

SAAKNOMMER: CC 482/85

DELMAS

1986-02-21

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORE: MNR. W.F. KRUGEL

PROF. W.A. JOUBERT

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

VOLUME 29 (IN CAMERA GETUIE)

(Bladsye 1374 - 1424)

COURT RESUMES ON 21 FEBRUARY 1986.

COURT: Could we just place on record which accused are absent?

MR BIZOS: Accused nos. 4, 8 and 17, and we ask Your Lordship to proceed on the basis that

COURT: Yes we will continue to do so.

IN CAMERA WITNESS NO. 9: d.s.s. (Through Interpreter)

FURTHER CROSS-EXAMINATION BY MR BIZOS: You recall that yesterday afternoon His Lordship asked you a number of questions about your employment with the SABC? -- That is (10) true.

And you told His Lordship that you were working for the SABC for sixteen years? -- That is true.

Does that mean that you started working at the SABC in 1970? -- That is true.

And you have been continuously employed by the SABC since that date? -- I was away from them for only three years.

Yes. Yes. And was that from 1980 to 1983? -- No not during that period. It was during 1973 up to 1976.

I see. And what were you doing in 1980-1981? -- I (20) was employed at the SABC.

No during the three years that you were not employed at the SABC.

COURT: That was 1973 to 1976.

MR BIZOS: Oh I beg Your Lordship's pardon. What were you doing during that period of three years? -- I was a school principal.

Did you not again become a school principal in the 80's? -- Not at all.

Were you ever the school principal at the Tsoelopele (30) primary school. I will spell it, T-s-o-e-l-o-p-e-l-e. --

That/.....

That is true.

And you say that this was in the 70's and not in the 80's? -- That is true.

So insofar as you said that you were employed for sixteen years must that be reduced to thirteen years? -- During the period when I was a principal I was still working for the SABC on part time basis.

Were you not perhaps working on a part time basis during the early 80's as well? -- No I have a proof which I can show to you that I was working. (10)

Did you have any dealings with a firm called Sappa Clothing? Snapper Clothing? -- That is true.

Did you leave your post as principal voluntarily or involuntarily? -- I resigned at my own.

Not as a result of the request of the School Board because of your dealings with Snapper Clothing? -- No I resigned at my own.

Very well. Now you recall that His Lordship asked you yesterday also, before you eventually admitted that you did not attend any meetings, what sort of meetings you went to (20) and you distinguished the type of meetings that you went to between Nguni speaking meetings and non-Nguni speaking meetings? -- I remember that, yes.

And was there an express or clearly implied suggestion in your answer that you attended non-Nguni meetings of activists, political meetings during this period when you gave that answer to His Lordship?

COURT: That answer, if I remember well was given in respect of Inkatha.

MR BIZOS: No My Lord I (30)

COURT: I asked whether, you asked him whether he attended Inkatha/.....

Inkatha meetings and I think he said that they sent somebody else to do that. Then I asked him whether that was because it was an Nguni speaking meeting and he said yes they sent Nguni speakers to that sort of meeting. So we are way off now.

MR BIZOS: No My Lord, because that is the context in which the answer that I am putting to him was given, that he went to the meetings which were not Nguni speaking meetings, that was his answer to Your Lordship.

COURT: Well let us have that clear then.

MR BIZOS: Do you recall that you told His Lordship, in (10) the context which was mentioned by His Lordship, that you went to Sotho speaking meetings or where Nguni languages were not spoken? -- The question was whether I know Inkatha and I said yes I know Inkatha but I do not attend their meetings because they are Nguni, I only attend the Sotho speaking people meeting, namely being Quanquetla(?).

Yes that is correct, but do you not recall that we went on and you told His Lordship that you got the information that you got in relation to the matters that His Lordship wanted to know from Sotho speaking meetings of activists? (20) -- I do not understand that question.

COURT: I do not recall that that was the answer. The witness does not seem to recall it. Could you read it up please, what the question and answer were?

MR BIZOS: I would have to find it but I will leave it if it is there in the record, I am sure it is there. I will leave it at that.

COURT: Yes.

MR BIZOS: Now what I want to put to you is this, do you know Mr Jabu Mdlalosi? -- Yes I do. (30)

Do you and he share this in common that you go to

political/.....

political meetings but you are the two SABC employees that attend meetings but whose reports are never filed or broadcast? -- I can only answer the question about myself but I am working for the news and Jabu is not working for the news.

Right let us deal with yourself first. You have already told us that you have not filed any reports except the one of the 19th August? -- If you are talking about reports please make it clear to me what kind of reports.

Reports of political meetings that you have attended. I do not want to traverse the whole ground that we tra- (10) versed yesterday afternoon. -- That is what I said.

Yes. Do you agree that you have, despite what you said yesterday that you did not attend any meetings at one stage of your evidence, that you do in fact attend meetings in an SABC vehicle? -- I have my own car, not even a car, cars of my own.

Cars of your own. Have you never used an SABC vehicle in order to go to a meeting or meetings? -- Not when I am not on duty, no.

I did not ask you whether, please did you attend any (20) political meetings in an SABC vehicle? -- Not to any political meetings did I ever go in a SABC vehicle.

Do you ever use an SABC vehicle in order to go any meeting of whatever nature? -- Very much so, yes.

Have you been to political meetings in Soweto? -- Yes I have.

Have you ever been to a political meeting in Soweto in an SABC vehicle? -- No.

Have you been to any political meeting in Soweto in a vehicle other than an SABC vehicle? -- In my own car, yes. (30)

During working hours? -- Maybe on a Saturday or at times during/.....

during the time when I am off duty.

Did you attend any meetings in Soweto in you capacity as employee of the SABC?

COURT: Is that a meeting, a political meeting?

MR BIZOS: A political meeting in Soweto in your capacity of employee of the SABC? -- No.

How many meetings, political meetings in Soweto have you attended in a capacity not connected with your employment with the SABC?

COURT: That is then in a private capacity? (10)

MR BIZOS: In a private capacity. -- They are not so much.

How many? -- I am not in a position to tell you a figure as to how many meetings.

During 1984 how many? -- During the year 1984 I was too committed with my work, I could not go to Soweto.

Well Saturdays or Sundays? -- I sometimes go out on duty and being on duty maybe over the weekend as well.

Did you go to these meetings, political meetings, in your private capacity because you found them exciting or because you wanted to satisfy your curiosity or because you had to (20) report to someone? -- A person learns a lot of things by attending certain things and therefore the idea here was that I go to these meetings because I want to learn some things.

To learn for whose benefit? -- To my own benefit.

Is that because of your deep interest in politics? -- Not very much but because things that are happening in my presence are pertaining to politics, well it serves that.

Yes. Tell me do you know Warrant Office Mohage? -- Very much.

Are you regularly in his company? -- I am in his (30) company.

Regularly?/....

Regularly? -- Every time.

And does he visit you at the SABC? -- No we do not visit each other at work, we only visit each other at home.

I see. Do you visit each other at home regularly during the weekends? -- Not weekends only, any time when he has time to visit.

How often do you see him? -- Every day.

Every day. Why do you see him every day? -- He is my neighbour.

And your friend? -- We attended school together. (10)

Yes. Now tell me we all know that he is in the security police do we not? -- We all know that.

COURT: Who is "we all"?

MR BIZOS: Mohage.

COURT: We all, does he know that he is in the security police.

MR BIZOS: Yes. I will change the wording My Lord. He is well known as a security police officer? -- Quite so, yes.

Well I am going to put, although he is not in the witness box I am going to put to you what the defence case is going (20) to be in relation to Mr Mohage. And that is that he is responsible for procuring much false evidence in this case.

COURT: Well now just a moment. On what basis are you putting this to this witness?

MR BIZOS: My Lord on the instructions that I have received from a number of people that they have been approached by Mr Mohage in order to give evidence which they have told him that it is incorrect and that they have been pressurised in order to give it.

