Tembisa Civic Association on March 8, 1984. I do not know this letter. I was not there then. All I know is that he actually wanted to be relieved of his duties.

You see I am going ... (20)

COURT: Is that his signature on the letter? -- Yes it is the signature.

ASSESSOR (MR KRUGEL): You said it was dated the? -- 8 March 1984.

And you were not there then? -- When this letter was written. No I think I joined around middle of March.

MR JACOBS: Now as secretary did you not receive the documents of Tembisa Civic Association? -- Can I just explain something? Any documentation that was there prior to my time I never received. I actually had to write letters from scratch. (30)

Was/....

Was this letter not discussed in your meetings afterwards, his reasons for not being satisfied with the Civic Association? -- I was actually not there if it was discussed at all. All I heard was that he had been relieved of his duties because he had problems with his employment.

I put it to you in this letter, written by Mr Maloko he stated clearly that he was dissatisfied with the Tembisa Civic Association for their not, them not being prepared to sit in consultation with the council, especially the council. -- Can I say after 8 March, which you know, in other words (10) during my time period we actually sat with councillors so I do not think there was anything untoward in the Civic Association.

I would like to put something else to you. When you said that he was verbally stating his complaints against the Tembisa Civic Association you were telling a lie because you could not have been present as well? -- That is the feedback that I received and I said it as I heard it.

But strangely enough his written resignation you did not see? -- I did not see the letter. It was before my (20) time and I never received any correspondence prior to my time.

So I put it to you you were wrong because he stated here in this letter, signed by himself and written to the Chairman, Executive Committee of Tembisa Civic Association that he was dissatisfied because of their refusal to discuss matters with the council and to negotiate with councillors and so on. -- If these were his reasons, as it turns out to be, I want to state that we, you know during my time we actually went to have discussions with the councillors and with the executive committee of the council. (30)

And/....

And I put it to you that you never were satisfied and the Tembisa Civic Association never discussed with the council. -- I want to say that I was one of the persons who was actually for that idea.

And I put it to you also that you were also conducting the education campaign with the students, with COSAS, and with Tembisa Youth Organisation and MOYa? -- That is not true.

And you were holding meetings, combined meetings between all these organisation and where you were telling the people that the councillors must be get rid of, that they are (10) puppets of the government, sell outs to the people. -- That is not true. I have stated my position very clearly.

And the result of all this intimidation and all this what was said violence broke out in Tembisa in the schools against the councillors and the property of the councillors was destroyed, the property of the council was destroyed and even schools were set on fire. -- I want to state very clearly that the violence that occurred in Tembisa must be looked at in the context of Tembisa itself and if one of the things that is put is like the property of the council was destroyed it must (20) also be borne in mind that the chairman of our Civic Association also had his house burnt and he also had his new car damaged. So I do not think the Tembisa Civic Association was responsible for the damage and it was not.

Do you agree that property of the councillors were destroyed? -- Yes I do.

Houses set on fire? -- Yes I do.

Do you agree that buses and vehicles were destroyed in Tembisa, in the riots? -- Yes I do.

And the houses of policemen? -- Houses of policemen? (30)

Yes./....

Yes. -- I do not remember one, but I do not overrule that.

And do you know that three schools were set on fire? --
I do not know how many schools were.

Do you remember schools were set on fire? -- Yes I did.

Which schools? -- One of them was where my nephews went
to school in Dumelong.

One was Pumelong? -- Dumelong, that is right.

Yes, and the other one? -- Jiyani.

Yes, what else, which other schools? -- The high school
also. I think it was reported damaged. (10)

Can you remember that there were also incidents where
the houses of the police were attacked with hand grenades?
In Tembisa? -- I read about that.

Do you know about that? -- Yes I did.

And that I put to you was all the result of this meetings
that were held by Tembisa Civic Association and the other
organisations like COSAS, Tembisa Youth Organisation and MOYA
and where they inflamed the people and induced them to parti-
cipate in this violence, in the stayaway and otherwise. -- Can
I just say once again the stayaway was not organised by the (20)
Tembisa Civic Association. Tembisa Civic Association has never
been a violent organisation and we have never involved people
to violence. If, you know the violence that occurred in Tembisa
must be looked at in terms of you know the whole sociological
concept that we found in that township.

ASSESSOR (MR KRUGEL): What concept? -- I am saying it must
be looked at in the context of the whole sociological structure
in Tembisa. We tried our best to actually try and forestall
anything happening. We actually stated our position very
clearly because we regard ourselves as responsible (30)
individuals/....

individuals.

You see I put it to you that in 1983 you were not present and did not hear what was said on the launching meeting of the Tembisa Civic Association? -- That is true, I was not there.

So you cannot say what was said on that meeting about violence and everything like that? -- Definitely not.

And what was said about what the Tembisa Civic Association was going to do in regard to black local authorities? -- I was actually involved in my time period and like, I have stated my position very clearly. I am not going to. I would not (10) know what the contents were before my time anyway.

You did not attend this mass meeting of 3 February 1984 and you cannot tell the court what was said on that meeting in regard to the freedom struggle and what steps are to be taken in the freedom struggle? -- I actually stated my position very clearly.

And I put it to you that you did not attend all the meetings of the Civic Association? What do you say to that? -- During my time era I attended virtually all meetings, virtually all meetings save an instance where I was sick and (20) I could not leave home.

So you said you only attended virtually all. But you cannot tell the court that you attended all the meetings? -- What I was trying to say is that save one or two when I was sick but I did get feedback as to what was discussed because that was the time when we were busy with the objections.

You referred, when was this meeting that was reported in the Rand Daily Mail, the one that you handed in as an exhibit here?

(30)

COURT:/.....

COURT: Well does it not appear from the Rand Daily Mail report?

MR JACOBS: I just want to know if he can ...

COURT: Why ask the witness Mr Jacobs? Yesterday and the date is Monday 2 July so it is 1 July. Why ask the witness the question?

MR JACOBS: Edele ek wou sy geloofwaardigheid getoets het op iets as hy kan gesê het hierso. Well in this, the third paragraph of this report you yourself said that the councillors exercised dirty tactics. What is dirty tactics (10) in informing the police? -- The whole sentence reads:

"The council exercised dirty tactics by informing the police we will use violence in the event of the increase coming through."

I think that is very clear. It is a dirty tactic for one to allege that another party is going to use violence when that party is known to be non-violent.

But when did the councillors say that to the police? That Tembisa Civic Association will use violence in the event of the increase coming through? When did they say that? (20) It was before our meeting with the council, as well as on our meeting with the councillors.

At what occasion did they say that? -- In our meeting, the meeting that we held with the council.

But you did not tell the court that they said ... -- That is when I said, that is when I said specifically the police were there to maintain law and order and that Tembisa Civic Association was going to use violence if the increase came through.

When the Tembisa Civic Association was elected, you (30)

do/....

do not know how many people were present there? -- When the Tembisa Civic Association was elected I do not know how many people were there.

Yes. -- No.

COURT: What was elected? You are meaning the Tembisa Civic Association or are you referring to the committee being elected at the launch of the Tembisa Civic Association?

MR JACOBS: Yes at the launch, elected at the launch of the Civic Association. -- Like I said I was not there and I cannot talk for that era. (10)

You will agree that it was not 83% of the population of Tembisa who were present at that meeting, is that correct? -- That is true but the article specifically states that the council was according to reports elected by only 17% of the residents which leaves 83%, just by virtue of computing.

C.1419 Well will you agree then that it was not 83% that elected the Tembisa Civic Association? -- In the absence of any other thing because they were questioning the validity of the Tembisa Town Council there were the facts, 83% had not voted.

And it was only at the most a few hundred persons (20) present at the launching meeting of the Tembisa Civic Association? -- I cannot talk about that era.

So you have not got even 13% of representation of the people in Tembisa Civic Association? -- During our time, if you recall, we actually had lot of people coming to us and attending the meetings of the Tembisa Civic Association and the people who actually called came to the meetings when the increase was objected to, gave us their reasons and so on. It was many people.

How many members did you have in the Tembisa Civic (30) Association?/....

Association? Registered members? -- We did not keep a register.

COURT: So you had no members? -- We did not keep a register in the sense that we did not have like members paying a subscription fee which would have been normal....

If you did not have a membership register what was your membership? -- The membership was the people who attended our meetings.

Well why do you call them members? They may have been interested onlookers? -- Well interested onlookers vis a vis the 17%. (10)

MR JACOBS: Is it not so according to your constitution that any members must apply in writing for membership of the Tembisa Civic Association? -- There was something that was said initially about that but it was never followed through. It was never followed through.

Just answer my question sir. Was it a condition of the constitution of Tembisa Civic Association that members must apply for membership? -- That is true but it was abrogated through non-use.

And was it also a stipulation in the constitution that (20) they must pay membership fees? -- That was the case but also not used.

How much was to be paid? -- I cannot remember the amount.

And you say, are you saying that you never received any written application for any members or for any persons to be members of Tembisa Civic Association? -- What actually happened was people who wanted to register were actually discouraged because we saw that this whole question of getting money was also going to be a problem. So we just, that was abrogated, as I say, through non-use. It was never, that clause ... (30)

COURT:/....

COURT: Well was your constitution amended? -- The constitution was not amended in a ...