COURT: That is very interesting Mr Bizos. Should Mr Mohage (30) give evidence you can put it to him. On what basis do you

put/.....

put it to this witness? What is it of concern to him?

MR BIZOS: I will try and make it clear by further questions.

COURT: No. Tell me.

MR BIZOS: No My Lord

COURT: Tell me, or I will rule you out of order.

MR BIZOS: No because I want to put to this witness that he regularly saw Mr Mohage and that the probabilities are that insofar as his evidence is said to be false by the accused that he was approached by Mr Mohage on the basis that Mr Mohage has approached a number of others. (10)

COURT: Well I am not concerned with Mr Mohage approaching others, I am not concerned with your question on the probabilities. If you want to put to him that he was approached by Mohage as an informer put it to him. But do not tell me a long story about Mohage.

MR BIZOS: As Your Lordship pleases. Now when you, how come Mr Mohage lives in Escom's section of Sebokeng? -- I believe maybe you are not properly informed about that we have just bought houses now.

I want to know, you described him as your neighbour, (20) for how long has he been your neighbour? -- This is now four months, that he is my neighbour.

Was he your friend long before he became your neighbour? -- From long ago, yes.

Is he living in the same Escom section as you are? -- We bought houses not in the area of Escom, just outside the boundary of Escom houses.

Oh so you do not live in the Escom section? -- It is not long that I have left that area of Escom housing, it is about four months that I have left the area. (30)

So when you said that you lived in the Escom section you were/.....

were not being entirely frank? -- I was.

No were you asked where you lived or where you live? -- At this moment or here during the trial I was not asked where I live. I was only asked as to where I lived during the time when I made my statement, at the time my residential address was.

The record will speak differently but we will leave it at that. Tell me, did you tell your friend Mohage on the 19th or shortly thereafter that you had heard a speech by Mr Tom Manthata of the South African Council of Churches and the (10) Soweto Committee of Ten? -- There was no reason for me to tell him.

Why not? -- It is because I do not know of any reason why I would have told him.

Is he not known to you as a person who is concerned with the security of the State? -- That is true. That is correct.

Yes. And if what you tell us is correct, if what you tell us is correct then you were in possession of information which was very important to maintain or to take steps in order to maintain the security of the State? -- You are quite right (20) but do not forget that it was put to me by you that I was in the company of two policemen at this particular meeting.

Yes I know that, but you know if one is shocked about something one talks to his friends about it, especially if it is relevant to their work. -- There are very few things to shock me as a person.

Well were you not shocked at the meeting of the 19th? -- I was busy on my duty and doing my work there, there was nothing shocking me.

A call to murder of the councillors and the destruction (30) of their property does not, did not shock you from a person

from/.....

from a religious organisation? -- If I was supposed to have been shocked by that which was not in fact intended for me it would mean then I would be shocked by every other thing which is happening in the township, like the killings in the township.

And they do not shock you? -- As a human being they only make me to be concerned.

Yes. Well did you discuss that concern with Warrant Officer Mohage? -- That is a very good question, I did not talk to him.

Oh I see, so you deliberately avoid talking to your (10) friend Warrant Officer Mohage about anything that is happening in the townships? -- His policemen were present, that is the people who are working with him as colleagues, and they were the people who could have given him the message about what was happening.

When you were asked to go to the police station to discuss the matter by who, with who was the message sent? -- I got the message from one gentleman who was then a policeman, who is no longer a policeman and he is now a Deputy Mayor, a Mr Mpondo. (20)

In what branch of the police was he in? -- The same branch with Mohage.

In the security police? -- That is so.

Did you know that at the time Mohage was in the security police?

COURT: But that question has been answered. He has told us it was well known.

MR BIZOS: Well did you say to your friend Mr Mohage "What is it that the security police want with me"? -- If it happened that I met him I would have asked him but I did not meet (30) him.

And/.....

And after you had been to the police station on the first occasion in October did you tell Mohage that you had been approached by the security police for the purposes of giving them information? -- I do not think it was necessary.

Did you not do it? -- I knew why I was called.

And after you had been to the police station did you see Mr Mohage? -- We met many times.

Did you say to him that you had been called in and questioned about what had happened on the 19th by the security police? -- When we meet with him it is not that our subject(10) of matter to be discussed is our work.

What is your work? That you are not to discuss?

COURT: It is not a question that he is not to discuss, we do not discuss our work.

MR BIZOS: Oh. Why do you not discuss your work with Mr Mohage? -- There are a lot of things which we can discuss between ourselves.

Would there have been anything wrong for you to mention in passing to Mr Mohage that you had been called in by the security police, the very branch that he himself is working(20) in? -- I did not find that necessary.

Alright. When you made, when you were called in again before going into the police station did you see Mr Mohage? -- I cannot say that with certainty whether I saw him or not.

Can you recall whether you mentioned to him that you had again been called in by the security police? -- I do not remember anything about that.

Yes, and after you made your statement did you see Mr Mohage? -- I have already said that we met with him many times after that. (30)

No after you made your statement, shortly after you made
your/.....

your statement did you see him? -- We met many times after that.

Yes. Did you on any of those many occasions on which you saw him mention to him that you had made a statement in relation to the events of the 19th? -- The only time we had to talk about the statement is when he had come to deliver a subpoena to me which was informing me about coming to court.

So the answer is no then? -- That is true.

Was there any reason why, during the transactions that you had with the security police in October, November and (10) possibly December 1984, that you should remain silent to Mr Mohage about it? -- I did not find any reason as to whether I must tell him about my having been there.

Is there complete trust and affection between the two of you? -- We are friends.

Yes. I am going to put to you that at least one of the reasons why you wanted this evidence to be given in camera and for you not to be seen by members of your community or the public at large giving evidence is because you wanted to paint a false picture of yourself to His Lordship? What do you (20) say to that? -- Those are you own feelings.

Well let me see whether my feelings are justified. You were described by the prosecutor as a leading political commentator. Did you give him that information? -- I said I am working with politics, that is the news pertaining to politics.

Did you describe yourself to the Prosecutor as a leading political commentator? -- I do not understand when you say I said I am a leading political commentator because there are people who are senior to me in positions. (30)

No I did not ask you whether there are senior or not. I

am/.....

am asking you whether you told the Prosecutor that you were a leading political commentator with the SABC? Did you tell the Prosecutor that?

MR HANEKOM: Edele net om regverdig teenoor die getuie te wees ek dink my woorde was hy is 'n bekende politieke kommentator. Nie 'n leidende een noodwendig.

MR BIZOS: Yes, that you are a well known political commentator, did you tell the Prosecutor, well "n bekende", a known political commentator, very well we will. Did you tell the Prosecutor that you were a known political commentator? -- (10)
That is true.

Could you please tell us when you made a single political comment on the SABC? -- There are too many of them which are being written and which are being read, and possibly the defence also listens to them but the thing is he does not know by whom were they written.

Oh so you say you are a political commentator but a secret political commentator? -- I believe whatever comment is read over the radio or T.V. they usually do not say who the writer thereof is, or the person who prepared that. (20)

So it was only the word "known" political commentator which was incorrect? -- Within the proximity of my work I am known as a political commentator.

I thought that your job was that of a sub-editor? -- I was one, yes.

And what are you now? -- I am a chief sub-editor.

Chief sub-editor. Yes. And is it the job of the chief sub-editor to write commentary? -- He makes contribution towards the comments.

Do you write the, has anything that you have ever (30)
written in the form in which you have written been broadcast

in/.....

in the form in which you wrote it? -- Whatever a person writes, no matter what, it will go through a lot of people's hands and in fact up to the head of the department.

No the question was has anything that has been written by you been broadcast in the form in which you wrote it?

COURT: Well the answer is that whenever you write something somebody else tampers with it and the end product is not exactly as you wrote it.

MR BIZOS: Yes. Has His Lordship correctly described your function? -- That is true. (10)

Then you described yourself as a reporter and you recall that I asked you a question, are you a political, a known political commentator or a report or both, and do you recall what your answer was? -- Can you help me what I said?

Yes, you said both. -- In so saying I did not make a mistake.

Good and it turns out that you only wrote one report ever, you only filed one report? Why are you laughing?

MNR HANEKOM: Edele ek dink die stelling was nie heeltemal korrek dat die getuienis is hy het net een verslag geskryf (20) nie, dit was net een politieke verslag.

HOF: Dit is nou wat gestel word. As rapporteer en politieke kommentaar. Will you please put the question again.

INTERPRETER: May I just interpret what the witness said?

COURT: Yes let us have the answer first. -- I do not think that can be correct because one cannot be paid for having written one report only in the period that we are talking about, in other words that means I am doing other work as well.

MR BIZOS: I am sure that you are doing other work on my (30) instructions, especially for the security police, but let us

leave/.....

leave that out for a moment.

COURT: Mr Bizos, either you put it to him directly and he can deny it or you do not comment and leave it on the record. Now put it to him or do not put it to him.

MR BIZOS: Yes, I am putting to you that you, if you do report you report to the police? -- Well you know.

Yes, now ...

COURT: Well is the answer then yes or no? -- No.

MR BIZOS: You described yourself as a reporter? It turns out that you only filed one report. Is that so? That is your (10) evidence, your evidence was that this was the only report of a political meeting that you have ever filed? -- That is where I was at the time.

No, can you honestly say that you were giving a true picture of yourself to His Lordship in describing yourself a political reporter on the SABC if you only filed one report? Were you being honest and sincere to His Lordship? -- I have given this Court the truth that I know to be the truth.

No, just listen to the question. Did you think that you were being completely honest with His Lordship in describing (20) yourself as a reporter if in fact you only filed one report? -- I have given the Court the truth. What I have said which was the truth.

Precisely what was your job on 20 August 1984 when you reported to work at the SABC?

COURT: That is the Monday?

MR BIZOS: The Monday. What was your work? -- I cannot at this moment remember exactly what I was doing. All I can tell the Court is I had gone to work and doing my usual routine work about news as usual. (30)

What was your job, if you had to described your job on
your/.....

your door or on your desk what would you put there? You know if you had to put a label on yourself? -- Sub-editor.

Sub-editor. Right. Did you consider the happenings of the meeting of the 19th of considerable importance? -- It was an important meeting.

It was an important meeting. In your capacity as sub-editor you must have been in a better position than the ordinary junior reporter in influencing those who make the decisions to broadcast what the sub-editor himself had gathered? -- There are those who are seniors to me who are taking final(10) decisions.

No I know there are seniors who take final decisions. The question was is a sub-editor in a better position than the junior reporter in influencing those who make the decision to broadcast important news? -- That is provided it is not against the rules of the corporation.

Yes. No but you have given us the reason why, that the call to violence may have been omitted, but what about the rest of the report? That there were a thousand people, that they were shouting Amandla, that they resolved not to pay the (20) increased rental, that they resolved to boycott the shops of councillors, that it happened in a church, that a leading member of the, that a member of the Sowetan committee and the South African Council of Churches was the main speaker, why was this not broadcast? -- Well according to you that may have been newsworthy but according to the SABC it was not newsworthy.

Alright. Now you told us that you made notes at the meeting. Did you take them with you on the Monday? -- I have already said that the notes were with me at work. (30)

What did you do with the notes on the Monday? -- I
checked/.....

checked them, went through the notes.

Against what? -- Against the story I telephoned through to the person I phoned in filing my report.

So was your report made available to you, your telephonic report made available to you on the Monday morning? -- And the original of the report over the phone it is being kept by whoever received the report over the phone.

Was a copy made available to you? -- No the original was taken by me.

And you checked your notes against it? -- Yes. (10)

What did you do with the notes after that? -- It is prior to my knowing that it was not broadcast.

What did you do with the notes after that? -- I returned the copy to the owner.

What did you do with the notes? -- I have already told the Court that long ago that notebook of mine was full and therefore I got rid of it.

Yes. Did you get rid of the notebook before or after you were called to the police station? -- When I went to the police station it was still available. (20)

And was it still available before you made your statement? -- That is what I said, it was available at the office.

You have already told us that you did not consult your notes at the time you made your statement? -- That is true.

You have also told us that you did not tell the people responsible for taking your statement that you had notes? -- They did not ask me for the notes.

You did not tell them? -- They did not ask me.

Now did you not realise that at the time that you were making your statement that if you had your notes with you (30) you would be able to make a more accurate statement? -- I

remembered/.....

remembered exactly what happened there just like I am standing here without any notes.

So when you protested that some of the things you did not remember because it was sixteen months ago was that not a correct protestation? -- On that I was referring with a few dates or comparing that with a few dates when I was called to the police station, within those few days.

Was it only a few days? -- It could have been days, weeks or months, that is about two months.

Now would you agree that there was a resolution passed(10) there that the increase

COURT: That is on the meeting on the 19th?

MR BIZOS: The meeting of the 19th.

COURT: Of August 1984.

MR BIZOS: Do you agree that the resolution was passed there that the rents and service charge increases that were due to be paid on 1 September should not be paid? Do you agree that there was a formal resolution passed at this meeting? -- I remember that because one of the speakers there said people must go and pay their normal rent, which is the usual one they(20) used to pay prior to this increment. Though I cannot remember who the speaker was.

I see. But what I am putting to you is that a formal resolution was moved to that effect, do you not recall that? -- I remember one of the speakers saying that.

Yes, I will repeat the question. Do you recall that a formal resolution was put to the meeting to that effect? -- I do not know whether it was a resolution or the feelings from this person who was a speaker at the time.

If I were to put to you that a formal resolution was (30) put and that it was agreed to by the people there present,

by/.....

by acclamation, what would you say? -- Well then it will mean it was a resolution taken after I had left.

COURT: Could I just have clarity Mr Bizos. Normally resolutions are proposed by somebody but put by the chairman. Is it put that the chairman put the resolution to the meeting or is it put that the speaker mentioned that he moved a motion?

MR BIZOS: He moved a motion My Lord, he spoke in its favour.

COURT: Did the chairman put it to the meeting?

MR BIZOS: And the chairman put it and that it was agreed to by acclamation. (10)

COURT: Now when is it said that the chairman put it, immediately after the speaker spoke or at the end of the meeting?

MR BIZOS: I have no specific instruction, I am sorry I have a specific instruction that it was after he spoke.

COURT: After the speaker spoke.

MR BIZOS: After the speaker spoke. Yes.

COURT: That is what is put to you. -- It is after I was not present there.

MR BIZOS: This was not happening. But you do agree that you were present when accused no. 2 spoke? -- I was present. (20)

And stayed there for some time after he finished speaking? -- Quite well.

Was there no mention of any formal resolutions that had been passed at a previous meeting? -- No.

Did accused no. 1, I beg your pardon no. 3, or anyone else not mention that resolutions had been passed at a previous meeting? -- I do not understand that question.

COURT: Well put it directly that no. 3 proposed, or referred to previous resolutions, or that somebody else. But not in such a wide.... (30)

MR BIZOS: I am corrected that it was Hlube and I will put it directly/....

directly that it was. This is why, no. 3 or anyone else. Did not the chairman of the meeting refer to the previous resolutions? -- I did not hear him referring to those.

If there has been evidence that that was done does that shake your confidence about your recollection?

COURT: Whose evidence was that?

MR BIZOS: My recollection is that Koaho admitted that...

COURT: My recollection is that Koaho did not admit it. I would prefer you to look it up please.

MR BIZOS: As Your Lordship pleases. No Your Lordship is (10) correct. I am sorry that my recollection in that regard was incorrect. If there is evidence that that was done do you say that that is incorrect?

COURT: Well there is no such evidence.

MR BIZOS: If there is going to be evidence. -- I do not know.

Was there any suggestion made, anyone, that this was one of a series of meetings? -- I do not understand that question clearly.

Was there any mention at the beginning of the meeting that this was not an isolated meeting, that there had been (20) a meeting before and that there would be other meetings in the future? -- That I cannot remember.