So legally speaking on your constitution you did not get a cent of membership fees, you had no written application for a member, in fact you had no members? Constitutionally speaking you had no members? Yet you attempted to speak on behalf of 83% of the population of Tembisa? -- I think if we were to look at this in terms of the constitution it is true that we did not ask people to write that even though they came to us, we did not even ask them to pay any amount because we realised (10) that was going to be a problem administering fees. So that clause was never used at all.

MR JACOBS: Dankie edele.

RE-EXAMINATION BY MR YACOOB: Have you seen Charles Maloko's signature before? -- Yes I have.

I have no further questions, thank you my lord.

COURT: Have you got that document of Charles Maloko's in front of you? -- Yes.

Just read to us his reasons why he resigned because it is all so very hazy I do not know what it is all about? -- (20)
I read:

"Dear Sir,

We have made our contributions and sought possible ways to finally launch a civic association. It is encouraging to see each one of us enthusiastically taking part in the discussions. Some progress was made. I wish to point out, however, that as the association gradually gains ground and much forward planning is being done I seem to have misunderstood the line of approach to problems the association was (30)

to/....

"to adopt as a residents representative body. I have serious reservations about the association's apparent aim not to enter into round table negotiations at all with the authorities and thrash out issues, meanwhile the association loses that golden opportunity to entrench itself. If the association is intent on entrenching itself as a representative body it must make use of all tactics within its means to sit around the table in negotiations with authorities. It is along such lines that it can work. It can apply effective negotiating (10) methods. If need be it can always take up matters with authorities about the town council and a step further fight issues in court. The authorities will be pressurised to meet the residents' demand. Alternative methods such as not sitting around the table and negotiate could not be most likely rigorously hindered one way or other. In a meeting recently I lost the issue of us making use of minutes in our regular meetings and keeping copies to ourselves. A point was raised that we could land in trouble. It was impliedly stated that our names appear(20) on minutes. We could be visited for harrassment. If we make a pledge to join the civic association and fight civic issues in the township we should learn to account for our activities. We should right away go through all kind of hinderance. I am personally convinced that if we fear harrassment now we can always express a fear of it until our leadership is effected and the association relaxes and wins. I am deeply concerned why we anticipate fears of harrassment at all. The association should demonstrate a bold and unflinching approach to civic (30) matters/....

"matters. Harrassment can have no effect on us. If we are planning to deal with civic matters in the association why take the prospect of harrassment too seriously. The association members should know that harrassment starts when we attend regular meetings and should live with that knowledge. Section committees have been neglected for some time and not much work has been done there. Had we concentrated on getting them off the ground we would have had better attendance at the ongoing regular meetings. The general planning is fairly shaky. We (10) are not likely to get much support when we start public appearances. I seem to hold my own interpretations of the association affairs but I hold strongly to my opinions. Perhaps it would be good to withdraw oneself as an active decision making association member. Yours sincerely,
Charles Maloko."

Well if I heard correctly this gentleman seems to have had two objections. The one was he wanted to do things regularly and have proper minutes and the committee did not want to have minutes at all? -- That is how I understand it. (20)

And did you have proper minutes when you were a secretary?
-- Yes I did.

So there was not actually reason for his resignation? --
I cannot talk for him.

And the second one seems to be, but I could not hear very clearly, it seems to be that he wanted to talk and they did not want to talk, is that correct? -- That is what I learn from this.

Now according to you it was your policy that you wanted to talk? -- That is true. (30)

So/....

So that was also not the reason for his resignation? --
I do not think so.

So either he is giving false reasons or the policy of the executive changed immediately you joined it? -- I cannot say, but whilst I was reading through it now I actually, you know this actually hit me between the eyes because like I said we went out to meet the councillors, we had proper minutes during my time. That is why I cannot talk with a measure of authority on the period before my time.

Any questions flowing from those put by the court? (10)

MR YACOOB: No thank you my lord.

NO FURTHER QUESTIONS.

MR YACOOB: My lord my learned friend Mr Bizos informed your lordship this morning about some of the problems we are having. I have received a note from him. He went off to see Mr Hartzhorn this afternoon, particularly to investigate the possibility, as I understand it, of whether he could be called tomorrow. He sent me a note to say that it is not possible to lead Mr Hartzhorn's evidence tomorrow. Neither has it been possible to contact certain witnesses in the East Rand. In (20) the circumstances I have been asked, and I move for an adjournment until Wednesday morning and I have been asked also by Mr Bizos to assure your lordship that this application for an adjournment does not affect the estimated time at which, according to my learned friend Mr Bizos, the evidence was to cease which was at the end of ...

COURT: Well it should affect it at least by a day Mr Yacoob, unless we are not in the same court.

MR YACOOB: No my lord, the estimation was, it was an estimation that we would finish by the end of this month and usually (30)

when/....

when one gives this sort of estimation one makes sure that one allows, as I understand, it for a day or two's difficulties.