Do you recall whether there was any mention of any resolution taken at the previous meeting that a call should be made for the resignation of the councillors? -- From different speakers there in their speeches they made mention of that.

Was there no mention that a resolution had already been put at a previous meeting? -- No I cannot remember that being said. (30)

Do you recall whether anyone mentioned that there would be/.....

be a meeting the following Sunday? -- If that was said it must have been said in my absence.

Can you recall when you first noticed accused no. 2?

-- Yes I can.

At what stage? -- It is when he came there to give a speech at that stage.

Was that the first time that you noticed him? -- I think so, yes.

Yes. You say that he came there to speak. Where did he come from, was he called upon to come from the audience or (10) wherefrom? -- By that I mean he emerged from a group of people who were standing in the passage or the opening where people were standing to where he was taking the floor in order to address the audience.

So he was not on the platform before he was called upon to come to the platform to speak? -- I cannot remember him being on the platform.

Yes. Do you remember who called accused no. 2 to speak?

-- I did not pay a particular attention to that as to who is calling who. (20)

Well you have already told us that the absent person, who was accused no. 4, the person that you saw in the office together with Mr Hanekom and myself, you do not recall him doing any specific or saying anything? -- That is what I have said.

Yes. If he had taken an active, such active part as to introduce a speaker such as accused no. 2 you would no doubt have remembered it? -- I did not have a particular interest in introductions as to who is introducing who.

Well, but how do you do your job as a reporter on (30) this one occasion on which you were a reporter if you do not pay/.....

pay attention as to who, what is the background of the person who is speaking? -- I only listen to what the name of the person is who is being introduced and in what capacity, what kind of work is that person doing. I do not pay attention as to who is introducing the person.

Would you be in a position to deny that accused no. 2 was in fact introduced by Mr Hlube, the person whose photograph you saw yesterday? -- I will not be in a position to dispute that.

Are you able to remember the order of the speakers? (10)
-- I think I can remember, even if I made a mistake it will be a slight mistake.

Well can you tell with any degree of confidence to His Lordship whether accused no. 1 or accused no. 2 spoke first insofar as anything may turn on it, can you say? -- Yes I can.

Who? -- Are you talking about no. 2 and number?

No. 1. We know that accused no. 16 spoke first. There is no dispute about that, as a speaker that is. But the question is do you recall whether accused no. 1 or no. 2 (20) spoke first? -- No. 2 spoke first.

Well I am going to put to you that it is the other way around. -- I did say I may make a mistake.

Yes. Do you recall what language accused no. 2 spoke in?
-- Yes I think I remember.

What? -- Sotho.

He spoke in Sotho. And do you recall whether he had an interpreter? -- No he did not have an interpreter.

I see. And you are particularly familiar with Sotho, it is your own language, and you remember accused no. 2 speaking Sotho? -- Yes I am Sotho.

And/.....

And if I were to suggest to you that actually accused no. 2 spoke in Zulu and it was translated into Sotho what would you say? -- I will disagree with you, he spoke in Sotho.

And you are sure that there was no interpreter? -- That is true.

You see if you are wrong about the language would you agree that you cannot be sure of the precise words that accused no. 2 used in relation to his speech? -- He was speaking in Sotho.

And if I were to put to you that he moved a formal (10) motion that the new rents should be protested and called for the boycott of shops and garages owned by the councillors what would you say?

COURT: What does it mean, a formal motion that the rent be protested?

MR BIZOS: Protested My Lord.

COURT: Not contested, protested, or not paid? What was the motion?

MR BIZOS: Well protested and not paid.

COURT: Protested and not paid, that we do not pay the (20) rent, that sort of thing?

MR BIZOS: That we do not pay the increased rent.

COURT: The increase of the rent.

MR BIZOS: Yes.

COURT: That is two things, the rent not be paid and that the businesses be boycotted?

MR BIZOS: Yes. -- He did make mention of the businesses. I cannot remember him saying anything about rent.

Is it possible that there was such a motion moved by him which had these two parts, the one in relation to the in- (30) creased rental and the other in relation to the businesses

but/.....

but that you have forgotten a part of it or are you giving His Lordship an assurance that it did not happen? -- I remember him making mention of the boycotting of the businesses. Pertaining to rent I cannot remember him saying anything about rent.

And if he had said it would your good memory that you gave us assurances about, you would have remembered it? -- I would have remembered that.

Yes, and you give His Lordship an assurance that it was not said? -- That is what I am saying. (10)

Do you not recall him, in addition, saying that the councillors should resign from office? -- I cannot remember that.

And are you saying that he did not say it? -- Yes that is what I am saying.

And did he say that he was aware that some people would pay the increased rent for fear of either being evicted or locked out? Do you recall him saying that? -- That I cannot remember.

Do you say that he did not say it? -- It can be that (20) he did not say it.

No, what are you saying, are you saying he did not say it or you do not remember whether he said it or it is possible that he said it and you have forgotten about it, what are you saying? -- As far as I can think he did not say that.

Now if I were to put to you that what I have just put to you in relation to accused no. 2 appears on EXHIBIT AAQ(6), a contemporaneous note ...

COURT: No not a contemporaneous note, a newspaper report by Mr Ernest Nkabinde. (30)

MR BIZOS: Yes, newspaper report written almost contemporaneously by/.....

by Mr Ernest Nkabinde would you say that he was wrong in publishing that report? Would you like to look at it? -- I have not seen it and I do not have it or in short I can say I did not hear him saying that.

Yes. But you do recall that you told us that you saw the newspaper report on the day that it was published?

COURT: Well to be correct Mr Bizos what you are putting to the witness is in here is not in here because this report says that Mr Oupa Hlomoka said the residents should protest against the new rents, and you told the witness that the (10) motion which was passed was that they should not pay the increased rents.

MR BIZOS: No My Lord I said protest and in further being asked by Your Lordship as to what the precise nature of it was I added, I added that they should be protested and not paid.

COURT: Yes, but now you are putting to the witness that what we have just discussed is in this report. It is not.

MR BIZOS: In relation to that detail that Your Lordship asked for it is correct that that does not appear in the report but I submit, with respect, that having regard to (20) the witness' denials in the very substantial portion of this report I am entitled to put to him that an almost contemporaneous report is in conflict with his evidence, and that is the basis upon which I want to put it.

COURT: Yes, you can do that. I think in future you should just place the report before him and say well this paragraph which I read out to you is in conflict with your evidence, then it would be easier for him.

MR BIZOS: As Your Lordship pleases.

COURT: But go ahead. (30)

MR BIZOS: Do you agree that what I have read to you from

EXHIBIT/.....

EXHIBIT AAQ(6) is in conflict with your evidence?

COURT: But let us just take it one step further. Where in AAQ(6) does it say that Mr Oupa Hlomoka moved a motion, a formal resolution?

MR BIZOS: My Lord

COURT: No, no, just answer me Mr Bizos because you are putting this to the witness.

MR BIZOS: My Lord I put that before I started reading from this report. I have read the report to the witness in full and I am asking the witness whether the report that I have (10) read is in conflict with his evidence.

COURT: But Mr Bizos you started off somewhere along the line you said that he moved a formal motion that the rent be, the rent be not paid and the businesses be boycotted and on the way furthermore no. 2 also said councillors should resign, and then some people would pay for either fear of being evicted or locked up. All that was put. Then you put to the witness this is in AAQ(6), a report by Mr Ernest Nkabinde, a contemporaneous report. That is not correct.

MR BIZOS: But My Lord I have read the report (20)

COURT: Yes but the impression created with the witness is that everything you put before reading the report is also contained in the report, you did not start off to say "I will read you a report by Mr Ernest Nkabinde in the Rand Daily Mail of that date do you agree or disagree".

MR BIZOS: But My Lord, with the greatest respect, I have been putting no. 2's version. I did not for one moment suggest that it was in the report that he was not part of the platform, but that he was part of the audience. In the beginning I was busy putting accused no. 2's version. (30)

I quite agree Mr Bizos you have got a right to put
accused/.....

accused no. 2's version and you have got a right to put this report to the witness. My complaint is that this witness may get mixed up if what no. 2 says and what is in the report is put together as if it is in the report. But anyway we have now discussed it and the witness has heard it, and continue please.

MR BIZOS: I want to assure Your Lordship that I kept the two aspects of it separate. I actually asked that a copy should be put before the witness.

COURT: But he does not have a copy. (10)

MR BIZOS: I am sorry that he has not got a copy but I did offer a copy to the witness and I want to assure Your Lordship that I do not think, with respect, it is necessary for me having regard to the evidence of this witness to try and misrepresent anything to him in order to score any point.

COURT: I am not saying that you are misrepresenting anything to him Mr Bizos. I just want the witness not to get the wrong impression when he gives evidence.

MR BIZOS: Perhaps we should have copies of the exhibits before him so that we cannot have any misunderstanding in future. (20)

COURT: Yes, will you continue your cross-examination.

MR BIZOS: As Your Lordship pleases. Now do you recall what the reaction of the audience was after accused no. 2 spoke?
-- Yes I do.

Yes, what did the audience do? -- They did exactly what was happening in that meeting by putting up their hands and making noise or shouting some noise there. In fact they were excited.

They were excited. Did the chairman do anything immediately after accused no. 2 spoke? -- Yes. (30)

Well can you recall what the chairman did? -- What I
remember/.....

remember is that the chairman introduced the next speaker.

Before he introduced the next speaker did he do anything in relation to what accused no. 2 said? -- I cannot remember anything that he did.

Is it possible that he did something but that you did not notice it as you were not paying particular attention to the chairman? -- It is possible.

Is it possible that he put the motion that accused no. 2 proposed and that the people shouted "Rea dumela" which I am instructed is the way in which agreement is expressed? (10) -- I cannot remember that.

COURT: What does "Rea ntumela" mean? -- It can be "rea dumela" which means we agree or "rea ntumela" which means we are happy.

MR BIZOS: And you told His Lordship that you cannot admit or deny that that happened? -- I said I cannot remember.

And do you mean that it did not happen on this occasion or that you do not remember whether it happened or not? -- I cannot remember whether that did happen or not.

Do you recall, although the order is the other way (20) around it does not matter, I do not want to put it to you again, who introduced accused no. 1? -- It can be that he was introduced by the chairman. Now I do not know which one.

If he had been introduced by accused no. 4, the person you do not remember having said anything, would you have remembered it? -- I say I cannot remember who introduced him because the chairmen were seated right in front there.

The question was you told us that you did not remember accused no. 4 doing anything. If accused no. 4 had in fact introduced accused no. 1 would you have failed to see and (30) hear no. 4 doing that? -- I would have remembered that yes.

So/.....

So can we assume that according to your recollection accused no. 4 did not introduce him? -- That is so.

When did you notice accused no. 1 for the first time at this meeting? -- It is when he went to speak.

C89 Where did he go from in order to go and speak? -- He was right in front there, to be exact just in front of accused no. 16 was he seated. Next to him, I am sorry not in front of him but next to him.

When did you notice him for the first time? -- When he got up to speak. (10)

Right. So you are unable to tell us when he came into the meeting? -- No I doubt if I will be in a position to tell you that.

Yes. And whether he was part of the audience before you saw him next to accused no. 16 for the first time? -- I only became aware of his having been seated next to accused no. 16 when he got up to speak.

You did not become aware of him approaching the chairman or some other person on the platform asking for permission to be one of the speakers? -- No. (20)

Do you recall what language accused no. 1 spoke in? -- Xhosa.

Do you recall whether he had an interpreter? -- There was an interpreter.

Now if I were to put to you that he said the following, listen carefully please. Listen carefully and tell us whether he said this or not. That most Blacks were already reeling under the escalating cost of living and could not afford to pay high rents. Did he say that? -- No he did not.

Did he say the delays in receiving unemployment insurance fund payments, the increase in the General Sales

Tax/.....

Tax and the high rate of unemployment were frustrating most Blacks? Did he say that? -- No he never said that.

And the increase in rents will be a heavy blow to them. Did he say that? -- What he said is high rents are oppressing people, that is true.

Did he say that we are being robbed of our rights? -- I cannot remember him saying that.

Can you recall when he was introduced from where it was said he had come, or what organisation he belonged to? -- I remember him being introduced as a delegate from the youth (10) in Soweto.

Was no organisation mentioned? -- I cannot remember an organisation being mentioned.

Will you please have a look at EXHIBIT AAQ(7). Will you please look at the last two paragraphs of that.

COURT: The AAQ(7) is a report from The Sowetan of Tuesday August 21 of 1984.

MR BIZOS: Thank you My Lord. Please have a look at that and read it, just the last two paragraphs. -- I have read that.

Do you agree that what is in that is in conflict with(20) your evidence as to what accused no. 2 said, I am sorry accused no. 1 said at this meeting? -- Yes I agree, it differs from this.

And do you say that despite the almost contemporaneous report by Mr Joshua Raboroko that your version is correct and that of the accused and Mr Raboroko will be incorrect? -- In short what I have told the Court here is what I say happened there.

Does your confidence in your ability to recollect what was said, is your confidence on your ability to recollect what(30) was said not shaken by the contents of this report? -- I stand

by/.....

by my words.

And if I were to inform you that your companion at this meeting, Sergeant Koaho of the security police, admitted at least two of the aspects that you have denied would that shake your confidence in your own

COURT: Could you give the witness a bit more clarity please.

MR BIZOS: Yes My Lord. Perhaps I should read the precise words of, I have the page numbers My Lord. The paragraph that deals with reeling, which you have denied, was admitted. Then, perhaps I should put the whole, "He did not recall. (10) whether there was reference

COURT: What page are you referring to?

MR BIZOS: Is the record available My Lord?

COURT: I have the record, but what page are you referring to?

MR BIZOS: We do not have the official record yet My Lord. I have a note.

COURT: Well then you make it very difficult for us Mr Bizos. But what is your note?

MR BIZOS: Well My Lord I do not know when Your Lordship got that but we have not yet got it. It was apparently handed(20) to us this morning after the, it has been suggested, we have it on my own notes and it is perhaps

COURT: Well anyway if you have your notes put your notes and we will see.

MR BIZOS: That he, the paragraph that deals with reeling was admitted by him as having been said.

COURT: The whole paragraph? From A to Z?

MR BIZOS: No not from A to Z. I said the paragraph that...

COURT: Well the whole paragraph, from AZANYU's Patrick Baleka up to Blacks? (30)

MR BIZOS: No My Lord, could I change, the sentence instead of/.....

of the paragraph. Because you will recall that I said that portions of it have been admitted by your

COURT: No but you said the paragraph dealing with reeling and the paragraph runs from "AZANY" to "Blacks".

MR BIZOS: No I dealt with the sentence having the word reeling in it.

COURT: Very well. The sentence dealing with reeling was admitted by your companion. Does that not shake your confidence? -- I stand by my words.

Yes, he did not remember whether there was any reference (10) to the unemployment insurance fund? -- I have already said so, that I do not remember.

And he denied that there was any mention of the G.S.T. -- I said so.

He admitted that he said that they were being robbed of their rights. -- I said I do not remember that.

Yes. My Lord it is 1214 to 1215 that this was put.

COURT: Yes thank you.

MR BIZOS: Can you recall what was or what happened after accused no. 1 spoke? -- I do remember that. (20)

Yes, what was said? -- The usual noise was made which was taking place before.

What is the usual noise? -- I have already told the Court that they were excited saying "Amandla", making noise.

COURT ADJOURNS FOR TEA. COURT RESUMES.

IN CAMERA WITNESS NO. 9: d.s.s. (Through Interpreter)

FURTHER CROSS-EXAMINATION BY MR BIZOS: Now you read on AAQ(7), perhaps this should be put before you again. I understand that the interpreter puts them away so that he always has them. You will have noticed there that accused no. 1 was (30) said to be from AZANYU? Would you please tell us what AZANYU stands/....

stands for? -- I do not know what that means.