COURT: Well then having said that did you bear in mind that the state also wants to lead some evidence of a Mr Jansen?

MR YACOOB: Yes that was in fact borne in mind. It seems that that evidence will not be too long as we saw it. But I am sorry that the situation has arisen. We have really tried quite hard to make sure that this ...

COURT: Can I have a promise that this is the last time it will occur because how many witnesses do you still have Mr Yacoob?(10)

MR YACOOB: My estimation, I would not like to be held to this, my estimation is that we have between ten and fifteen witnesses left.

COURT: Well between ten and fifteen witnesses one could at least have had one or two available tomorrow.

MR YACOOB: No unfortunately not. It has actually been quite difficult to do that. We are very sorry, we have actually tried.

COURT: But now what is the difficulty with the East Rand? Why can they not be called?

MR YACOOB: It has not been possible to contact them. (20)

COURT: Why not?

MR YACOOB: I do not know my lord. My learned friend Mr Bizos says it has not been possible to ...

COURT: Yes but now if you cannot contact them how are you going to get them to court?

MR YACOOB: We will, further efforts will in fact be made.

COURT: You have got four firms of attorneys working on this case.

MR YACOOB: That is so my lord.

COURT: So some of them could have got into a car and looked(30)
for/....

for these witnesses.

MR YACOOB: I am sure that I will be able to give your lordship a full account of this on Wednesday unless your lordship wants me to find out now exactly what has happened but I can give your lordship the assurance that at the meeting at which I was yesterday it was said that every possible effort must be made to contact them. The methods of contacting them, including going by car, were sought about, were put into implementation. I do not know exactly what happened today, who went where and what happened but we really tried all the time to ensure that (10) there had been witnesses in court all the time.

COURT: What is your attitude Mr Jacobs?

MNR JACOBS: Edele ek sou verwag het ook dat hulle, dat meer aandag daaraan gegee word en dat vooraf, nie net gister en vandag geprobeer was om getuies te kry nie maar dat reëlings vooraf sou getref gewees het om die getuies hier te kry. Maar as daar nie getuies kan wees nie dan kan ek eintlik niks verder sê nie hoewel ek net voel dat daar behoort vroegtydig opgetree te gewees het om die getuies te kry. Dan is daar net 'n ander aspek wat ek met u verlof ook net wil opneem hierso omtrent (20) die getuienis van Jansen. Die Hof het Vrydag aan my aangedui dat ek moet, omtrent the formele getuienis wat erkennings is wat die hof wil hê ons moet nie tyd mors nie, ek moet die hof sê ek het al twee weke gelede vir mnr Bizos gesê hy moet vir my sy erkennings wat hy wil hê op skrif stel dat ek presies weet dat daar nie 'n stryery kan kom nie. Vrydag is dit herhaal. Ek het nou nog niks gekry nie. Dit kan ook darem, daardie dinge kan darem ten minste in die tussentyd gedoen word en nie op tippie op my afgedruk word en dan moet ek binne 'n oomblik besluit nie. (30)

COURT: /....

COURT: What is the situation there Mr Yacoob? Mr Bizos promised that he would hand to Mr Jacobs the formal statements of attorneys and persons like that which cannot possibly be in dispute, so that that part can be resolved easily.

MR YACOOB: That is so my lord. That matter was discussed as well and there was difficulty, as I understood it, in obtaining one signature. My learned friend Mr Bizos was promised the statements by one of the firms of attorneys by this evening and this matter was discussed in rather strong terms yesterday as well. Hopefully we will have them tomorrow. (10)

COURT: Yes but apart from the signature I mean it is a question of a factual admission, not an admission of a signature. Can the statement not be given to Mr Jacobs, signed or unsigned, and if he complains about the fact that it is unsigned he can complain and then get a signature later on.

MR YACOOB: As my lord pleases. We will give the thing to him tomorrow whether it is signed or not. We thought it would be proper to ensure that everything was signed and given to him.

COURT: Yes it would be better of course but we cannot play ping pong in this case, we must get the thing over with Mr (20) Yacoob.

MR YACOOB: Yes my lord, it will be available tomorrow.

COURT: Well Mr Yacoob you can bear in mind that it is with the utmost reluctance that I grant a postponement for a, to jump a day and in any event you would be well advised to use tomorrow, which you have then, to sort out whether there are any loose ends to your evidence and so on so that at the end of your case you do not tell me well we do not know whether there are loose ends. So that we do not get that situation any more. Lead your evidence, get it over with, close (30)

your/....

your case. Mr Jacobs must close his case and we get shot of it and start arguing.

MR YACOOB: As my lord pleases.

COURT ADJOURNS UNTIL 8 JUNE 1988.