Let me understand you that insofar as you were described as a known political commentator have you not come across this acronym before? -- I came across it.

You never bothered, as a political, known political commentator, to find out what it stood for? -- It stands for an organisation for those who are still having to do with education, that is the youth.

Do you know whether its membership is confined to students or not? -- That is why I said youth. (10)

Do you know whether it is an independent body or whether it is the child or the affiliate of any other organisation? A subsidiary organisation to any other organisation? -- It is only when I am supposed to write about it when I will have to investigate about it as to where it originates from and how.

I see.

MR KRÜGEL: Excuse me Mr Bizos I still do not know whether it is confined to students. There was no answer to that question.

MR BIZOS: The witness does not know. I myself have no (20) specific instruction whether it is or it is not. I know what it stands for but I do not know

MR KRÜGEL: No but what was the answer of the witness?

MR BIZOS: The answer of the witness was

MR KRÜGEL: He gave a reason but he did not say yes or no. He gave a reason from which I can infer something.

MR BIZOS: Well perhaps I can ask him for clarity sake. Do you say that it is confined to students? -- I said it is confined to the youth.

And not only to students? -- That is so. (30)

Yes. You never bothered to find out that it stands for
Azanian/.....

Azanian Youth Unity? -- If I was going to write about it I was going to take the trouble of finding out.

Well when you filed this report on the 19th did you not want to find out where this fiery speaker was from? -- I said a delegate from the Youth in Soweto was sent.

If Your Lordship bears with me, I merely want to find the page. When you said that you attended a meeting of the Azanian Youth Organisation what did you mean? Sorry, Azanian Youth Congress? -- I was saying some of the meetings that I attended were from the organisations like that one. (10)

Did you, do you know whether there is any relationship or any connection between what you believe to be the Azanian youth Congress and any organisation that accused no. 1 may have belonged to at the time that he spoke? -- If I was on duty I would have tried to find out as to whether there is such an organisation.

But you were on duty on the 19th? -- That is why I did not make mention of this AZANYU which I see now appearing on this paper.

Anyway I hope you are satisfied with your answer. Now (20) tell me would you agree that accused no. 1 gave the clenched fist sign before he spoke? -- Yes I agree with you.

And did he say "Mayebuya e Africa"? -- I cannot remember, it may be that he said it.

Well I am going to put to you insofar, he is the person that you say recited the poem? -- That is true.

I am going to put to you that he did not recite a poem. You persist in your evidence? -- I stand by my words.

Yes. Do you recall whether he said that the increase of rent would not solve the problems of the people? -- I (30) cannot remember.

Does/.....

Does that mean it might have been said and you do not remember? -- He did not say that.

Yes. Could I appeal to you in all earnestness to distinguish, you know you are an experienced person, to distinguish about this situation so that I do not have to ask two questions all the time. Could you please distinguish between "I do not remember being said" and "it was not said", and by saying it was not said it is clear. I do not remember it being said means to us that you cannot really say whether it was said or not. Can we agree on that terminology so that I can cut out a number, the next question.

COURT: Well let us make it much easier. When you mean no you just say now. When you mean "I do not remember but it is possible" you say "I do not remember but it is possible."

MR BIZOS: Thank you My Lord. Right. Did he say that the extra money that the government was taking, would take from rentals would be used for the benefit of Whites? -- No he did not say that.

He did not say that. Did he say that if there was going to be any extra money collected by the community councillors that they should make sure that electricity would be put in all the homes? -- It is possible that he may have said that. I cannot remember.

That the streets would have to be tarred? -- It is possible that one too, that he may have said it but I cannot remember.

And that an old aged home should be provided for the older citizens? -- It is possible that he may have said that.

And that pensioners must get a better deal? -- It can be that he said it but I did not hear that.

Did he tell the people that the town councillors had taken the money from the oppressed people but they had not been/.....

been elected by the people but by the government? -- He said that yes.

And do you recall whether he referred to them in derogatory terms? -- Not at that time when he was saying that.

But at some other time? -- That is true.

Yes. Do you remember whether he spoke about the unemployment insurance fund? -- No.

Did he ask that enquiries should be made as to what the government was doing with this money? -- No.

Do you recall him saying that the deductions from the (10) pay packets of the workers were going to the whites? -- No.

And that instead of the money being used for its proper purpose in assisting the unemployed? -- No.

Did he say that the increased rental must not be paid? -- Yes he said that.

Did he say that the payment of rental did not only affect the people in the Vaal Triangle but also the people living in the Transkei and the other homelands? -- No.

Did he say that if people had to pay the higher rental they would not have enough money to support their families (20) that live in the homelands? -- No.

Did he say that the extra money would be used for the South African Defence Force? -- No.

And not for the families of the people who are paying the rental? -- No.

Do you recall whether he said anything about General Sales Tax? -- No.

Do you recall whether he said that the money that comes from that tax the government

COURT: Money from, sorry which tax?

(30)

MR BIZOS: From the G.S.T. My Lord.

COURT: /.....

COURT: Thank you. Yes what about it?

MR BIZOS: That that money, I will use his words, that before the Pretoria regime imposes it they should tell the people what it is going to be used for? -- No.

Do you not recall him using the expression "Pretoria regime"? -- It can be that he used those words but I did not hear him using those words.

Did he finish up with the Amandla greeting or sign? -- Yes.

And did the people respond by saying "Awetu" and (10) applauding him? -- That is so.

Yes. Did Mr Hlube then take over the meeting? -- I cannot quite remember who took over the meeting.

Do you recall what accused no. 1 did after that? After he finished speaking? -- He took his seat.

He did not move down? -- No.

Do you recall what happened as soon as accused no. 1 spoke?

COURT: Had finished speaking?

MR BIZOS: Beg your pardon? (20)

COURT: Had finished speaking.

MR BIZOS: Finished speaking. -- Yes I do.

What happened? -- The woman I have said I do not know what her name is then started addressing.

Are you saying that immediately after no. 1 finished his speech the woman addressed the meeting? -- Yes she took the floor.

Yes. And let us just make it quite clear. This woman, was she part of the audience or was she on the platform?

-- She came from the audience. (30)

You have already given us a description of this woman

and/.....

and I have already put to you that her name was Nana. Or did I not, did I not mention the name Nana.

COURT: It has not been put. I think you put it yes.

MR KRÜGEL: To the previous witness.

COURT: Well maybe to the previous witness. Well you can put it to this witness.

MR BIZOS: Well Nana, that this person was Nana, the stout woman? The thickset woman.

COURT: But not too thickset.

MR BIZOS: But not too thickset. It corresponds. I may (10) indicate My Lord that it is our case that it was not Nozipho, who has quite different proportions, unmistakable different proportions.

COURT: Yes. Well do you have any comment. The name is Nana it is put. -- I do not know what her name is.

MR BIZOS: Now can you recall whether she was introduced at all? -- I cannot remember her being introduced.

Did she come up to the platform or did she speak from her place? -- She came from the audience towards the platform where she stood with her back towards the people on the (20) platform.

Her back to the people. So whom was she addressing? -- What I am saying she stood with her back towards the platform, she was facing the audience.

Oh.

COURT: But she was elevated, she did step onto the platform? -- No.

I see, she stood in front of the platform? -- Yes she stood in front of the platform.

MR BIZOS: She had clearly been a member of the audience? (30) -- Yes it was quite clear that she is one of the audience.

Yes./.....

Yes. And did she speak, you are sure that she spoke after accused no. 1? -- That is so.

And not after accused no. 2? -- No.

Yes. Had accused no. 2 already spoken when this woman got up to speak? -- Yes.

And you told us she said that people that went to shop in councillors shops would be burnt? -- That is what I said, yes.

Now I want to put this remark that you attribute to her in context. We have unfortunately read many reports of people (10 being burnt but this is a post-September 1984 happening is it not, in general terms?

COURT: Are you putting that in August 1984 people had not been burnt?

MR BIZOS: Had not been burnt in the manner in which ...

COURT: Burnt publicly.

MR BIZOS: Publicly in the manner in which we are now reading, that is what I am really putting.

COURT: Yes, that is put to you.

MR BIZOS: Do you agree with that? -- Yes I agree with that. (20)

In view of that that must have been a shocking threat?
-- That is true.

In whatever capacity that you might have been at that meeting why did you not take the trouble, as an upright and law abiding citizen to get her name? -- I know my people, they sometimes say things when they are taken up by their feelings. I did not take it as a thing which in fact would occur.

Are you saying that you did not take this seriously? --
That is what I am saying. (30)

But your description of the response of the thousand
people/.....

people there indicates that the 999 others took it very seriously? If your evidence is true. -- That is quite true but some other thousands were not there in that meeting.

Oh as if a thousand were not enough to do enough damage to people that did not heed the boycott call, is that what you are saying? -- What I am saying, thousands, more than the thousand which was in this meeting were not present in this meeting.

You know as a political commentator, or even just as an ordinary citizen I am going to suggest to you that your (10) evidence does not make sense, your response to this? As a political commentator did you not want to find out her name and to find out whether she belonged to any organisation? Especially as her ugly words found such favour by all the people present? -- Because she came from amongst the audience to come and say what she said without having been introduced to me she was not worth anything more than what she was at the time.

But now you presumably were watching people immediately behind her on the platform. How did they react to these (20) terrible words which were new at that time? -- The noise which was there was always there during this meeting. It was not something new that started after her speaking.

No that was not the question. The question was how did the people on the platform, sitting or standing behind her as she was facing the audience, react to these terrible ugly words of hers which you had heard for the first time at the meeting? -- They continued making the same noise which they were making after each and every speaker.

Let us just take it, did you notice what accused no. (30) 1's reaction was to these ugly words uttered by this woman?

-- My/....

-- My eyes were not focussed on him.

Do you recall whether you focussed your eyes on accused no. 2 immediately after these words were uttered? -- My eyes were not focussed on him, in fact not to any of the accused before this Court.

Well then you saved me the trouble to put the rest of the names. Were you not interested to see whether the people in charge of this meeting really found themselves in agreement or whether they were opposed to this terrible suggestion of hers, or threat? -- I cannot foretell whether they agreed (10) with her or not.

I did not ask you to foretell. I asked you whether as a political commentator and/or reporter you were not anxious to see whether a Minister of religion who allows his church to be used for a meeting, what his reaction was when this terrible suggestion was made? It could have been very important for your work? -- The speeches given there were all sort of raising the people's feelings and therefore there was no reason for me to be looking at the minister of religion to see what his reaction is on this particular one. (20)

Because I am going to put to you that the woman that did speak, Nana, wanted her say and expressed the view that people should unite and that they should support the boycott resolution. -- I do not know of those words.

Right. Did she not speak in support of the boycott resolution? -- No.

Did she not refer to the boycott at all? -- She did make reference to that in this fashion, should I dare see you buying from that shop or see you entering that shop or doing anything.

Yes? Then I will burn you? -- That is so. (30)

Well I am going to put to you that that was not said?

-- I/....

-- I say they were said.

Alright. Are you familiar with the words Siyaya, siyaya?

-- Yes I know those words.

Were those words used there? -- I do not know whether they were used or not. I was already outside.

You told us about one hymn that was sung. -- Yes.

And you have given us the name of that hymn? -- Yes I did.

Other than that hymn was anything else sung at the meeting? -- I do not know but not at the time when I was in that meeting. (10)

You left at the same time as Mr Koaho? -- Yes.

If my memory serves me correctly you actually us that you followed him? -- That is so.

When you went out of the meeting did you go to the car of your companion that was parked at the gate of the church?

-- That is what we did, we went to his car.

How far were you from the gate of the church? -- We were much close to that gate.

Yes, and the gate from the main entrance of the church, how far was that more or less? -- About from where I am now seated in the witness stand to that wall. (20)

I think we have said about ten metres My Lord.

COURT: Yes.

MR BIZOS: Whilst you were in the car were you alone or were you with one or other of your companions that you had gone to the meeting with? -- We all entered the car.

All three of you? -- Yes because when he came at this car he opened and then at the same time opened for us to get into the car.

And did you drive away right away? -- Yes at the same time. (30)

Did/.....

Did you give a reason to your companions as to why you had left the meeting before it finished? -- No I did not because he is the one who touched me indicating that we must go.

Did he give you any reason as to why he and the other companion left? -- All he said was "Let us go because this meeting is now about to finish", or the words used may mean about to finish or out.

He did not give as the reason that he was afraid to remain at the meeting? -- Not to me. (10)

He in fact gave you a reason which is inconsistent with that, that it is over bar the shouting so to speak? -- That is so.

And were you the only people that just left or were others trickling out who had had their fill of speeches and were also trickling out? -- There were other people also leaving.

In an orderly fashion? -- That is quite so.

And did you, the three of you get into the car and then drive to the police station? -- That is so.

Yes. Why did you go to the police station? -- He was (20) going to meet his colleagues at the police station, or people with whom he is working at the police station.

Did he tell you for what purpose, whether to report or to ... -- No he left me in the car where I was busy checking my notes.

And did he park the car outside the police station or in the police yard? -- There were three cars outside, or just next to the police station. He parked next to those cars and then he went to those cars.

COURT: Went to the cars or to the police station? -- To (30) the cars.

MR BIZOS:/.....

MR BIZOS: He did not perhaps tell you that he went to the police station in order to report the dangerous situation that had been created by fiery speeches? -- No.

Were you able to see the gate of the church yard and the street and the open ground in front of the church from the place where the car was parked? -- No.

How far was the car that you were sitting in at the police station from the church main door, how far? -- It is quite far, you cannot even see the place.

And for how long did you remain there? -- About fifteen(10) to twenty minutes.

Did you ask your companion as to what had kept him so long in the police station? -- I was looking at them. He was standing outside there with the Whites with whom he is working.

Who was that? -- Sergeant Koaho and the late policeman Mr Letsele.

I am sorry I did not catch the first name? -- Koaho.

Yes, who was the person that he is working with? -- I do not know those Whites, who they are, those are the Whites who are working with him. (20)

From the security police you mean? -- I do not know whether they were security police or they were from the police from the Sharpeville, I do not know.

Did you see any police vehicles with aerals parked in the vicinity of the church or the space between the church and the police station? -- No I did not observe that.

Did you notice that there is a report in AAQ(7) in the third paragraph that members of the security police in two vehicles watched the proceedings? -- Yes I saw that.

Did you, are you able to tell us whether that is correct, (30) or incorrect, or you do not know? -- I do not know.

But/.....

But one thing is clear from your evidence as a whole in relation to police presence, that it must have been generally known that the police were present in the hall while the speeches were being made? -- That is so.

Yes. And you, did you spend any time with Koaho there-after during the course of that evening? -- He took me as far as the front of my house where he left me and proceeded.

Did you see Mr Mohage that night? -- Mohage was still staying in Zone 7 during that time.

You did not see him that night? -- No I did not. (10)

When did you see him for the first time after the 19th? -- I cannot remember when I saw him.

On how many occasions would you say that you saw Mr Mohage between 19 August and the date on which you actually signed your statement? -- Many times.

Yes. How many times a week? -- I do not count as to how many times do I meet a person in a week. For instance it can be in town, anywhere.

Who is Mr Mpondo? -- I said Mpondo is a former security policeman who is now a deputy mayor. (20)

What was he when he came to fetch you in October to enquire as to whether you had any information?

COURT: October 1984?

MR BIZOS: 1984? -- He was a policeman.

Had he been a councillor? -- Yes, he was a councillor.

He was both a policeman and a councillor when he came to fetch you? -- That is quite so.

In the security branch? -- Yes.

Was he superior or junior to Mr Mohage? -- I do not know their ranks. (30)

I see. And who, did he take you into the security police section/....

section in October? -- Yes on arrival there he took me in.

Yes. Oh he told you to come? -- Yes he told me to come and I must see to it that I am there at eight.

At eight. And when you actually signed your statement who told you to come? -- What happened is I was first approached by a White sergeant from somewhere in Johannesburg or the Reef and after this person had left then Mpondo came to inform me that I must report at the police station and gave me the time.

I see. -- That is after this man who was there in (10) connection with some certain investigations had been there, that is the White sergeant.

You say the Reef. Could you be a little bit more specific please?

INTERPRETER: My Lord I used the word "Reef" because the witness used a word equivalent to Reef by saying Kaoteng(?). He was not specific.

MR BIZOS: Yes. Well could I try and be more specific. Was it from Protea? -- I do not know where they are employed, all of them. (20)

What was his name? -- If my memory serves me well he said he was Sergeant Heysteck or Haystel.

Yes. I think that you have demoted him rank somewhat because I think he is at least a captain, but it is Heysteck. -- If I remember well the time when he visited me there he said he was a sergeant.

Oh, right.

COURT: Am I really interested whether he is a sergeant or a captain?

MR BIZOS: No, well I was merely concerned with getting the (30) correct identity.

COURT: /....

COURT: Well now you have got the identity.

MR BIZOS: Have you ever, were you ever fetched by a Captain Kruger in connection with your statement? -- Major Kruger only called me or invited me at the time when I had gone there to make a statement to him.

He never fetched you? -- No he never.

And if you have said in your evidence that you were actually fetched by Captain Kruger was that incorrect? -- I never said so.

Well the record will speak for itself. (10)

COURT: Well let us see what was said. Please continue.

MR BIZOS: When, just when you made your statement, when you made your statement were you given a copy? -- After it was reduced into writing I was given a copy to read.

And you have had it in your possession ever since I take it? -- No I signed it there and then and handed it over back to them.

No the question was whether you had been given a copy?
-- No.

When did you check whether or not your report and your (20) notes were still available, when did you check? -- I did not check it from anywhere because what I know is each and everything which is old enough we do away with that or burn it.

Oh so you did not even take the trouble to check to see whether your notes and your report might be filed away somewhere? -- I said our reports are being destroyed after six months.

You did not think that because of its solitary nature yours might have been kept? -- Whatever is being kept it is on tape after it has been broadcasted. (30)

Well we know that we will not find it there. We know
that/.....

that we will not find it there? -- Because it was not broadcasted.

Yes. My Lord as much as I would have liked to finish with this witness today I am instructed that there are certain enquiries afoot and we would like the opportunity of allowing this witness to stand down until Monday in order that those enquiries may be completed.

COURT: What prospects are there of any enquiries being successful Mr Bizos? I would like to finish this witness.

MR BIZOS: My Lord one cannot give any assurance that they (10) will be successful but nevertheless

COURT: Let the witness leave the room please, I want to discuss this in his absence.

WITNESS STANDS DOWN AND LEAVES COURTROOM.

COURT: What lines are being enquired into?

MR BIZOS: Your Lordship will recall that I put this morning that our information was that this person was not employed by the SABC during 1981 to 1983 and Your Lordship will recall that I actually put that. It was information given and I probed it. I have reason to believe that there may be (20) evidence to support the correctness of that information and not to accept the witness' denial or the explanation that it was in the 70's. That is the one aspect. The other, as to his close connection with the South African Police, because I do believe that there may be direct evidence in relation to that as distinct from the inferences on which I have thusfar relied in order to put to the witness that he is a police informer, and general information. Your Lordship will recall that I put to him that he was connected with a commercial firm that sells school uniforms. We have information which we (30) received very recently. We have not had an opportunity of checking/.....

checking it and it may well be that that too may throw some light as to whether this witness has told Your Lordship the truth about himself or not. Because we are hampered in our investigation by the fact that we cannot freely disclose this person's name or the fact that he is giving evidence in this case and it does take a little time and we would, if this is fruitful and we can prove it, put it to him, or get it either by way of admission or by evidence and we manage to prove to Your Lordship that this person has been untruthful about himself and his work then (10)

COURT: Yes, let us dissect now what you have told me. As I see it you will not be permitted to produce evidence which is of collateral issues, whether he was or was not a principal, you cannot go into that in this case, whether he did or did not buy school uniforms from SAFFAS or whatever the name is is a collateral issue on which you cannot lead any evidence. How is that going to help you?

MR BIZOS: There are two ways in which it is going to help me. Firstly I would submit, with respect, that if I have, if I get direct evidence that he was a school principal between (20) 1980 and 1983, assume that he was, I do not agree, with respect, that that would be a collateral issue because it is so near to the main issue that we would be able to contradict

COURT: Well that I will decide when it arises. I will not prejudge this issue. Prima facie it appears to me that you will not be allowed to lead this evidence, so that you are wasting your time but I cannot stop you. What about the other aspect, the uniforms?

MR BIZOS: Now My Lord, we are informed, but I did not want to put it to him on the hearsay information, that he was (30) employed or otherwise connected and that there was some form

of/.....

of a scandal in relation to his principalship and his other function of a uniform seller.

COURT: Now how does that help me? Would you be allowed to cross-examine him on whether he beat his wife five years ago? I mean where do we get Mr Bizos?

MR BIZOS: No, I will tell Your Lordship where we would like to get, if we are given an opportunity to investigate it, that this person has been untruthful about himself and, with respect, if he has been untruthful about himself as to where he was working and what he was doing once he gives Your Lordship (10) an assurance that he was a reporter over a period of three years and he can only say that he reported on one meeting...

COURT: But Mr Bizos if in every instance where a witness is called you debate with him collateral issues, and I must have the matter stand down so that you can investigate whether his answers are correct or incorrect, we will never finish this case. On some aspects the witness' answer will have to be accepted.

MR BIZOS: No My Lord, with respect, there are two issues. Let us take the question of his principalship or not. Let us (20) assume that I get details

COURT: Let us assume you get details he was fired in 1976.

MR BIZOS: No I am not concerned with 76 My Lord, I am concerned with 80 to 83, when he told you that he was a reporter. There are two issues

COURT: But Mr Bizos it is not even certain that you have that information or that you will get the information. You want me to stand the case down so that you can look for information. That is entirely different.

MR BIZOS: No My Lord, no. (30)

COURT: I cannot adjourn this case every time to enable you to/.....

to do researches to establish whether a witness is possibly lying or not. We cannot do that.

MR BIZOS: I would have thought that it is our right.

COURT: It is your right to investigate the issues which are really at issue, and that is this meeting, but not on collateral issues.

MR BIZOS: No but My Lord, with the greatest respect, with the greatest respect this witness has told Your Lordship that he was there on duty on this day. Assume for one moment, assume for one moment that I am able to show that his state- (10) ment to the Court that he was a reporter between 1980 and 1983 is false, I do not have to accept his answer that it was in the 70's and I am entitled to investigate whether that is true or not.

COURT: You are entitled to investigate. If your investigations take a year are you entitled to take a year to investigate this issue? On what basis?

MR BIZOS: My Lord, with respect, we cannot test the validity of the application by taking the extreme example of a year.

COURT: No we test the application by the possibility and (20) probability of the investigation being profitable and fruitful and material even should you get anywhere with the investigation and on the probabilities of you getting anywhere in the investigation. But I will adjourn the case now Mr Bizos. If this arises again you know exactly what my feelings are. It is nearly 13h00, you can do your investigations. I will grant you this opportunity but it must be placed clearly on record how I feel about adjourning the case in order to investigate collateral issues.

MR BIZOS: May I be permitted to apprise Your Lordship of (30) some of the difficulties, that Your Lordship's order

COURT: /.....

COURT: I know about the difficulties. Yes you have already addressed me on that. I know exactly what difficulties you have and I bear that in mind.

MR BIZOS: As Your Lordship pleases.

COURT ADJOURNS UNTIL 24 FEBRUARY 1986.